

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

**Workforce Investment Partnership Council****Notice of One-Stop Study Committee Meeting**

The Kansas Workforce Investment Partnership Council One-Stop Study Committee will meet at 10 a.m. Friday, December 5, at the State Defense Building, conference room (lower level), 2800 S.W. Topeka Blvd., Topeka. The meeting is open to the public.

Jack Strukel  
Chair

Doc. No. 019986

## State of Kansas

**Kansas Judicial Council****Notice of Meetings**

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

Date	Committee	Time	Location
Dec. 4	Care & Treatment	9:30 a.m.	Room 259
Dec. 5	Criminal Law	9:30 a.m.	Room 364-N
Dec. 5	Probate Law	9:30 a.m.	Room 259
Dec. 11	Chapter 61	9:30 a.m.	Room 259
Jan. 9	Judicial Council	9:00 a.m.	Room 259
Jan. 9	Care & Treatment	9:30 a.m.	Room 275-N
Jan. 16	Probate Law	9:30 a.m.	Room 259
Jan. 16	Chapter 61	9:30 a.m.	Room 275-N

Hon. Tyler C. Lockett  
Chair

Doc. No. 019967

## State of Kansas

**Department of Administration  
Division of Architectural Services****Notice 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 January 1, 1998 to June 30, 1998. Soil testing services would include testing and reporting prior to construction and inspection services during construction. Firms that provide concrete, welding, asphalt, steel, lead paint and hazardous material testing also are 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, (785) 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 also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes before 5 p.m. December 19.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 019970

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## State of Kansas

**Kansas Arts Commission****Notice of Meeting**

The Kansas Arts Commission will convene its quarterly business meeting at 9 a.m. Tuesday, December 9, in the Tioga Hotel in downtown Chanute. Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation in accessible locations. All meetings are tape-recorded. Persons with special needs are asked to request accommodation to meet those needs in advance.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, Suite 1004, 700 S.W. Jackson, Topeka, 66603-3758, (785) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

Eric Hayashi  
Executive Director

Doc. No. 019971

## State of Kansas

**Department of Administration  
Division of Architectural Services****Notice 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 January 1, 1998 to June 30, 1998. Negotiations also are commencing for infrared testing services.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau of 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, (785) 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 also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes before 5 p.m. December 19.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 019969

## State of Kansas

**State Employees Health Care Commission****Notice of Meeting**

A Health Care Commission meeting has been scheduled from 1:30 to 3:30 p.m. Thursday, December 11, in Room 123-S, State Capitol, 300 S.W. 10th Ave., Topeka. For further information, contact the Benefits Office at (785) 296-6280.

Duane Nightingale  
Chair

Doc. No. 019964

## State of Kansas

**Kansas Arts Commission****Notice of Grant Programs and Deadlines**

Kansas organizations, communities and schools may apply to the Kansas Arts Commission for grants to support arts programming during fiscal year 1999 (July 1, 1998 through June 30, 1999). Copies of the guidelines and application forms booklet for the FY 99 Grant Programs for Organizations and Communities may be obtained by contacting the Kansas Arts Commission, Jayhawk Tower, Suite 1004, 700 S.W. Jackson, Topeka, 66603-3758, (785) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

The booklet also includes the 1998-99 Kansas Touring Program Roster of Performing Artists and the 1998 Governor's Arts Award nomination form, as well as an application form and information for persons interested in serving on one of the advisory panels that review applications for funding by the commission.

The commission has set these deadlines for its primary funding programs:

- Arts Project Support: February 2, 1998.
- Arts and Kindergarten through 12th Grade Curriculum: February 2, 1998.
- Operational Support for Arts and Cultural Organizations, including Arts In Education and Kansas Touring Program components: February 17, 1998.

The advisory panels for these grants will meet during April, and their recommendations for funding will be considered by the commission during its quarterly business meeting in June.

The commission also offers Special Opportunities funding:

- The Artist Residencies in Underserved Communities program has an application deadline of May 1, 1998.
- The Technical Assistance, Grassroots, and Kansas Touring Program grants are awarded on a first-come, first-served basis until reserved funds are exhausted. Organizations should apply at least six weeks or more prior to the beginning of the project for which funding is sought.

Eric Hayashi  
Executive Director

Doc. No. 019972

## State of Kansas

## Board of Technical Professions

## Notice of Meetings

The Kansas State Board of Technical Professions will meet Friday, December 12, at the Landon State Office Building, 900 S.W. Jackson, Topeka. The Professional Engineer and Land Surveyor Committee will meet in Room 108 at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in Room 507-N at 10 a.m. The full board will meet at approximately 11 a.m. (at the conclusion of the committee meetings) in Room 108. All meetings are open to the public.

Betty L. Rose  
Executive Director

Doc. No. 019980

## State of Kansas

## Kansas State University

## Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information.

Monday, December 15, 1997

#80177

TI: Sapphire laser system

William H. Sesler  
Director of Purchasing

Doc. No. 019982

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 7 through December 21:

Date	Room	Time	Committee	Agenda
December 9	Hutchinson Wichita	1:30 p.m. 7:00 p.m.	Joint Committee on Pensions, Investments and Benefits	Public hearings on proposals.
December 10	Salina Hays	1:30 p.m. 7:00 p.m.		Public hearings on proposals.
December 11	Garden City Great Bend	1:30 p.m. 7:00 p.m.		Public hearings on proposals.
December 12	123-S	9:00 a.m.		Consideration of conclusions and recommendations.
December 11	514-S	10:00 a.m.	Joint Committee on State	11th: Annual report on construction
December 12	514-S	9:00 a.m.	Building Construction	claims and litigation; Memorial Hall update; project reviews by commission on Veterans Affairs and Dept. of Corrections. 12th: Project reviews by Dept. of Wildlife and Parks, Adjutant General, Dept. of Human Resources and Kansas State Fair.
December 11	531-N	9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
December 15	514-S	10:00 a.m.	Joint Committee on	Agenda unavailable.
December 16	514-S	10:00 a.m.	Administrative Rules and Regulations	
December 17	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
December 17	531-N	10:00 a.m.	Joint Committee on Computers and Telecommunications	Agenda unavailable.
December 17		10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Agenda unavailable.
December 18		9:30 a.m.		
December 18	519-S	10:00 a.m.	SRS Transition Oversight Committee	Discussion of committee report.
December 19	519-S	9:00 a.m.		
December 18	529-S	10:00 a.m.	House Broadcasting Committee	Agenda unavailable.

Emil Lutz  
Director of Legislative  
Administrative Services

Doc. No. 019985

State of Kansas

**Pooled Money Investment Board**

**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-1-97 through 12-7-97

Term	Rate
1-89 days	5.53%
3 months	5.37%
6 months	5.52%
9 months	5.64%
12 months	5.68%
18 months	5.74%
24 months	5.76%

William E. Lewis  
Chairman

Doc. No. 019968

State of Kansas

**Department of Transportation**

**Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by 5 p.m. December 30 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

The scope of services includes providing for the discovery phase on the following projects. The discovery phase is intended to provide information about the project that might impact its cost, scope or schedule. At the completion of the discovery phase, KDOT will determine whether to proceed with the design services.

**Project No. 9-66 K-6807-01**

**Nemaha County**

The scope of services is to provide for the replacement of the south branch of the Black Vermillion Drainage Bridge (012) and Illinois Creek Bridge (013), 6.9 km and 15.9 km east of the Marshall-Nemaha county line. The road and bridge squad leaders are Jim Richardson and Gary Chan. The estimated construction cost is \$1,418,000.

**Project No. 14-62 K-6808-01**

**Mitchell County**

The scope of services is to provide for the replacement of the Salt Creek Bridge (026), 4.1 km north of the Lincoln-Mitchell county line. The road and bridge squad leaders are Rex Fleming and Gary Chan. The estimated construction cost is \$1,004,000.

**Project No. 27-91 K-6809-01**

**Sherman County**

The scope of services is to provide for the replacement of the north fork of the Smoky Hill River Bridge (041), 7.3 km north of the Wallace-Sherman county line. The road and bridge squad leaders are Ron Seitz and Curt Niehaus. The estimated construction cost is \$2,301,000.

**Project No. 34-29 K-6810-01**

**Ford County**

The scope of services is to provide for the replacement of the St. Louis-Southwestern Railway Bridge (053) over K-34 at Bucklin. The road and bridge squad leaders are Jim Richardson and Gary Chan. The estimated construction cost is \$1,500,000.

**Project No. 59-67 K-6814-01**

**Neosho County**

The scope of services is to provide for the replacement of the Labette Creek Drainage Bridge (001), 4.0 km north of the Labette-Neosho county line. The road and bridge squad leaders are Bill Schwartz and Richard Elliott. The estimated construction cost is \$980,000.

**Project No. 192-44 K-6824-01**

**Jefferson County**

The scope of services is to provide for the replacement of the Crooked Creek Bridge (030), at the east junction with US-59. The road and bridge squad leaders are Corky Armstrong and Curt Niehaus. The estimated construction cost is \$798,000.

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

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019965

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of Chief of Construction and Maintenance, KDOT, Topeka, or at the Clarion Hotel, Wichita, until 2 p.m. December 17, and then publicly opened:

## District One-Northeast

**Atchison-Brown**—73-106 K-6744-01 - U.S. 73, from the end of the concrete pavement north to the Atchison-Brown county line; U.S. 73, from the Atchison-Brown county line west to the east city limits of Horton; U.S. 73, from Horton north to the south city limits of Hiawatha, 27.3 miles (43.96 kilometers), recycle and overlay. (State Funds)

**Brown**—73-7 K-6507-01 - U.S. 73, from the north city limits of Hiawatha north to the Kansas-Nebraska state line, 11.6 miles (18.7 kilometers), overlay. (State Funds)

**Brown-Nemaha**—106 K-6743-01 - U.S. 75, from the junction of K-246 north to the Brown-Nemaha county line; U.S. 75, from the Brown-Nemaha county line north to the Kansas-Nebraska state line; K-71, from the K-63 junction east to the south city limits of Bern, 11.5 miles (18.4 kilometers), overlay. (State Funds)

**Doniphan**—7-22 K-6509-01 - K-7, west junction of old U.S. 36 north to the Kansas-Nebraska state line, 13.1 miles (21.1 kilometers), overlay. (State Funds)

**Doniphan**—36-22 K-6846-01 - U.S. 36 from County Route 826 east to the north city limits of Wathena, 6 miles (9.8 kilometers), sealing. (State Funds)

**Douglas-Jefferson**—106 K-6746-01 - U.S. 24, from the Jefferson-Douglas county line southeast and east to the Douglas-Leavenworth county line; U.S. 40, from the north city limits of Lawrence north to the U.S. 24 junction; U.S. 24, from the junction of U.S. 59 east, south and southeast to the Jefferson-Douglas county line, 11.3 miles (18.2 kilometers), overlay. (State Funds)

**Jackson**—75-43 K-6893-01 - U.S. 75, from K-16 north to K-9, 10-7 miles (17.2 kilometers), sealing. (State Funds)

**Jefferson-Leavenworth**—16-106 K-6745-01 - K-16, from south junction of U.S. 59 east to the Jefferson-Leavenworth county line; K-16 from the Jefferson-Leavenworth county line east to U.S. 24, 16.2 miles (26 kilometers), overlay. (State Funds)

**Leavenworth**—24-52 K-6847-01 - U.S. 24, from the Douglas-Leavenworth county line east 2.5 miles (4 kilometers), sealing. (State Funds)

**Nemaha**—36-66 K-6848-01 - U.S. 36, from the east city limits of Seneca east to the junction of K-236, 6.2 miles (10 kilometers), sealing. (State Funds)

**Osage**—75-70 K-4690-02 - U.S. 75, 0.8 mile (1.3 kilometers) south of the junction of K-278 north to the south city limits of Lyndon, 5.6 miles (9 kilometers), surfacing. (Federal Funds)

**Osage**—70 K-6742-01 - K-278, from the Melvern Recreational Area east to U.S. 75; K-31, from the south city

limits of Melvern south to the west junction of I-35, 6.4 miles (10.3 kilometers), overlay. (State Funds)

**Pottawatomie**—75 C-3196-01 - County road 0.5 mile (0.8 kilometer) west and 1.3 miles (2.1 kilometers) north of Havensville, grading and bridge. (Federal Funds)

**Shawnee**—75A-89 U-1590-01 - U.S. 75A and Gordon/Eugene Streets in Topeka, 0.25 mile (0.4 kilometer), intersection improvement. (Federal Funds)

**Shawnee-Jefferson**—4-106 K-6891-01 - K-4, from the junction of U.S. 24 north to U.S. 59, 29.4 miles (47.3 kilometers), sealing. (State Funds)

## District Two-Northcentral

**Chase**—57-9 K-6574-01 - K-57, from the Morris-Chase county line south to the U.S. 50 junction, 9 miles (14.5 kilometers), overlay. (State Funds)

**Chase**—150-9 M-1881-01 - KDOT mixing strip 2 miles (3.2 kilometers) west of the junction of U.S. 50, stockpile bituminous material. (State Funds)

**Chase**—150-9 M-1882-01 - KDOT mixing strip located at the junction of K-177, stockpile bituminous material. (State Funds)

**Dickinson-Morris**—106 K-6747-01 - K-209, from the north city limits of Woodbine east to the Dickinson-Morris county line; U.S. 77, from the junction of K-209 northeast to the Morris-Geary county line; K-209, from the Dickinson-Morris county line east to the junction of U.S. 77, 9.3 miles (14.9 kilometers), overlay. (State Funds)

**Geary**—77-31 K-6665-01 - U.S. 77, from the Morris-Geary county line north to the Geary-Riley county line, 25.6 miles (41.2 kilometers), recycle and overlay. (State Funds)

**Geary**—157-31 K-6668-01 - K-57, Rock Springs Ranch east to the junction of U.S. 77, 3.8 miles (6.2 kilometers), sealing. (State Funds)

**Geary-Morris**—57-106 K-6748-01 - K-57 from the east junction of U.S. 40b south to the Geary-Morris county line; K-57, from the Geary-Morris county line south to the west junction of K-4, 19.6 miles (31.5 kilometers), sealing. (State Funds)

**Marion**—57 K-6750-01 - U.S. 56, from the U.S. 77 junction north to the Marion-Dickinson county line; K-256, from the U.S. 56 junction south and east to the U.S. 77 junction, 20.7 miles (33.3 kilometers), overlay. (State Funds)

**Morris**—57-64 K-6573-01 - K-57, north junction of K-4 south to the north city limits of Council Grove, 13 miles (21 kilometers), overlay. (State Funds)

**Morris**—4-64 K-6581-01 - K-4, from the U.S. 77 junction northeast to the K-149 junction, 12.3 miles (19.7 kilometers), overlay. (State Funds)

**Morris**—56-64 M-1877-01 - U.S. 56, KDOT mixing strip 2 miles (3.2 kilometers) west of Council Grove, stockpile bituminous material. (State Funds)

**Morris**—4-64 M-1878-01 - K-4, KDOT mixing strip at the Morris-Dickinson county line, stockpile bituminous material. (State Funds)

**Morris**—4-64 M-1879-01 - KDOT mixing strip, 1 mile (1.6 kilometers) south of Dwight, stockpile bituminous material. (State Funds)

**Washington**—36-101 K-5383-03 - U.S. 36, Bridge 18, Little Blue River, bridge deck. (State Funds)

#### District Three—Northwest

**Logan**—83-55 K-5388-01 - U.S. 83, 8 miles (12.8 kilometers) north of County Route 1067 north to the east junction of U.S. 40, 15 miles (24.1 kilometers), grading, bridge and surfacing. (State Funds)

#### District Four—Southeast

**Allen-Neosho**—106 K-6751-01 - U.S. 59, from the Neosho-Allen county line north to the U.S. 54 junction; K-202, from the U.S. 59 junction east to the west city limits of Savonburg; K-203, from U.S. 59 to Main Street in Elsmore; K-39, from the east junction of U.S. 59 east to the Bourbon-Neosho county line; U.S. 59, from the west junction of K-39 north to the Neosho-Allen county line; K-201, from the U.S. 59 junction east to the west city limits of Stark, 27.5 miles (44.3 kilometers), overlay. (State Funds)

**Crawford**—7-19 K-1602-01 - K-7, from the U.S. 160 junction north to the south city limits of Girard, 11.4 miles (18.4 kilometers), sealing. (State Funds)

**Crawford**—57-19 K-6138-01 - K-57, from the Neosho-Crawford county line east to the west city limits of Girard, 12.5 miles (20.1 kilometers), overlay. (State Funds)

**Crawford**—126-19 K-6496-01 - K-126, from the K-7 junction east to the U.S. 69 junction, 6 miles (9.7 kilometers), overlay. (State Funds)

**Cherokee**—69-11 K-6497-01 - U.S. 69, from the U.S. 166 junction north to Maple Street in Columbus, 9.6 miles (15.5 kilometers), diamond grinding. (State Funds)

**Montgomery**—63 K-1427-05 - Interior roads, parking and camping pads at various locations in Elk State Park, overlay. (State Funds)

**Wilson**—103 C-3237-01 - County road, 5.5 miles (8.9 kilometers) east and 1 mile (1.6 kilometers) south of Altoona, 0.3 mile (0.5 kilometer), grading and bridge. (Federal Funds)

#### District Five—Southcentral

**Butler**—54-8 K-6538-01 - U.S. 54, from the U.S. 400 junction north to the end of the four-lane pavement, 8.5 miles (13.7 kilometers), overlay. (State Funds)

**Butler-Chase-Morris**—177-106 K-6441-15 - K-177, from the north city limits of Cassoday north through three-county area to Council Grove, scenic byway development. (Federal Funds)

**Cowley**—160-18 K-6540-01 - U.S. 160, from the east city limits of Winfield east to the K-15 junction, 12.7 miles (20.5 kilometers), overlay. (State Funds)

**Cowley**—15-18 K-5371-01 - K-15, Plum Creek Bridge 054, 6 miles (9.7 kilometers) north of U.S. 166, bridge replacement. (Federal Funds)

**Cowley**—38-18 K-6887-01 - K-38, from the junction of K-15 east 5 miles (8.2 kilometers), overlay. (State Funds)

**Cowley-Sumner**—106 K-6752-01 - K-15, from the north city limits of Udall northwest to the Cowley-Sumner county line; K-53, from the U.S. 81 junction east to the west city limits of Mulvane; K-15, from the Cowley-Sumner county line northwest to the K-53 junction, 13.3 miles (21.4 kilometers), overlay. (State Funds)

**Harvey**—40-U-1588-01 - 10th Street over Sand Creek in Newton, 0.1 mile (0.2 kilometer), grading, bridge and surfacing. (Federal Funds)

**Kingman**—54-48 K-5144-01 - U.S. 54, from the four-lane divided pavement east to the K-17 junction, 6.4 miles (10.3 kilometers), pavement patching. (State Funds)

**Reno**—61-78 K-6536-01 - K-61, from the north city limits of Hutchinson to the Reno-McPherson county line, 6.3 miles (10.1 kilometers), overlay. (State Funds)

**Reno**—50-78 K-6537-01 - U.S. 50, from the Stafford-Reno county line, east to the K-61 junction, 24.5 miles (39.4 kilometers), overlay. (State Funds)

**Sedgwick-Sumner**—42-106 K-6854-01 - K-42, from the Sumner-Sedgwick county line northeast to the junction of K-49; K-42, from the K-2 junction northeast to the Sumner-Sedgwick county line, 8.6 miles (13.8 kilometers), sealing. (State Funds)

**Sumner**—160-96 K-6541-01 - U.S. 160, from the east junction of K-49 east to the west city limits of Wellington, 9.1 miles (14.6 kilometers), overlay. (State Funds)

**Sumner**—166-96 K-6542-01 - U.S. 166, from the U.S. 81 junction east to County Route 737, 9 miles (14.5 kilometers), diamond grinding. (State Funds)

#### District Six—Southwest

**Ness**—96-68 K-5374-01 - K-96, Walnut Creek Bridge 044 and Walnut Creek Drainage 045, bridge replacement. (Federal Funds)

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

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

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019960

State of Kansas

Criminal Justice Coordinating Council

Notice of Meeting

The Kansas Criminal Justice Coordinating Council will meet from 10 a.m. to noon Thursday, December 18, in the Court of Appeals, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 019966

State of Kansas

Department of Health and Environment

Public Notice

The Kansas Department of Health and Environment, Bureau of Children, Youth and Families, announces the availability of federal funds for abstinence education projects authorized by Public Law 104-193. In FY 1998, funding for community projects will be focused on abstinence education-only programs. The purpose of this announcement is to give notice to potential applicants of the amount of funding and application deadline date.

Program: Abstinence Education
Application Deadline: January 28, 1998
Number of Awards (est.): Up to seven
Funds Available (est.): \$336,185

Potential applicants may contact the Bureau of Children, Youth and Families, KDHE, Suite 1005, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290, (785) 296-1303, for application guidance information, including program provisions, priorities and review criteria.

Gary R. Mitchell
Secretary of Health and Environment

Doc. No. 019984

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, December 15, 1997

32822

Kansas Correctional Industries—Germacidal detergent

32836

Department of Commerce and Housing—Printing of "KANSAS!" magazine

6889

Department of Social and Rehabilitation Services—Laundry bag fabric

6897

University of Kansas—UV-VIS spectrophotometer
Tuesday, December 16, 1997

32834

State Corporation Commission—Well plugging, Elm Creek Project

32839

State Corporation Commission—Harbaugh-Epicenter-Wildboys Project remediation project

32840

Kansas Highway Patrol—Tactical clothing

Wednesday, December 17, 1997

32778

University of Kansas Medical Center—Temporary dietary support services

32835

University of Kansas Medical Center—Courier services

6895

Department of Agriculture—G.P.S. units with accessories

6898

Kansas Department of Wildlife and Parks—Solar light systems, various locations

Thursday, December 18, 1997

32815

Statewide—Fine paper

6901

Kansas Highway Patrol—Tactical equipment, Salina

Friday, December 19, 1997

A-8104(C)

El Dorado Correctional Facility—Electrical system modifications for replacement of thermal piping system

Tuesday, December 23, 1997

A-8396

University of Kansas—Partial reroof, Watson Library

Tuesday, December 30, 1997

32490

Department of Social and Rehabilitation Services—Information technology services

Monday, January 5, 1998

32838

University of Kansas and University of Kansas Medical Center—Aircraft insurance

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Request for Proposals

Friday, December 19, 1997

32800

Knowledge management technology consulting services for all agencies of the State of Kansas

Tuesday, December 23, 1997

32837

Collection services for the Department of Revenue

Tuesday, December 30, 1997

32827

"On-site" travel services for statewide

John T. Houlihan
Director of Purchases

Doc. No. 019983



## State of Kansas

## Advisory Committee on Hispanic Affairs

## Notice of Meeting

The Kansas Advisory Committee on Hispanic Affairs (KACHA), an entity within the Kansas Department of Human Resources, will be holding a board meeting along with a National Council of La Raza (NCLR) and KACHA statewide meeting on Latino Issues and Priorities, Friday, December 5. The two meetings will take place at the Instructional Support Center, 412 S. Main, Wichita. The statewide meeting will be from 10 a.m. to 3 p.m. and the KACHA board meeting will be from 3 p.m. to 5 p.m. The primary purpose of the meeting will be to create new partnerships between community-based organizations throughout Kansas. The public is invited to attend.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 019987

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 *et seq.*

A copy of each permit application, authorization, and all supporting nonconfidential documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka KDHE offices.

Authorizations issued during the week of  
November 10, 1997:

Company:  
Compressor Station:  
Source ID No.:  
Location:  
KDHE District Rep.:  
Rep. Location:

Mesa Operating Co.  
Satanta "A" Station  
0670017

S08, T29S, R35W, Grant County  
Wayne Neese, (316) 225-0596  
Southwest District Office, Dodge City  
Mesa Operating Co.  
Ulysses Station  
0670010  
S03, T30S, R37W, Grant County  
Wayne Neese, (316) 225-0596  
Southwest District Office, Dodge City

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019975

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Interstate Highway Construction, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Interstate Highway Construction, Inc., Englewood, Colorado, owns and operates a portable concrete batching facility.

A copy of the proposed permit, permit application, all supporting documentation and all 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 southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business January 5.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 5 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019978

## State of Kansas

Department of Health  
and Environment

## Public Notice

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on September 2, 1997, Burlington Northern Santa Fe (BNSF) Railway, 920 S.E. Quincy, Topeka, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4(j)(1), which allows a generator to accumulate as much as 55 gallons of each type of hazardous waste in not more than one container located at or near the point of generation where waste initially accumulates, and which is under the control of the operator of the process generating the waste.

The BNSF variance request would allow a specific satellite storage area to serve several generation points that create the same waste. The request indicates that by granting this variance, both the number of satellite storage sites as well as the number of hazardous waste storage drums at the facility will be reduced. In addition, BNSF estimates that the number of drums used to store hazardous waste each year at the facility will be reduced from thirty-six to six. Instead of using additional drums, BNSF employees would move the accumulation drum from point to point. The variance request indicates that the risk associated with moving these drums is minimal, as the waste is fiberglass batting used as paint filters and contains no free liquid. The variance would allow a single satellite drum to be moved to a paint booth, then to a compactor, and then back to the satellite storage area.

KDHE has reviewed the variance request and concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice is being provided of the tentative decision to grant the variance. Copies of the variance request will be available for public review through January 2 from 8 a.m. to 5 p.m. weekdays at the KDHE, Forbes Field, Building 740, Topeka, and at the KDHE northeast district office, 800 W. 24th, Lawrence.

Comments concerning this variance request may be directed to John Mitchell, Waste Policy, Planning and Outreach Section, KDHE, Forbes Field, Building 740, Topeka, 66620. Comments must be submitted in writing prior to January 3. Requests for additional information may be made by contacting John Mitchell at (785) 296-1608.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting, a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision will be made by the KDHE secretary and a notice of the final decision shall be published in the Kansas Register. If approved, any conditions or time limitations needed to

comply with all applicable state or federal laws or to protect human health or safety, or the environment, shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019981

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. APAC-Kansas, Inc., Reno Construction Division has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

APAC-Kansas, Inc., Reno Construction Division, Overland Park, owns and operates a portable hot-mix asphalt facility.

A copy of the proposed permit, permit application, all supporting documentation and all 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 Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business January 5.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 5 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019977

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 *et seq.*

A copy of each permit application, authorization and all supporting nonconfidential documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka KDHE offices.

Authorizations issued during the week of  
November 17, 1997:

<b>Company:</b>	Enron Transportation and Storage
<b>Compressor Station:</b>	Morton County No. 1
<b>Source ID No.:</b>	1290008
<b>Location:</b>	S25, T34S, R40W, Morton County
<b>KDHE District Rep.:</b>	Wayne Neese, (316) 225-0596
<b>Rep. Location:</b>	Southwest District Office, Dodge City

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019976

## State of Kansas

Department of Health  
and EnvironmentNotice 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 na-

tional pollutant discharge elimination system authorization subject to certain conditions.

## Public Notice No. KS-AG-97-261/269

Name and Address of Applicant	Legal Description	Receiving Water
Fort Hays State University 600 Park St. Hays, KS 67601	SW/4 of Section 32, T13S, R18W, Ellis County	Big Creek

Kansas Permit No. A-SHEL-M001

This is an existing facility for 200 dairy cows (280 animal units) and 100 head of swine (40 animal units).

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
Holthaus Brothers Eugene Holthaus Route 1, Box 10 Centralia, KS 66415	SW/4 of Section 2, T4S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-S007

This is an existing facility for 1,200 head of swine and 250 head of beef cattle (625 animal units).

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: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Jason Johnson Route 2, Box 73 Randall, KS 66963	SE/4 of Section 35, T4S, R6W, Jewell County	Republican River

Kansas Permit No. A-LRJW-H002 Federal Permit No. KS-00094218

This is a new facility for 3,600 head (1,440 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: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year. Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 100 gallons per minute and dispersing the wastewater over 94.5 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Jones Dairy c/o Anita Jones 3275 70th Road Thayer, KS 66776	NW/4 of Section 4, T30S, R18E of Neosho County	Verdigris River Basin

Kansas Permit No. A-VENO-M002

(continued)

This is an expansion of an existing facility from 50 head (70 animal units) to 75 head (105 animal units) of dairy cows.

**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:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Prime Pork 440 N. Eagle Road Scott City, KS 67871	NE/4 of Section 11, T18S, R34W of Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-S003

This is an expansion of an existing facility for 3,000 head of swine (400 animal units).

**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:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
RDJ Farm c/o Joseph Smith 19600 Udall Road Erie, KS 66733	SE/4 of Section 23, T28S, R20E of Neosho County	Neosho River

Kansas Permit No. A-NENO-S018

This is a permit renewal for an existing facility of 600 head (240 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:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Charles Smith Route 1, Box 77 Peru, KS 67360	SW/4 of Section 19, T34S, R13E of Chautauqua County	Verdigris River

Kansas Permit No. A-VECQ-S006

This is a permit renewal of an existing facility for 600 head (240 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:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Swayne Angus Route 1, Box 36 Damar, KS 67632	SW/4 of Section 14, T8S, R21W of Graham County	Solomon River

Kansas Permit No. A-SOGH-B002

This is an existing facility for 180 head (90 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:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Zephyr Project, LLC Dr. Steve Henry Abilene, KS 67410	NE/4 of Section 8, T18S, R7W, Rice County	Little Arkansas River

Kansas Permit No. A-LARC-H001 Federal Permit No. KS-0094200

This is a new facility for 2,852 head (1,140.8 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:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.12 acre inch per acre per year. Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 260 gallons per minute and dispersing the wastewater over 116.5 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

**Public Notice No. KS-97-168/172**

Name and Address of Applicant	Waterway	Type of Discharge
Environmental Mgt. Resources Sunflower Aquaculture, LLC 1400 Kasold, Suite B Lawrence, KS 66049	Kansas River via Kill Creek via Hanson Creek via SFAAP lagoons via drainage ditch	Treated process water

Kansas Permit No. I-KS12-PO05 Federal Permit No. KS0094234

Location: SW¼, NW¼, S5, T13S, R22E, Douglas County

Facility Address: Sunflower Army Ammun. Plt., DeSoto, Kansas

**Facility Description:** The proposed action is to issue a new permit for a new discharge of treated process wastewater. This facility is a Talapia fish rearing operation. Water from the SFAAP water treatment plant is circulated through fish rearing basins and returned to sand filters for solids removal and trickling filters for organics removal. The treated water is routed back to the fish basins. Fresh makeup water is added continuously to the fish basins. The fish basins discharge 75 gpm of wastewater to a drainage way which discharges to the SFAAP lagoons. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Smithfield Foods, Inc. Great Bend Packing Co. 111 N. Church St. Smithfield, VA 23430	Arkansas River	Treated process wastewater and noncontact cooling water

Kansas Permit No. I-UA16-BO01 Federal Permit No. KS0000078

Location: Great Bend Packing Co., P.O. Box 1608, South 281 Highway, Great Bend, KS 67530

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment system treating process wastewater. This facility processes hog carcasses into hams, bacon and renders meat scraps. Process wastewater passes through a roto-screen, a dissolved air flotation (DAF) unit, a clarifier, and an anaerobic and aerobic lagoons prior to discharge to the Arkansas River. Domestic wastewater is pumped to one of the anaerobic lagoons. Waste activated sludge from the clarifier is either recycled back to the aerated lagoon or directed to a lined, aerated waste sludge lagoon. The sludge, screenings and flotation products are land applied. The process wastewater flow is 0.816 mgd. Once-through noncontact cooling water (0.08 mgd) is directed to Outfall 001. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Farmland Industries Phillipsburg Refinery P.O. Box 608 Phillipsburg, KS 67661	Deer Creek via Plotner Creek	Treated process wastewater

Kansas Permit No. I-SO31-PO05 Federal Permit No. KS0089036

Location: Outfall 001 - NE $\frac{1}{4}$ , S27, T3S, R18W, Phillips County  
 Outfall 002 - SE $\frac{1}{4}$ , S22, T3S, R18W, Phillips County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment system treating contaminated groundwater. Refinery process operations have been terminated at this facility. Four groundwater recovery wells southwest of the facility (from the A - System) pump hydrocarbon-contaminated groundwater to an airstripper which discharges to Plotner Creek. The flow is about 40,000 gpd. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Leloup Quarry 11252 Aurora Ave. Des Moines, IA 50322	Marais des Cygnes River via Ottawa Creek via Walnut Creek via unnamed tributary	Process water, pit dewatering and stormwater

Kansas Permit No. I-MC48-PO03 Federal Permit No. KS0088579

Location: SE $\frac{1}{4}$ , S23, T16S, R20E, Franklin County

Facility Description: The proposed action is to re-issue an existing permit for discharge of mine seepage water and stormwater to waters of the state. This facility is engaged in a limestone crushing operation with washing. The washwater is treated in a settling pond which occasionally discharges. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Legal Location	Type of Discharge
Green Acres Boarding Home c/o Larry Burgess Route 4, Box 102 Fredonia, KS 66736	SE $\frac{1}{4}$ , S17, T29S, R15E, Wilson County	Nonoverflowing

Kansas Permit No. C-VE18-NO01

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing one-cell wastewater treatment lagoon system treating domestic wastewater. The proposed permit contains a schedule of compliance for the permittee to obtain the services of a KDHE-certified operator.

**Public Notice No. KS-EG-97-028/034**

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the wells described below within the State of Kansas.

Name and Address of Applicant	Well Location
Vulcan Materials Co. c/o Lonnie Roberts P. O. Box 12283 Wichita, KS 67277-2283	
Well Identification MC3-1 KS Permit No. KS-03-173-186	NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S20, T29S, R2W, Sedgwick County 4698' fsl and 3928' fel from SE corner of Section
Well Identification MC3-2 KS Permit No. KS-03-173-187	NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S20, T29S, R2W, Sedgwick County 4987' fsl and 3840' fel from SE corner of Section
Well Identification MC3-3 KS Permit No. KS-03-173-188	NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S20, T29S, R2W, Sedgwick County 4699' fsl and 3630' fel from SE corner of Section

Well Identification MC3-4  
KS Permit No. KS-03-173-189  
SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S20, T29S, R2W Sedgwick County  
4416' fsl and 3833' fel from SE corner of Section

Well Identification MC3-5  
KS Permit No. KS-03-173-190  
SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , S20, T29S, R2W, Sedgwick County  
4520' fsl and 4170' fel from SE corner of Section

Well Identification MC3-6  
KS Permit No. KS-03-173-191  
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , S20, T29S, R2W, Sedgwick County  
4874' fsl and 4174' fel from SE corner of Section

Description: The facility is a salt production plant. The injection fluids consist of fresh water only.

Name and Address of Applicant	Well Location
Ferrellgas 2610 S. Mohawk Road Hutchinson, KS 67501	
Well Identification #1 KS Permit No. KS-01-155-008	NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , S29, T23S, R6W, Reno County 3448' fsl and 150' fel from SE corner of Section

Description: The facility is an underground storage facility for hydrocarbon gas products. The fluids to be injected are described as non-hazardous liquid waste consisting of waste brines from the underground hydrocarbon storage operation.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or 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 post-marked or received on or before January 4 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-97-AG-261/269, KS-97-168/172, KS-ND-97-060, KS-EG-97-028/034) 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 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019979

## State of Kansas

## Secretary of State

## Usury Rate for December

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of December 1, 1997 through December 31, 1997, is 8.91 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 019963

(Published in the Kansas Register December 4, 1997.)

**Summary Notice of Bond Sale  
City of Hutchinson, Kansas  
\$1,985,000**

**General Obligation Bonds, Series 1997-F**

(General obligation bonds payable from unlimited ad valorem taxes)

## Sealed Bids

Subject to notice of bond sale dated December 3, 1997, sealed bids will be received by the finance director of the City of Hutchinson, Kansas, on behalf of the governing body at the City Hall, 125 E. Ave. B, Hutchinson, KS 67501, until 10 a.m. December 16, 1997, for the purchase of \$1,985,000 principal amount of General Obligation Bonds, Series 1997-F. No bid of less than the entire par value of the bonds, except a discount of not greater than 99.50 percent of the par value of the bonds, and accrued interest 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 December 1, 1997, and will become due on October 1 in the years as follows:

Maturity October 1	Principal Amount
1998	\$110,000
1999	170,000
2000	180,000
2001	190,000
2002	200,000
2003	205,000
2004	215,000
2005	225,000
2006	240,000
2007	250,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1998.

## 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 or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$39,700 (2 percent of the principal amount of the bonds).

## Delivery

The city 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 December 30, 1997, at such bank or trust company in the contiguous United States 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 1996 is \$153,334,644. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$22,026,000.

## 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 city, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

## Additional Information

Additional information regarding the bonds may be obtained from the city's finance director or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated November 26, 1997.

City of Hutchinson, Kansas  
By Ross Vander Hamm  
Finance Director  
City Hall  
125 E. Ave. B  
Hutchinson, KS 67501  
(316) 694-2613

Doc. No. 019973

## State of Kansas

## Office of the Securities Commissioner

Permanent Administrative  
Regulations

## Article 2.—FILING, FEES, AND FORMS

**§1-2-1. Filing, fees, and forms.** All applications, petitions, amendments, reports, and complaints shall be governed by the following requirements: (a) Filing. A document shall be considered filed when it is received in the office of the securities commissioner, or filed through the CRD system or other electronic filing system approved by the commissioner.

(b) Fees. All fees shall accompany the filing to which they pertain and shall be paid by check or money order

to the Kansas securities commissioner, except as provided by K.S.A. 17-1254(p)(2)(C).

(c) Forms. The following forms have been adopted for use.

(1) Uniform forms:

FORM	TITLE
ADV	Uniform application for investment adviser registration
ADV-W	Notice of withdrawal from registration as investment adviser
BD	Uniform application for broker-dealer registration
BDW	Uniform request for withdrawal from registration as a broker-dealer
D	Notice of sales of securities
NF	Uniform investment company notice filing
U-1	Uniform application to register securities
U-2	Uniform consent to service of process
U-2A	Uniform corporate resolution
U-4	Uniform application for securities industry registration or transfer
U-5	Uniform termination notice for securities industry registration
U-7	Disclosure document

(2) Kansas forms:

FORM	TITLE
K-1	Sales report/renewal application
K-4	Application for registration of securities
K-15	Solicitation of interest

(Authorized by and implementing K.S.A. 17-1270; as amended by L. 1997, Ch. 62, § 11; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended March 25, 1991; amended Oct. 7, 1991; amended April 17, 1995; amended May 31, 1996; amended Dec. 19, 1997.)

### Article 3.—LICENSING; BROKER-DEALERS AND AGENTS

**81-3-2. Broker-dealer, agent, investment adviser, and investment adviser representative; fees.** (a) The fee for initial registration or renewal of the registration of each broker-dealer and each investment adviser shall be \$200.

(b) The fee for initial registration or renewal of the registration of each agent and each investment adviser representative shall be \$50.

(c) The fee for an initial notice filing or a renewal notice filing for each federal covered adviser, as required by K.S.A. 17-1254 and amendments thereto, shall be \$200. (Authorized by K.S.A. 17-1270, as amended by L. 1997, Ch. 62, § 11; implementing K.S.A. 17-1254, as amended by L. 1997, Ch. 62, § 4; effective, E-82-24, Dec. 9, 1981; effective May 1, 1982; amended, T-87-41, Dec. 8, 1986; amended May 1, 1987; amended, T-81-9-12-88, Sept. 12, 1988; amended Oct. 25, 1988; amended Jan. 15, 1990; amended Oct. 7, 1991; amended Dec. 19, 1997.)

### Article 5.—EXEMPTIONS

**81-5-8. Exemption filing fees.** A fee of \$100 shall be remitted with each application or notice filed in connection with each of the following:

(a) The uniform limited offering exemption as specified in K.A.R. 81-5-6;

(b) the accredited investor exemption as specified in K.A.R. 81-5-13;

(c) offers to existing security holders as may be required by K.S.A. 17-1262(h);

(d) merger or reorganization transactions as required by K.S.A. 17-1262(k);

(e) any security issued by a not-for-profit organization as required by K.S.A. 17-1261(h); and

(f) a request for a no-action letter or interpretive opinion letter from the commissioner or staff. (Authorized by K.S.A. 17-1270, as amended by L. 1997, Ch. 62, § 11; implementing K.S.A. 1996 Supp. 17-1259, as amended by L. 1997, Ch. 62, § 6; effective, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended Oct. 7, 1991; amended June 28, 1993; amended Dec. 19, 1997.)

**81-5-9.** (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1261(g) and 17-1259; effective Nov. 12, 1991; amended June 28, 1993; amended May 31, 1996; revoked Dec. 19, 1997.)

**81-5-13. Accredited investor exemption.** Any offer or sale of a security by an issuer shall be exempt under the provisions of K.S.A. 17-1262(m) if the following requirements are met.

(a) Sales of securities are made only to persons who are or the issuer reasonably believes are accredited investors. "Accredited investor" is defined under securities and exchange commission regulation D, 17 C.F.R. § 230.501(a), as in effect on April 1, 1996.

(b) The issuer reasonably believes that all purchasers are purchasing for investment and not with the view to or for resale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within 12 months of sale shall be presumed to be with a view to distribution and not for investment, except a resale pursuant to a registration statement effective under K.S.A. 17-1257 or K.S.A. 17-1258, or amendments thereto, or to an accredited investor pursuant to an exemption available under the Kansas securities act.

(c) The exemption is not available to an issuer who is in the development stage and who either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

(d)(1) The exemption is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of 10% or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of such underwriter meets any of the following conditions:

(A) within the last five years, has filed a registration statement that is the subject of a currently effective registration stop order entered by any state securities administrator or the United States securities and exchange commission;

(continued)

(B) within the last five years, has been convicted of any criminal offense in connection with the offer, purchase, or sale of any security, or involving fraud or deceit;

(C) is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five years, finding fraud or deceit in connection with the purchase or sale of any security; or

(D) is currently subject to any order, judgment, or decree of any court of competent jurisdiction, entered within the last five years, temporarily, preliminarily, or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(2) Paragraph (d)(1) shall not apply if any of the following conditions is met.

(A) The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment or decree creating the disqualification was entered against such party.

(B) Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree waives the disqualification.

(C) The issuer establishes that it did not know and, in the exercise of reasonable care and based on a factual inquiry, could not have known that a disqualification existed under this paragraph.

(e)(1) A general announcement of the proposed offering may be made by any means.

(2) The general announcement shall include only the following information, unless additional information is specifically permitted by the commissioner:

(A) the name, address, and telephone number of the issuer of the securities;

(B) the name, a brief description, and price, if known, of any security to be issued;

(C) a brief description of the business of the issuer in 25 or fewer words;

(D) the type, number, and aggregate amount of securities being offered;

(E) the name, address, and telephone number of the person to contact for additional information; and

(F) the following statements:

(i) sales will be made only to accredited investors;

(ii) no money or other consideration is being solicited or will be accepted by way of this general announcement; and

(iii) the securities have not been registered with or approved by any state securities agency or the United States securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(f) The issuer, in connection with an offer, may provide information in addition to the general announcement under subsection (e), if such information meets either of the following requirements:

(1) the information is delivered through an electronic database that is restricted to persons who have been pre-qualified as accredited investors; or

(2) the information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor.

(g) No telephone solicitation shall be permitted unless, before placing the call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor.

(h) Dissemination of the general announcement of the proposed offering to persons who are not accredited investors shall not disqualify the issuer from claiming the exemption under this rule.

(i) Within 15 days after the first sale in this state, the issuer shall file with the commissioner a notice of transaction, a copy of the general announcement, and the fee specified in K.A.R. 81-5-8. (Authorized by K.S.A. 17-1270, as amended by L. 1997, Ch. 62, § 11; implementing K.S.A. 17-1262(m), as amended by L. 1997, Ch. 62, § 7(m); effective Dec. 19, 1997.)

**81-5-14. Notice filings and fees for offerings of investment company securities.** (a) Before the initial offer in this state of a security that is a federal covered security under section 18(b)(2) of the securities act of 1933, 15 U.S.C. 77r(b)(2), as in effect on October 11, 1996, an investment company shall file the following for each portfolio or series:

(1) a notice of intention to sell on form NF in accordance with the instruction to form NF; and

(2) a filing fee of either of the following:

(A) \$500 for a portfolio or series of an investment company other than a unit investment trust; or

(B) \$200 for a unit investment trust.

(b) Upon written request of the commissioner and within the time period set forth in the request, an investment company that is registered under the investment company act of 1940 or that has filed a registration statement under the securities act of 1933 shall file a copy of any document, identified in the request, that is part of the registration statement filed with the federal securities and exchange commission or part of an amendment to such federal registration statement.

(c) Each notice filing shall be effective for one year after its effective date and shall be renewed annually, as long as the federal covered security continues to be offered in this state, by filing a form NF and the appropriate fee as specified under subsection (a) of this regulation. Renewal filings shall be due 30 days before the expiration of the previous filing.

(d) If the name of an issuer, fund, portfolio, or series changes, an investment company shall file a revised form NF and submit an amendment fee of \$100.

(e) If the confirmation of filing or effectiveness of a notice filing is desired, an investment company shall file an additional copy of form NF with an addressed return envelope.

(f) An investment company may file notice filings and fees electronically through a centralized securities registration depository in accordance with procedures and controls established by that depository and approved by the commissioner. (Authorized by K.S.A. 17-1270, as amended by L. 1997, Ch. 62, § 11; implementing L. 1997, Ch. 62, §§ 1 and 2; effective Dec. 19, 1997.)

David Brant  
Kansas Securities Commissioner

Doc. No. 019974



## State of Kansas

## Behavioral Sciences Regulatory Board

Permanent Administrative  
Regulations

## Article 3.—PROFESSIONAL COUNSELORS; FEES

**102-3-1.** (Authorized by and implementing K.S.A. 1989 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-1a. Definitions.** (a) "Client" means a person who is a direct recipient of professional counseling services.

(b) "Termination of the professional counseling relationship" means the end of the professional relationship resulting from any of the following:

- (1) the mutual consent of the professional counselor and the client;
- (2) the completion of professional counseling services;
- (3) dismissal of the professional counselor by the client;
- (4) dismissal of the client by the professional counselor; or
- (5) the transfer of the client to another professional for active treatment or therapy with the belief that treatment will continue.

(c) "Professional counseling supervision" means a formal relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of professional counseling.

(d) "Training plan" means a formal, written agreement that establishes the supervisory framework and describes the expectations and responsibilities of the supervisor and the supervisee.

(e) "Consultation" as used in K.A.R. 102-3-7a means a voluntary, professional relationship in which the consultant offers the consultee's best advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of supervision as established in K.A.R. 102-3-7a are lacking. Professional counseling consultation shall not be substituted for supervision.

(f) "Continuing education" means formally organized programs or activities that are designed to and have content intended to enhance the professional counselor's knowledge, skill, values, ethics, and ability to practice as a professional counselor.

(g) "Prior-approved continuing education" means the following forms of continuing education:

- (1) any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;
- (2) any program offered by a provider with approved-provider status; or
- (3) academic counseling courses audited or taken for credit.

(h) "Client contact" means face-to-face interaction between the counselor and client or clients.

(i) "Extenuating circumstances" means any condition that is caused by any unexpected event that is beyond the individual's control.

(j) "Misfeasance" means the improper performance of a lawful act by a licensee or registrant.

(k) "Nonfeasance" means the omission of an act that a licensee or registrant should do.

(l) "Malfeasance" means doing an act that a licensee or registrant should not do.

(m) "Job orientation" or "on-the-job training" means a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

(n) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee or registrant is impaired or compromised because of the following present or previous relationship with the client or supervisee:

- (1) familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

(o) "Related field" means a graduate degree program in the helping profession and may include education, guidance counseling, student personnel counseling, school counseling, agency counseling, community counseling, mental health counseling, counseling or counselor education, career or vocational counseling, pastoral counseling, counseling psychology, educational psychology, rehabilitation counseling, social work, psychology, healing arts, nursing, or human development and family services.

(p) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice professional counseling as demonstrated by the personal qualities of good judgment, integrity, honesty, fairness, credibility, reliability, respect for others, respect for the laws of the state and nation, self-discipline, self-evaluation, initiative, and commitment to the counseling profession and its values and ethics.

(q) "Undue influence" means misusing one's professional position of confidence, trust, or authority over a client or supervisee, or taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following reasons:

- (1) to improperly influence or change the actions or decisions of a client or supervisee; or
- (2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage.

(r) "Professional experience" means all postgraduate, supervised experience as a professional counselor.

(s) "One year of professional experience" means a total of 2,000 clock hours of postgraduate professional experience.

(t) "Individual clinical supervision" means face-to-face, simultaneous supervision between one supervisor and one supervisee.

(u) "Group clinical supervision" means face-to-face, simultaneous supervision between one supervisor and not more than six supervisees.

(v) "Practice setting" means any public or private counseling service agency or delivery system within

(continued)

which professional counseling is practiced or professional counseling services are delivered.

(w) "Practicum" or "internship" means a formal component of an academic curriculum in the professional counseling program that engages the student in supervised, professional counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.

(x) "Semester hour" as used in K.A.R. 102-3-3a means a minimum of 13 clock hours of formal didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.

(y) "Academic equivalent of a semester hour" as used in K.A.R. 102-3-3a means the prorated, proportionate credit for formal academic coursework when such coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(z) "Board" means the behavioral sciences regulatory board. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5802, 65-5804, 65-5809, 65-5811, and 74-7507; effective Dec. 19, 1997.)

**102-3-3.** (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5804; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-3a. Educational requirements.** To qualify for licensure as a professional counselor, the applicant's educational qualifications and background shall meet the requirements provided in the following subsections:

(a) Degree requirements. At the time of application, the applicant shall have fulfilled these requirements:

(1) received either a master's or doctor's degree in counseling; and

(2) as a part of or in addition to the course work completed for the counseling graduate degree, completed a minimum of 60 graduate semester hours acceptable to the board, of which at least 45 graduate semester hours clearly satisfy the course work requirements provided in subsection (b).

(b) Course work requirements. The applicant shall have satisfactorily completed a minimum of 45 graduate semester hours of formal academic course work that is distributed across the substantive content areas provided in this subsection. There shall be a minimum of at least two discrete and unduplicated semester hours or their academic equivalent in each of the following substantive content areas:

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

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

(3) group dynamics, processes, and counseling approaches and techniques that include studies in theories and types of groups, as well as descriptions of group practices, methods, dynamics, and facilitative skills;

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

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

(6) appraisal of individuals that includes studies and training in the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, and the study of individual differences;

(7) social and cultural foundations that include studies in change processes, ethnicity, subcultures, families, gender issues, changing roles of women, sexism, racism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. These studies may come from such disciplines as the behavioral sciences, economics, and political science;

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

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

(10) supervised practical experience that includes studies in the application and practice of the theories and concepts presented in formal study. Such experiential practice shall be performed under the close supervision of the instructor with the use of direct observation, one-way mirrors in a counseling laboratory, the use of videotaped or audiotaped sessions, and written case notes.

(c) Program requirements. In order to be approved by the board, the educational program in professional counseling shall meet the following conditions:

(1) have established program admission requirements acceptable to the board that are at least partially based upon objective measures or standardized achievement test results;

(2) require an established curriculum that encompasses a minimum of two academic years of graduate study that includes at least one academic year with at least 12 semester hours in residency at the college or university granting the degree;

(3) have clear authority and primary responsibility for the core and specialty areas of training in professional counseling;

(4) have an established, organized, and comprehensive sequence of study that is planned by administrators who are responsible for providing an integrated educational experience in professional counseling;

(5) be chaired or directed by an identifiable person who holds a graduate degree that was conferred by a regionally accredited college or university upon that person's actual completion of a formal academic training program in professional counseling;

(6) have an identifiable full-time, professional faculty whose members hold conferred graduate degrees in professional counseling or a related field;

(7) have established and recognized an identifiable body of students who are formally enrolled in the program for a degree;

(8) have clearly identified and established residency requirements that are substantially equivalent to those in Kansas colleges or university graduate programs in professional counseling;

(9) require an appropriate practicum, internship, field, or laboratory training in professional counseling that integrates didactic learning with supervised clinical experience; and

(10) conduct ongoing, objective review and evaluation of student learning and progress, and report this evaluation in the official student transcripts.

(d) College or university requirements. In order for the applicant to qualify for licensure, the college or university at which the applicant completed the counseling degree requirements shall meet these requirements:

(1) be institutionally accredited to award the graduate counseling degree;

(2) be regionally accredited, with accreditation standards equivalent to those met by Kansas colleges and universities;

(3) document in official publications, including course catalogs and announcements, the description, standards, and admission requirements of the professional counseling education and training program;

(4) identify and clearly describe in pertinent institutional catalogs the course work, experiential, and other academic program requirements that must be satisfied prior to conferral of the graduate degree in counseling;

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

(6) have clearly established as a coherent entity within the college or university a professional counseling education and training program that, at the time the applicant's graduate degree was conferred, met the program standards as provided in subsection (c);

(7) have conferred the graduate degree in counseling upon the applicant's successful completion of an established and required formal program of studies.

(e) The following activities shall not be substituted for or counted toward the course work requirements:

(1) academic courses that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(2) academic course work that has been audited rather than graded;

(3) academic course work for which the applicant received an incomplete or failing grade;

(4) course work that the board determines is not closely related to the field or practice of counseling;

(5) graduate or postgraduate course work or training provided by any college, university, institute, or training program that does not qualify as provided in subsections (c) and (d); and

(6) any continuing education, in-service activity, or on-the-job training. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5804; effective Dec. 19, 1997.)

**102-3-4.** (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5805; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-4a. Applications for licensure with examination.** (a) The applicant shall request the licensure application forms from the director of the board.

(b) Each applicant for licensure by examination shall submit application materials to the board and complete the application procedures as established by the board. As part of the application process, the applicant shall perform the following:

(1) submit the completed application form;

(2) submit the full payment of the licensure application fee as provided in K.A.R. 102-3-2;

(3) submit two references on board-approved forms from individuals who are not related to the applicant, who are authorized by law to practice professional counseling or in a related field, and who can address the applicant's professional conduct, competence, and merit of the public trust; and

(4) arrange for the applicant's transcripts covering all applicable graduate college or university coursework to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States shall additionally arrange for the applicant's transcript to be translated and evaluated for degree equivalency by a source and in a manner that is acceptable to the board.

(c) An applicant who has completed the postgraduate supervised experience requirements at the time of application shall additionally submit the supervisory attestations on board-approved forms from each person not related to the applicant who provided administrative or clinical supervision, from which the board may determine the extent and quality of the applicant's postgraduate supervised experience.

(d) An applicant who has not completed the postgraduate supervised experience requirements at the time of application shall additionally and sequentially complete the following procedures:

(1) submit a completed temporary permit request form;

(2) submit a reference on a board-approved form from each individual not related to the applicant who provided direct clinical supervision of the applicant's graduate practicum; and

(3) submit a postgraduate supervised training plan on the board-approved forms;

(4) upon notification of board approval of the applicant's eligibility for a temporary permit, submit the temporary permit fee as provided in K.A.R. 102-3-2; and

(continued)

(5) upon completion of the postgraduate supervised experience, submit a supervisory attestation on board-approved forms from each individual not related to the applicant who provided administrative or clinical supervision. The board shall determine the extent and quality of the applicant's postgraduate experience.

(e) Upon board approval of the educational requirements, each applicant shall take a nationally administered, standardized written examination approved by the board.

(f) Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the fee as provided in K.A.R. 102-3-2 for the original two-year licensure period.

(g) If the applicant fails to qualify for and obtain licensure or a temporary permit, the applicant's application may, for lack of qualifications or for incompleteness, be suspended for a period not to exceed one year. If the applicant has not met the qualifications, has not submitted a complete application, or has not submitted the new license fee by the end of one year, the application shall expire. Upon expiration, the applicant may submit a new application, the required fee, and all supporting documents.

(h) If the applicant qualifies for and obtains a temporary permit, the applicant's application shall remain active until the temporary permit or the renewed temporary permit expires. If the applicant does not qualify for a renewal of the temporary permit, or if a qualifying applicant fails to apply for and obtain a renewal of the temporary permit, the application shall expire when the original temporary permit expires. Upon expiration, the applicant may submit a new application, the required fee, and all supporting documents.

(i) An applicant or prospective applicant shall not be given a judgment on the applicant's eligibility for licensure until all application materials are received and all application procedures are completed.

(j) A temporary permit may be renewed for an additional two-year period upon the applicant's written request, payment of the temporary permit fee as provided in K.A.R. 102-3-2, and the applicant's demonstration of satisfactory progress toward the completion of the postgraduate, supervised experience requirements. To demonstrate satisfactory progress toward the completion of the postgraduate supervised experience requirements and thus qualify for renewal of the temporary permit, the applicant shall have completed at least 2,000 hours of supervised professional experience within the preceding two years. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5804, 65-5808, and 65-5811; effective Dec. 19, 1997.)

**102-3-5.** (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5804; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-5a. Examinations.** (a) An applicant for licensure by examination shall take a nationally administered, standardized written examination approved by the board. The pass score shall be the criterion referenced cut-off score.

(b) Following the board's approval of the applicant's education and supervised professional experience, each applicant for licensure by examination shall, by the board-established deadlines, register for the examination and submit the examination fee as set forth in K.A.R. 102-3-2.

(c) For each examination registration or seating attempted by the applicant, the applicant shall submit by board-established deadlines the required registration form and a separate, nonrefundable examination fee.

(d) An applicant who fails a required examination, or who fails to sit for an examination for which the applicant has been registered, shall submit the nonrefundable examination fee for each subsequent examination for which the applicant registers.

(e) The applicant's required written examination may be waived by the board if the applicant has successfully passed a nationally administered, standardized written examination deemed by the board to be substantially equivalent to the examination used in this state, provided that the applicant obtained a score equal to or greater than the criterion-referenced cut-off score.

(f) An applicant shall not be authorized to register for the examination or to qualify for a waiver of the examination until the applicant has fulfilled all educational requirements and has satisfied the board that the applicant merits the public trust. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5804 and 65-5808; effective Dec. 19, 1997.)

**102-3-6.** (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5803; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-6a. Licensure without examination.** (a) On or after January 1, 1997 and before July 1, 1998, an applicant may qualify for licensure as a professional counselor without examination by submitting an application, license application fee, and all supporting documents that demonstrate that, at the time of application, the applicant meets the educational and experience requirements of either subsection (1) or subsection (2):

(1) To qualify for licensure without examination under this subsection an applicant shall fulfill these requirements:

(A) have completed the education requirements as provided in K.A.R. 102-3-3a;

(B) have satisfied the professional, supervised experience requirements as provided in K.A.R. 102-3-7a;

(C) have practiced postgraduate professional counseling continuously for five years immediately before application as demonstrated by the applicant's attestation that the applicant averaged 15 hours of professional experience per week for at least nine months out of each of the five years immediately before application; and

(D) upon successful completion of any portion of the supervised postgraduate experience that occurred within the five years immediately before application, an applicant shall be given proportionate credit under this subsection toward the required five years of continuous professional counseling practice.

(2) to qualify for licensure without examination under this subsection an applicant shall meet these conditions:

(A) have completed a graduate degree in a related field as defined in K.A.R. 102-3-1a(o);

(B) have practiced postgraduate professional counseling continuously for five years immediately before filing the license application as demonstrated by the following:

(i) the applicant's attestation that the applicant averaged 15 hours of professional experience per week for at least nine months out of each of the five years immediately before application;

(ii) a minimum of two attestations on board-approved forms from persons who are not related to the applicant and who are lawfully engaged in the practice of professional counseling or a related field. Such attestations shall verify that the applicant is recognized as a professional who has been engaged in the practice of professional counseling; and

(iii) supporting documentation, such as an official job description, a published description of the applicant's professional services as offered to clients, membership in a professional counseling professional association, or participation in professional counseling continuing education activities.

(b) In addition, each applicant for licensure without examination shall submit on board-approved forms three professional references regarding the applicant's competency to practice professional counseling. Such references shall be from individuals who are not related to the applicant and who are lawfully authorized to practice professional counseling or practice in a related field.

(c) Each applicant for licensure without examination shall arrange for the applicant's transcripts covering all applicable graduate college or university course work to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States shall arrange for the applicant's transcript to be translated and evaluated for degree equivalency by a source and in a manner that is acceptable to the board.

(d) Upon notification from the board that all eligibility requirements for licensure without examination have been satisfied, the applicant shall submit the fee for the original two-year license period.

(e) An applicant or a prospective applicant shall not be given a judgment on the applicant's eligibility for licensure until all application materials are received and all application procedures are completed.

(f) This regulation shall have no force or effect on or after July 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5808 and 65-5811; effective Dec. 19, 1997.)

**102-3-8.** (Authorized by K.S.A. 1988 Supp. 74-7507; implementing K.S.A. 1988 Supp. 65-5806; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Dec. 4, 1989; revoked Dec. 19, 1997.)

**102-3-8a. Return of license.** (a) In the case of a revocation, suspension, or board acceptance of a voluntary surrender of the license, the individual shall return the license certificate and the wallet-size card to the board's

executive director within 10 days of the revocation, suspension, or voluntary surrender.

(b) In the case of the expiration of the license, the individual shall return the license certificate to the board's executive director within 30 days of the license expiration. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5806 and 65-5809; effective Dec. 19, 1997.)

**102-3-9.** (Authorized by K.S.A. 1988 Supp. 74-7507; implementing K.S.A. 1988 Supp. 65-5806; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Dec. 4, 1989; revoked Dec. 19, 1997.)

**102-3-9a. Renewal and reinstatement.** (a) Each licensed professional counselor may renew the license by submitting to the board's executive director the following items:

(1) a complete renewal application;

(2) supporting continuing education documents set forth in subsection (b); and

(3) the renewal fee prescribed in K.A.R. 102-3-2.

(b) At the time of renewal, each licensed professional counselor shall submit evidence that the licensee has satisfactorily completed 50 hours of continuing education. After December 31, 1998, each licensed professional counselor shall submit, at the time of renewal, evidence that the licensee has satisfactorily completed 60 hours of continuing education, three hours of which shall be taken in ethics.

(c) If the application for renewal, including all supporting continuing education documents and payment of the required fee, is not made before the date the license expires, the license may be reinstated upon payment of the required renewal fee, plus the late charge set forth in K.A.R. 102-3-2, and proof satisfactory to the board that the applicant has complied with continuing education requirements as set forth in subsection (b) of this regulation.

(d) Each individual who holds a professional counselor license but who fails to renew the license before its expiration, and who thereafter applies for renewal of the license, shall indicate on the reinstatement application form whether the individual has continued to engage in the practice of professional counseling in Kansas, or has continued to represent that individual in Kansas as a licensed professional counselor, a licensed counselor, or a professional counselor after the expiration of the license and, if so, under what circumstances.

(e) If the license of any individual has been suspended and the individual thereafter makes an application to renew or reinstate the license, the individual shall submit the following:

(1) a completed reinstatement application on forms approved by the board;

(2) the required renewal fee and, if applicable, the late charge set forth in K.A.R. 102-3-2;

(3) proof satisfactory to the board that the applicant has complied with the continuing education requirements;

(4) proof satisfactory to the board that the applicant has complied with the terms of the suspension; and

(continued)

(5) any materials, information, evaluation or examination reports, or other documentation that the board may request that will enable the board to satisfactorily evaluate and determine whether or not the license should be renewed or reinstated. An applicant's license may be renewed or reinstated after the board considers the following factors:

(A) the extent to which the individual presently merits the public trust;

(B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license suspension;

(C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct subsequent to the license suspension;

(F) the time elapsed since the license suspension; and

(G) the individual's present competence in professional counseling knowledge and skills.

(f) If the license of any individual has been revoked and the individual thereafter makes an application to reinstate the revoked license, the individual shall submit the following:

(1) a completed reinstatement application on forms approved by the board;

(2) the required renewal fee and the late charge set forth in K.A.R. 102-3-2;

(3) proof satisfactory to the board that the applicant has complied with the continuing education requirements; and

(4) materials, information, evaluation or examination reports, or other documentation that will enable the board to satisfactorily evaluate and determine whether or not to reinstate the license. Factors to be considered by the board in determining whether or not to reinstate the license shall include the following:

(A) the extent to which the individual presently merits the public trust;

(B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license being revoked;

(C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license being revoked;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct subsequent to the license revocation;

(F) the time elapsed since the license revocation; and

(G) the individual's present competence in professional counseling knowledge and skills. (Authorized by and implementing K.S.A. 1996 Supp. 65-5803, 65-5806, 65-5808, and 65-5809; effective Dec. 19, 1997.)

**102-3-10.** (Authorized by and implementing K.S.A. 1989 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-10a.** Continuing education for licensees. (a) Before January 1, 1999, each licensee shall complete 50

clock hours of documented and approved continuing education during each two-year renewal period. Effective on and after January 1, 1999, each licensee shall complete 60 clock hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the requirement shall not be carried over to the next renewal period.

(b) During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete a program on professional ethics consisting of at least three clock hours of formal training. This program shall meet the definition of professional counseling continuing education contained in K.A.R. 102-3-1a(f) and shall focus on ethical issues of the professional counseling profession.

(c) Each licensee may receive continuing education credit for attending approved programs. Continuing education credit shall be granted on the basis of the actual contact time that the licensee spends attending each instructional activity. One-quarter credit hour may be granted for attending at least 15 but fewer than 30 minutes. Credit shall not be granted for fractional units of fewer than 15 minutes.

(d) Academic courses.

(1) For courses taken for academic credit, 15 continuing education hours shall be granted for each academic credit hour that a professional counselor successfully completes.

(2) For academic courses that are audited, a licensee may receive continuing education credit on the basis of the actual contact time that the licensee spends attending the course. The continuing education hours granted shall not exceed 15 hours per academic hour for audited courses.

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

(1) an academic professional counseling course that is either taken for academic credit or audited;

(2) a seminar, institute, workshop, course, mini-course, computerized interactive learning module, telecast, audiotape, or videotape that is oriented to the enhancement of a professional counselor's practice, values, ethics, skills, or knowledge;

(3) a cross-disciplinary offering from medicine, law, the behavioral sciences, or any other discipline if the offering is clearly related to the enhancement of a professional counselor's practice, values, ethics, skills, or knowledge;

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

(5) providing supervision to undergraduate or graduate practicum or intern students, applicants for licensure as professional counselors, or other professional mental health practitioners;

(6) an approved-provider program or an approved single-program provider program, as long as the program is oriented toward the enhancement of a professional counselor's practice, values, ethics, skills, or knowledge;

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

(8) first-time publication of a professional counseling article in a juried professional journal;

(9) a cross-disciplinary offering in a foreign or sign language, computer science, professional or technical writing skills, business administration, or management sciences if such offering is clearly related to the enhancement of professional counseling practice, values, ethics, skills, or knowledge;

(10) a professional counseling, home study continuing education activity that includes a proficiency examination and that is sponsored, endorsed, or approved by an academic institution or professional membership organization acceptable to the board; and

(11) participation in professional organizations or appointment to professional credentialing boards, if the goals of the organizations or boards are clearly related to the enhancement of professional counseling practice, values, ethics, skills, and knowledge. Participation may include holding office or serving on committees of the organization or board.

(f) In each of the following categories, the maximum number of clock hours for which continuing education credit may be approved during each renewal period shall be according to this schedule:

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

(2) up to a maximum of 20 clock hours of credit for each preparation of a professional counseling article published for the first time in a recognized professional journal, each book chapter published by a recognized publisher, or each written presentation given for the first time at a statewide or national professional meeting. If such material was authored by more than one professional counselor or other professional, the continuing education credit shall be prorated among the authors;

(3) up to a maximum of 20 clock hours of credit for self-directed learning projects pre-approved by the board;

(4) up to a maximum of 20 clock hours of credit for providing supervision to undergraduate or graduate practicum or intern students, applicants for licensure as professional counselors, or other mental health care professionals;

(5) up to a maximum of five hours of credit for viewing professional videotapes or listening to audiotapes when the professional instructional tape is the totality of the presentation and when the intent of the presentation is to enhance a professional counselor's practice, values, ethics, skills, or knowledge;

(6) up to a maximum combined total of twenty clock hours of credit for cross-disciplinary continuing education offerings in a foreign or sign language, computer science, professional or technical writing skills, business administration, or management sciences;

(7) up to a maximum combined total of 10 clock hours of credit for proficiency-based, professional counseling, home study continuing education activities acceptable to the board; and

(8) up to a maximum combined goal of 15 clock hours of credit for participation in professional organizations or appointment to professional boards.

(g) Continuing education credit approval shall not be granted for identical programs completed within the same renewal period.

(h) Continuing education credit shall not be granted for the following:

(1) first aid, CPR, infection control, or occupational health and safety courses;

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

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

(i) Each licensee shall maintain individual, original continuing education records. These records shall document the licensee's continuing education activity attendance, participation, or completion as defined by K.A.R. 102-3-11a. Any licensee may be required to submit these records to the board at least thirty days before the expiration date of each current licensure period. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5806; effective Dec. 19, 1997.)

**102-3-11.** (Authorized by and implementing K.S.A. 1989 Supp. 65-5807 and K.S.A. 1989 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991; revoked Dec. 19, 1997.)

**102-3-11a. Documentation for continuing education.** Any of the following original, signed forms of documentation shall be accepted as proof of completion of a continuing education activity: (a) A passing course grade for an academic credit course;

(b) a signed statement, by the instructor, of actual hours attended for an audited academic course;

(c) a signed statement of attendance from the provider of the institute, symposium, workshop, or seminar;

(d) a copy of the article or book chapter and verification of publication or written presentation at a professional meeting. These materials shall be submitted to the board for evaluation and certification or the number of hours of continuing education credit to be granted;

(e) a copy of the academic course syllabus and verification that the course was presented;

(f) a copy of a letter from the presentation sponsor or a copy of the brochure announcing the licensee as the presenter, the agenda of the presentation, and verification that the workshop, seminar, or program was presented;

(continued)

(g) a letter from the board giving approval for retroactive continuing education credit;

(h) written verification from the university practicum or intern instructor or other official training director that the licensee supervised undergraduate or graduate students or from the supervisee that the licensee provided supervision;

(i) a copy of the self-directed project. This copy shall be submitted to the board for evaluation and certification of the number of continuing education credit hours to be granted; or

(j) the media format, content title, presenter or sponsor, content description, run time, and activity date when videotapes, audiotapes, computerized interactive learning modules, or telecasts were utilized for continuing education purposes. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5806; effective Dec. 19, 1997.)

**102-3-12.** (Authorized by and implementing K.S.A. 1988 Supp. 65-5806 and K.S.A. 1988 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Dec. 4, 1989; revoked Dec. 19, 1997.)

**102-3-12a. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of unprofessional conduct.

(b) The following acts by a professional counselor licensee or a professional counselor licensure applicant shall constitute unprofessional conduct:

(1) obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(2) except when such information has been obtained in the context of confidentiality, failing to notify the board within a reasonable time that any person regulated by the board or applying for licensure or registration, including that professional counselor or that professional counselor applicant, has met any of these conditions;

(A) had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of investigatory or disciplinary proceedings;

(B) been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) been demoted, terminated, suspended, reassigned, as asked to resign, or has resigned from employment for some form of misfeasance, malfeasance, or nonfeasance;

(D) been convicted of a crime; or

(E) practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

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

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) having been convicted of a crime resulting from or relating to the licensee's professional practice of professional counselor;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified in respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) refusing to cooperate in a timely manner with any request for a response, information, or assistance from the board with respect to the investigation of any report of an alleged violation filed against the professional counselor, any applicant, or any professional licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing services clearly inconsistent or incommensurate with training, education, experience, and accepted professional standards;

(11) treating any client, student, or supervisee in a cruel manner;

(12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional counseling relationship;

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

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

(16) failing to inform each client, student, or supervisee of any financial interests that might accrue to the professional counselor from a referral to any other service or from using any tests, books, or apparatus;

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

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

(19) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records except when any one or more of these conditions is met.

(A) Disclosure is required or permitted by law.



(B) Failing to disclose the information presents a clear and present danger to the health and safety of an individual or the public.

(C) The professional counselor is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of professional counseling, in which case disclosure is limited to that action.

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) electronically recording sessions with that client;

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

(C) releasing information, except as required or permitted by law, to a third person concerning a client;

(21) failing to protect the confidences, secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the information, confidences, and secrets of the client from disclosure by other persons in the professional counselor's work or practice setting;

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

(24) using alcoholic liquor or illegally using a controlled substance while performing the duties or services of a professional counselor;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with any client, student, or supervisee of that professional counselor;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been the professional counselor's client;

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

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

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

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague.

(31) making claims of professional superiority that cannot be substantiated by the professional counselor;

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

(33) claiming or using any secret or special method of treatment or techniques that the professional counselor refuses to disclose to the board;

(34) continuing or ordering tests, procedures, or treatment, or using treatment facilities or services not war-

ranted by the condition, best interests, or preferences of the client;

(35) failing to maintain a record for each client that conforms to the following minimal requirements. The record shall meet these requirements:

(A) contain adequate client identification;

(B) indicate the client's initial reason for seeking the professional counselor's services;

(C) contain pertinent and significant information concerning the client's condition;

(D) reflect what intervention, treatment, tests, procedures, or services were obtained, performed, ordered, and recommended and what the findings and results of each were;

(E) document the client's progress during the course of intervention or treatment provided by the professional counselor;

(F) be legible;

(G) contain only those terms and abbreviations that are comprehensible to similar professional practitioners;

(H) indicate the date and nature of any professional service that was provided; and

(I) indicate the manner and process of termination of the professional counseling relationship;

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

(37) if engaged in research, failing to perform the following:

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

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

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

(D) preserve privacy and protect anonymity of the subjects within the terms of informed consent;

(38) making or filing a report that the professional counselor knows to be false, distorted, erroneous, incomplete, or misleading;

(39) failing to notify the client promptly when termination or interruption of service to the client is anticipated;

(40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for such care;

(41) abandoning employment under circumstances that seriously impair the delivery of professional care to clients, without providing reasonable notice to the employer;

(42) failing to terminate the professional counseling services when it is apparent that the relationship no longer serves the client's needs or best interests;

(43) failure of any professional counselor who is the owner or custodian of client records to retain such records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;

(44) supervising in a negligent manner anyone over whom the professional counselor has supervisory responsibility;

(continued)

(45) failing to inform a client if professional counseling services are provided or delivered under supervision;

(46) engaging in a dual relationship with a current client, student, supervisee, or with any person who, within the past 24 months, has been the professional counselor's client;

(47) failing to inform the proper authorities pursuant to K.S.A. 38-1522 and its amendments when the professional counselor suspects or knows that a client has been involved in injuring or has injured a child either by physical, mental, or emotional abuse, or neglect, or sexual abuse;

(48) failing to inform the proper authorities pursuant to K.S.A. 39-1431 and its amendments that a resident as defined by K.S.A. 39-1401(a) has been or is being abused, or neglected, or exploited, or is in a condition that is the result of such abuse, neglect, or exploitation, or is in need of protective services;

(49) failing to inform the proper authorities, pursuant to K.S.A. 39-1431 and its amendments, that an adult, as defined in K.S.A. 39-1430 and its amendments, is being or has been abused, neglected, or exploited, or is in need of protective services;

(50) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to do any of the foregoing actions;

(51) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional counseling practice in the community, constitutes experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client, or the client's legal representative or representatives;

(52) practicing professional counseling in an incompetent manner;

(53) practicing professional counseling after the expiration of the professional counselor's license;

(54) using, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use by persons currently holding a type or class of license;

(55) diagnosing or treating clients who the professional counselor may have reason to believe are suffering from a mental illness or disease; or

(56) violating any provision of this act or any rule or regulation adopted thereunder. (Authorized by K.S.A. 1996 Supp. 74-7507, 65-5812; implementing K.S.A. 1996 Supp. 65-5803, 65-5809 and 65-5812; effective Dec. 19, 1997.)

**102-3-13.** (Authorized by K.S.A. 1988 Supp. 74-7507; implementing K.S.A. 1988 Supp. 65-5805; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Dec. 4, 1989; revoked Dec. 19, 1997.)

#### Article 4.—MASTERS LEVEL PSYCHOLOGISTS

**102-4-1.** (Authorized by and implementing K.S.A. 74-5370; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended May 30, 1995; revoked Dec. 19, 1997.)

**102-4-1a. Definitions.** (a) "Client" means a person who is a direct recipient of master's level psychology services.

(b) "Termination of the master's level psychology relationship" means the end of the professional relationship resulting from any of the following:

(1) the mutual consent of the master's level psychologist and client;

(2) the completion of professional services;

(3) dismissal of the master's level psychologist by the client or clients;

(4) dismissal of the client by the master's level psychologist; or

(5) the transfer of the client to another professional for active treatment or therapy with the belief that treatment will continue.

(c) "Professional psychology supervision" means the formal relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of psychology.

(d) "Alternate psychology supervisor" means a person who is not licensed or registered as a psychologist in the state or jurisdiction where supervision occurred, but who alternately satisfies all of the following qualifications.

(1) The supervisor shall have received a graduate degree in psychology.

(2) The supervisor shall have practiced as a psychologist for no fewer than two calendar years before providing an applicant's supervision.

(3) The supervisor had legal authority to engage in the unsupervised practice of psychology in Kansas or in the state or jurisdiction where an applicant's supervision occurred.

(e) "Consultation" means a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of supervision as established in K.A.R. 102-4-7a are lacking. Professional consultation shall not be substituted for supervision.

(f) "Continuing education" means programs or activities that are designed to and have content intended to enhance the master's level psychologist's knowledge, skill, values, ethics, or ability to practice as a master's level psychologist.

(g) "Prior-approved continuing education" means any of the following forms of continuing education:

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

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

(3) academic psychology courses audited or taken for credit.

(h) "Under the direction" means the formal relationship between the individual providing direction and the master's level psychologist in which, commensurate with the welfare of the client and the education, training, and experience of the licensee, the directing individual provides the following:

(1) professional monitoring and oversight of the psychological services provided by the licensee;

(2) regular and periodic evaluation of treatment provided to clients; and

(3) verification acceptable to the board that direction was provided to the licensee.

(i) "Extenuating circumstances" means conditions caused by unexpected events that are beyond the individual's control.

(j) "Misfeasance" means the improper performance of a lawful act by a licensee or registrant.

(k) "Nonfeasance" means the omission of an act that a licensee or registrant should do.

(l) "Malfeasance" means performing an act that a licensee or registrant should not do.

(m) "Job orientation" or "on-the-job training" means a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

(n) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee or registrant is impaired or compromised because of the following present or previous relationships with the client or supervisee:

- (1) familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

(o) "Practice of psychology" or "practice of master's level psychology" as used under this act means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of behavior adjustment, group relations, and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to the following areas:

(1) counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school, and personal relationships;

(2) measuring and testing personality, intelligence, aptitudes, public opinions, attitudes, and skills;

(3) the teaching of such subject matter; and

(4) the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those individuals licensed under the Kansas healing arts board.

(p) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice master's level psychology as demonstrated by the personal qualities of good judgement, integrity, honesty, fairness, credibility, reliability, respect for others, respect for the laws of the state and nation, self-discipline, self-evaluation, initiative, and commitment to the psychology profession and its values and ethics.

(q) "Undue influence" means misusing one's professional position of confidence, trust, or authority over a client or supervisee, or taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following purposes:

(1) to improperly influence or change a client's or supervisee's actions or decisions; or

(2) to exploit a client or supervisee for the master's level psychologist's or a third party's financial gain, personal gratification, or advantage.

(r) "Postgraduate work experience" means the postgraduate supervised practice of psychology that meets the requirements provided in K.A.R. 102-4-7a.

(s) "Cooperating agency" means a public or private agency, institution, or organization that provides psychological services and that has a prior agreement with an academic institution to participate in a practicum, internship, or residency program in compliance with the requirements of K.A.R. 102-4-6a.

(t) "Practicum," whether entitled residency, internship, or field placement, means a formal component of the academic curriculum in the professional psychology program that engages the student in the supervised, professional practice of psychology and provides opportunities to apply classroom learning to actual practice situations in the field setting.

(u) "Substantially equivalent" means equal in value in all essential and material requirements.

(v) "Semester hour" as used in K.A.R. 102-4-3a means a minimum of 13 clock hours of formal didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.

(w) "Academic equivalent" as used in K.A.R. 102-4-3a means the prorated, proportionate credit for formal academic course work when such course work is completed on the basis of trimester or quarter hours rather than semester hours. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5362, 74-5363, and 74-7507; effective Dec. 19, 1997.)

**102-4-3.** (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5363, as amended by L. 1988, Ch. 304, Sec. 7, and further amended by L. 1988, Ch. 243, Sec. 16; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; revoked Dec. 19, 1997.)

**102-4-3a. Educational requirements.** To academically qualify for licensure as a master's level psychologist, the applicant's educational qualifications and background shall meet all of the following requirements.

(a) Degree requirements. At the time of application, the applicant shall have fulfilled one of the following requirements.

(1) The applicant received a master's or doctoral degree in clinical psychology based on a program of studies that is substantially equivalent to the course work requirements provided in subsection (b).

(2) The applicant received a master's degree or doctoral degree in psychology and has completed the course work requirements provided in subsection (b).

(3) The applicant passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and has completed the course work requirements provided in subsection (b).

(b) Course work requirements. As a part of or in addition to the course work completed for the graduate de-

(continued)

gree requirements, the applicant shall have satisfactorily completed at least 36 discrete and unduplicated semester hours of formal, didactic academic course work that is distributed across the psychological foundation and professional core course work areas as specified in this subsection. At the time of application, each applicant shall have completed the following course work requirements:

(1) a minimum of six semester hours or their academic equivalent in psychotherapy that includes an in-depth study of the major theories, principles, and clinical methods and techniques of psychotherapy with individuals, groups, or families;

(2) a minimum of six semester hours or their academic equivalent in psychological testing that includes studies in the selection, administration, scoring, and interpretation of objective and projective diagnostic tests as indicators of intelligence and scholastic abilities or as screening devices for organic pathology, learning disability, and personality disturbance;

(3) a minimum of 12 semester hours or their academic equivalent in the following psychological foundation courses;

(A) philosophy of psychology that may include studies that introduce the fundamental philosophic, conceptual, theoretical, or applied processes of psychology, and the issues central to professional orientation, role development, ethical and legal standards, and professional responsibility;

(B) psychology of perception that may include studies of memory, language, speech, sensory functioning, motor functioning, reasoning, decision making, problem solving, or other cognitive processes;

(C) learning theory that may include studies pertaining to the fundamental theoretical assumptions and applied principles of learning, conditioning, concept formation, and behavior;

(D) history of psychology that may include studies that trace and analyze the historical development and contemporary evolution of the concepts and theories in psychology;

(E) motivation that may include studies of the concepts, principles, and empirical findings concerning the innate, biological, and acquired factors that underlie human motivation;

(F) statistics that may include studies in the theory, analysis, interpretation, and the manual or computer application of statistical measures; and

(4) a minimum of 12 semester hours or their academic equivalent in the following professional core courses:

(A) psychopathology that may include studies that examine the theories, definitions, dynamics, and differentiations in diagnostic classifications. This subcategory may also include studies in abnormal psychology or studies that examine the etiological factors, clinical course, and clinical and psychopharmacological approaches to the treatment of mental, behavioral, and personality disorders;

(B) personality theories that may include studies that seek to explain or compare and contrast the major theories of normal and abnormal personality development, functioning, adaptation, and assessment;

(C) developmental psychology that may include psychological or biologically based studies that provide a comprehensive overview of the biopsychosocial factors, determinants, and stages that pertain to and impact the physical, emotional, intellectual, and social development and adaptation of humans from infancy through senescence;

(D) research methods that include studies in the principles, techniques, and ethics of research, as well as the identification of research problems, selection of research designs, measurement strategies, sampling techniques, and methods of evaluating the results;

(E) social psychology that includes studies of the interactive and influencing effects of social, cultural, and ecological factors upon the emotions, beliefs, attitudes, expectations, roles, behaviors, and interactional dynamics of individuals, families, groups, organizations, and the larger society; or

(F) additional course work in psychotherapy or psychological testing as specified in this subsection.

(c) Program requirements. In order for the applicant to qualify for licensure, the educational program completed by the applicant shall meet all of the following conditions.

(1) The program has formally established program admission requirements that are based, in part or in full, upon objective measures or standardized achievement test results.

(2) The program requires and provides an established curriculum that encompasses a minimum of two years of graduate study that includes at least one academic year attended and completed by the student on-site at the college or university granting the degree.

(3) The program has clear authority and formal responsibility for the core and specialty areas of training in psychology.

(4) The program has an established, organized, and comprehensive sequence of study that is planned by responsible administrators to provide an integrated educational experience in psychology.

(5) The program is chaired or directed by an identifiable person who holds a graduate degree that was conferred by a regionally accredited college or university following that person's actual completion of a formal academic training program in psychology.

(6) The program has an identifiable full-time, professional faculty whose members hold conferred graduate degrees in psychology.

(7) The program has an identifiable and formally enrolled body of students that attends and completes at least one academic year of the required course work on-site at the college or university where the program is housed.

(8) The program conducts an ongoing, objective review and evaluation of each student's learning and progress, and reports this evaluation in the official student transcripts.

(d) College or university requirement. In order for the applicant to qualify for licensure, the college or university at which the applicant completed the degree requirements shall meet all of the following requirements.

(1) The college or university is institutionally accredited to award the graduate degree in psychology.

(2) The college or university is regionally accredited by an accrediting body acceptable to the board.

(3) The college or university documents in its official publications, including course catalogs and announcements, the description, standards, and admission requirements of the psychology education and training program.

(4) The college or university identifies and clearly describes in pertinent institutional catalogs the course work, experiential, and other academic program requirements that must be satisfied before the conferral of the graduate degree in psychology.

(5) The college or university clearly identifies and specifies in pertinent institutional catalogs its intent to educate and train psychologists.

(6) The college or university has clearly established as a coherent entity within the college or university a psychology education and training program that, at the time the applicant's degree requirements were satisfied, met the program standards as provided in subsection (c).

(7) The college or university has conferred the graduate degree in psychology to the applicant, or has advanced the applicant to doctoral candidacy status, following the applicant's successful completion of an established and required formal program of studies.

(e) The following activities shall not be substituted for or counted toward the course work requirements provided in subsection (b):

(1) academic courses that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(2) independent study courses, whether or not such course work is taken for academic credit, unless the independent study course clearly occurred as a didactic course formally established and designed by the program to provide the student with specifically identified, organized, and integrated course content;

(3) thesis or independent research courses;

(4) academic courses that by their experiential rather than didactic nature and content are designed to precede, satisfy, or augment the practicum, internship, or residency field training activities required for the graduate psychology degree;

(5) academic course work that has been audited rather than graded;

(6) academic course work which the applicant received an incomplete or failing grade;

(7) graduate or postgraduate course work or training provided by colleges, universities, institutes, or training programs that do not qualify as provided in subsections (c) and (d); and

(8) continuing education, in-service, or on-the-job training activities or experience. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5363; effective Dec. 19, 1997.)

**102-4-4.** (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5363, K.S.A. 74-5366, and K.S.A. 74-5367; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended Feb. 25, 1991; amended May 30, 1995; revoked Dec. 19, 1997.)

**102-4-4a. Applications for licensure or temporary licensure.** (a) Each applicant shall request the license application forms from the director of the board.

(b) Each applicant for licensure shall submit application materials to the board and complete the application procedures as established by the board. At the time of application for licensure, the applicant shall perform the following:

(1) submit the completed application form;

(2) submit the full payment of the licensure application fee as provided in K.A.R. 102-4-2;

(3) submit references on board-approved forms from two individuals who are not related to the applicant, who are authorized by law to practice psychology, and who can address the applicant's professional conduct, competence and merit of the public trust;

(4) submit the documentation of academic background forms that includes the applicant's educational course work and that may also include information provided by the director of the applicant's graduate psychology program to enable the board to determine whether or not the applicant completed a qualifying academic practicum;

(5) submit verification of current employment on board-approved forms that have been completed by the employing agency's executive director or personnel manager; and

(6) arrange for the applicant's transcripts covering all applicable graduate college or university course work to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States shall additionally arrange for the applicant's transcript to be translated and evaluated for degree equivalency by a source and in a manner that is acceptable to the board.

(c) Qualifying practicum experience. Each applicant who, at the time of application, has completed a master's degree psychology practicum as provided in K.A.R. 102-4-6a shall submit a reference form from each individual who is not related to the applicant and who provided the practicum supervision. References shall be submitted on board-approved forms to enable the board to evaluate the extent and quality of the applicant's practicum experience.

(d) Supervised postgraduate work experience. Each applicant who has completed the supervised postgraduate work experience requirements before application shall also submit a supervisory attestation from each individual who is not related to the applicant and who provided postgraduate supervision. References shall be submitted on the board-approved forms to enable the board to evaluate the extent and quality of the applicant's supervised postgraduate work experience.

(e) Any applicant who has not completed the postgraduate supervised experience requirements before application shall additionally and sequentially complete the following procedures:

(1) submit a completed temporary permit request form;

(2) submit a board-approved reference form from each individual who is not related to the applicant and who provided direct clinical supervision of the applicant's graduate practicum;

(3) after receiving notification of board approval for a temporary permit, submit the temporary permit fee as provided in K.A.R. 102-4-2; and

(continued)

(4) upon completion of the postgraduate supervised experience, submit a supervisory attestation on the board-approved form from each individual who is not related to the applicant and who provided postgraduate supervision. The board shall determine the extent and quality of the applicant's postgraduate experience.

(f) Each applicant who applies for licensure on or after January 1, 1997 shall satisfactorily complete a nationally administered, standardized written examination approved by the board.

(g) Upon receiving notification from the board that all licensure eligibility requirements have been satisfied, the applicant shall submit the fee as provided in K.A.R. 102-4-2 for the original two-year period of licensure.

(h) If the applicant fails to qualify for and obtain licensure or a temporary permit, the applicant's application may, for lack of qualifications or completeness, be suspended for a period not to exceed one year. If the applicant has not met the qualifications or has not completed the application process by the end of one year, the application shall expire. Upon expiration, the applicant may submit a new application, the required fee, and all supporting documents.

(i) If the applicant qualifies for and obtains a temporary permit, the applicant's application shall remain active until the temporary permit or the renewed temporary permit expires. If the applicant does not qualify for a renewal of the temporary permit, or if a qualifying applicant fails to apply for and obtain a renewal of the temporary permit, the application shall expire when the original temporary permit expires. Upon expiration, the applicant may submit a new application, the required fee, and all supporting documents.

(j) An applicant or prospective applicant shall not be given a judgement on the applicant's eligibility for licensure until all application materials are received and all application procedures are completed.

(k) A temporary permit granted to an applicant for purposes of completing the supervised postgraduate work experience requirements may be renewed for one additional twelve-month period under an existing application. In order to qualify for a renewal of the temporary permit, the applicant shall perform the following:

(1) submit a written request for renewal of the temporary permit;

(2) submit payment of the temporary permit fee as provided in K.A.R. 102-4-2; and

(3) provide documentation on board-approved forms that demonstrates satisfactory progress toward the completion of the supervised postgraduate work experience requirements provided in K.A.R. 102-4-7a.

(l) In order to demonstrate satisfactory progress toward the completion of the supervised postgraduate work experience requirements set forth in K.S.A. 74-5363 and its amendments, and thus to qualify for renewal of the temporary permit, each applicant shall have satisfactorily completed, within the preceding twelve months, either of the applicable requirements in this subsection.

(1) An applicant required to complete a total of 2,000 clock hours of postgraduate supervised experience as provided in K.S.A. 74-5363 and its amendments shall

have completed no fewer than 1,000 clock hours of qualifying postgraduate supervised experience.

(2) An applicant required to complete a total of 3,500 clock hours of postgraduate supervised experience as provided in K.S.A. 74-5363 and its amendments shall have completed no fewer than 1,750 clock hours of qualifying postgraduate supervised experience. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5363, 74-5366, and 74-5367; effective Dec. 19, 1997.)

**102-4-5.** (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5369; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended May 30, 1995; revoked Dec. 19, 1997.)

**102-4-5a. Examination requirements.** Each applicant who submits an application for licensure as a master's level psychologist on or after January 1, 1997 shall be required to qualify for licensure by examination. (a) Effective January 1, 1997 each applicant submitting an application for licensure shall take a nationally administered, standardized written examination approved by the board. The pass score shall be not less than 60 percent correctly answered items.

(b) Upon receiving board notification of the applicant's educational eligibility to be seated for the licensure examination, the applicant shall submit the examination registration forms and fee in the manner and within any deadlines established by the board.

(c) For each examination registration or seating opportunity the applicant attempts, the applicant shall submit by board-established deadlines the required registration form and a separate, nonrefundable examination fee.

(d) An applicant who fails a required examination, or who fails to sit for an examination for which the applicant has been registered, shall submit the nonrefundable examination fee for each subsequent examination for which the applicant registers.

(e) The written examination shall be waived by the board if the applicant has successfully passed, at a level equal to or greater than 60 percent correctly answered items, a nationally administered, standardized written examination deemed by the board to be substantially equivalent to the examination approved by the board.

(f) An applicant shall not be authorized to register for the examination or qualify for a waiver of the examination until the applicant has fulfilled all educational requirements and has satisfied the board that the applicant merits the public trust. (Authorized by K.S.A. 1996 Supp. 75-7507; implementing K.S.A. 1996 Supp. 74-5363; effective Dec. 19, 1997.)

**102-4-6.** (Authorized by and implementing K.S.A. 74-5370; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended May 30, 1995; revoked Dec. 19, 1997.)

**102-4-6a. Academically supervised practicum.** In order to satisfy K.S.A. 74-5363(b)(4) by means of completing 750 clock hours of an academically supervised practicum in the applicant's psychology master's degree program, the applicant shall meet the requirements in this section.

(a) Practicum requirements. The applicant's practicum experience shall meet all of the following minimal requirements. The practicum shall meet these provisions:

(1) have been completed by the applicant in fulfillment of the requirements for the applicant's master's degree in psychology or clinical psychology that was conferred by an academic institution that satisfies the college or university requirements provided in K.A.R. 102-4-3a;

(2) have constituted a formal and integrated component of an academic psychology training program that satisfies the program and course work requirements as provided in K.A.R. 102-4-3a;

(3) have consisted of at least 750 clock hours of academically supervised experience acceptable to the board;

(4) have occurred after the applicant satisfactorily completed the practicum prerequisite psychology course work;

(5) have been supervised as provided in subsection (b); and

(6) have consisted of a formal, academically supervised placement in a cooperating agency that meets these requirements:

(A) identified students, interns, or residents as being in training and not as staff; and

(B) by its nature and function, provided the applicant with the opportunity to participate in the practice of psychology through a broad range of supervised experiences that included the following practice activities and experiences:

(i) diagnosis;

(ii) remediation techniques;

(iii) measuring and testing personality, intelligence, aptitudes, attitudes, and skills;

(iv) interdisciplinary collaboration and consultation; and

(v) direct practice activities with a client or patient population presenting a diverse set of problems and backgrounds.

(b) Practicum supervision requirements. In order for the applicant's academic practicum to be approved by the board, the practicum supervisor or supervisors at the time of such practicum supervision shall have satisfied all of the following requirements.

(1) The supervisor was licensed, registered, or certified to practice psychology or qualified as an alternate psychology supervisor as defined in K.A.R. 102-4-1a(d).

(2) The supervisor had at least partial professional responsibility for the applicant's supervised practice of psychology.

(3) The supervisor had no familial or other dual relationship with the applicant.

(4) The supervisor had a supervisory relationship that was clearly differentiated from that of consultant.

(5) The supervisor was available at the points of decision making regarding diagnosis and treatment of clients.

(6) The supervisor provided the applicant with on-site supervision that included a minimum of one hour of face-to-face, individual supervision per each 10 hours that the applicant participated in the practicum.

(c) During the time of supervision, the practicum supervisor shall not have been subject to disciplinary action by the licensing, registering, or certifying authority, un-

less this provision is waived by the board upon prior application by the proposed supervisor.

(d) Credit toward the 750 clock hours of practicum shall not be approved by the board for any of the following experiences or activities:

(1) practicum experiences completed in fulfillment of the requirements established by training programs, institutes, colleges, or universities that do not qualify under the program requirements and the college or university requirements provided in K.A.R. 102-4-3a;

(2) academic practicum hours taken after the completion of the master's degree in psychology or clinical psychology;

(3) practicum experiences that do not qualify under the practicum requirements and the practicum supervision requirements as provided in subsections (a) and (b);

(4) postgraduate supervised work experience;

(5) postgraduate job orientation or on-the-job training;

(6) research or thesis activities or experience;

(7) teaching activities or experience;

(8) didactic course work;

(9) simulated classroom activities or exercises;

(10) simulated laboratory experiences;

(11) field activities that are strictly observational rather than experiential in nature; or

(12) any supervised practicum hours during which the applicant's performance as evaluated by the practicum supervisor is determined by the board to be unacceptable.

(e) In order to meet the requirements of K.S.A. 74-5363(b)(4), an applicant who has not completed a qualifying practicum as a part of the applicant's master's degree in psychology or clinical psychology shall meet the supervised postgraduate work experience requirements provided in K.A.R. 102-4-7a. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5363 and 74-5367; effective Dec. 19, 1997.)

**102-4-8.** (Authorized by and implementing K.S.A. 1987 Supp. 74-5370; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; revoked Dec. 19, 1997.)

**102-4-8a. Return of license.** (a) In the case of a revocation, suspension, or the board's acceptance of an individual's voluntary surrender of a license, the individual shall return the license certificate and the wallet-size card to the board's executive director within 10 days of the revocation, suspension, or voluntary surrender.

(b) In the case of the expiration of the license, the individual shall return the license certificate to the board's executive director within 30 days of the license expiration. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5363 and 74-5369; effective Dec. 19, 1997.)

**102-4-9.** (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5364 and 74-5366; effective, T-102-2-23-89; Feb. 23, 1989; effective April 3, 1989; revoked Dec. 19, 1997.)

**102-4-9a. Renewal and reinstatement.** (a) Each licensed master's level psychologist may renew the license by submitting to the board's executive director a complete renewal application, supporting continuing education documents, and the fee prescribed in K.A.R. 102-4-2;

(continued)

(b) At the time of application for renewal, each applicant shall submit evidence of the satisfactory completion within the 24 months immediately before application of 25 hours of continuing education, three hours of which shall be taken in ethics. After December 31, 1998, each applicant for renewal or reinstatement shall submit, at the time of application, evidence of the satisfactory completion within the 24 months immediately before application of 60 hours of continuing education, three hours of which shall be taken in ethics.

(c) If the application for renewal, including all supporting continuing education documents and payment of the required fee, is not made before the license expires, the license may be reinstated by the deadlines as provided in K.S.A. 74-5366(d) upon payment of the required renewal fee, plus the late charge set forth in K.A.R. 102-4-2, and proof satisfactory to the board of compliance with continuing education requirements. Each applicant who fails to meet the statutory deadlines for reinstatement may submit a new licensure application as provided in K.A.R. 102-4-4a.

(d) Each individual who holds a license as a master's level psychologist but who fails to renew the license before the license expires, and who thereafter applies for renewal of the license, shall indicate on the reinstatement application form whether or not the individual has continued to engage in the practice of psychology in Kansas, or has continued to use the authorized licensure title or abbreviation after the expiration of the license and, if so, under what circumstances.

(e) If the license of any individual has been suspended and the individual thereafter makes an application for license renewal or reinstatement, the individual shall submit the following:

(1) the completed renewal or reinstatement application forms;

(2) the required renewal fee and, if applicable, the late charge set forth in K.A.R. 102-4-2;

(3) proof satisfactory to the board of compliance with the continuing education requirements;

(4) proof satisfactory to the board of compliance with the terms of the suspension; and

(5) any materials, information, evaluation or examination reports, or other documentation that may be requested by the board and that will enable the board to satisfactorily evaluate and determine whether or not the license should be renewed or reinstated. Factors to be considered by the board in determining whether or not the license should be renewed or reinstated shall include the following:

(A) the extent to which the individual presently merits the public trust;

(B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license suspension;

(C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct after the license suspension;

(F) the time elapsed since the license suspension; and

(G) the individual's present competence in psychology knowledge and skills.

(f) If the license of any individual has been revoked and the individual thereafter makes an application for license reinstatement, the individual shall submit the following:

(1) the completed reinstatement application forms;

(2) the required renewal fee and the late charge set forth in K.A.R. 102-4-2;

(3) proof satisfactory to the board of compliance with the continuing education requirements; and

(4) materials, information, evaluation or examination reports, or other documentation that will enable the board to satisfactorily evaluate and determine whether or not the license should be reinstated. Factors to be considered by the board in determining whether or not the license should be reinstated shall include the following:

(A) the extent to which the individual presently merits the public trust;

(B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license revocation;

(C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license revocation;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct after the license revocation;

(F) the time elapsed since the license revocation; and

(G) the individual's present competence in psychology knowledge and skills. (Authorized by and implementing K.S.A. 1996 Supp. 74-5366, 74-5369, and 74-5371; effective Dec. 19, 1997.)

**102-4-10.** (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5364; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended Aug. 13, 1990; amended May 30, 1995; revoked Dec. 19, 1997.)

**102-4-10a. Continuing education for licensees.** (a) Continuing education requirements. Before January 1, 1999, each licensee shall complete 25 clock hours of documented and approved continuing education during each two-year renewal period. After December 31, 1998, each licensee shall complete 60 clock hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the requirements shall not be carried over to the next renewal period.

(b) Professional ethics continuing education requirement. During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete a program on professional ethics consisting of at least three clock hours of formal training in ethics. This program shall meet the definition of continuing education contained in K.A.R. 102-4-1a(f) and focus on ethical issues of the psychology profession.

(c) Continuing education requirements by category. Before January 1, 1999, the continuing education credit counting toward the required 25 hours shall be distributed over the following categories so that at least two categories are represented, with a maximum of 15 hours in category one, a maximum of 10 hours in category two,



and a maximum of 10 hours in category three. Effective on and after January 1, 1999, the continuing education credit counting toward the required 60 hours shall be distributed over the following categories so that at least two categories are represented, with a maximum of 45 hours in category one, a maximum of 24 hours in category two, and a maximum of 24 hours in category three.

(d) Counting continuing education credits. Credit for approved programs shall be awarded on the basis of one credit hour for each 50 minutes actually spent in attendance at instructional activities. One-quarter credit hour shall be awarded for attendance of at least 15 but fewer than 30 minutes. Credit shall not be granted for fractional units of fewer than 15 minutes.

(e) Category one continuing education credits and subcategory limits. Category one continuing education activities countable during each renewal period shall not exceed 45 credit hours. Category one credits and any limits by subcategory shall include the following:

(1) activities that are sponsored, accredited, or conducted by educational institutions, by professional associations, or by private institutions that are nationally or regionally accredited for education or training;

(2) activities conducted by agencies, groups, and continuing education providers that do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology practice, skills, knowledge, values, or ethics;

(3) academic psychology courses that are either taken for academic credit or audited. For courses taken for academic credit, 15 continuing education hours shall be granted for each academic credit hour that is successfully completed. For academic courses that are audited, one continuing education hour shall be granted for each hour of actual classroom attendance and participation;

(4) seminars, institutes, workshops, or mini-courses that are oriented to the enhancement of psychology practice, values, skills, ethics, or knowledge;

(5) cross-disciplinary offerings from medicine, law, the behavioral sciences, or any other discipline, if the offerings are clearly related to the enhancement of a master's level psychologist's practice, values, skills, ethics, or knowledge;

(6) approved-provider programs or approved single-program provider programs, as long as such programs are oriented toward the enhancement of a master's level psychologist's practice, values, skills, ethics, or knowledge; and

(7) cross-disciplinary offerings in foreign or sign languages, computer science, professional or technical writing skills, business administration, or management sciences, if such offerings are clearly related to the enhancement of psychology practice, values, skills, ethics, or knowledge. A maximum total of 10 clock hours of credit per each two-year renewal period may be approved in this subcategory.

(f) Category two continuing education credits and subcategory limits. Category two continuing education activities countable during each renewal period shall not exceed 24 credit hours. Category two credits and any limits by subcategory shall include the following:

(1) first-time presentation of courses, workshops, or other formal training activities, when the content is clearly related to the enhancement of psychology practice, values, skills, ethics, or knowledge. For each first-time presentation, a maximum of 10 clock hours of credit may be approved in this subcategory. If more than one master's level psychologist or other professional gave the presentation, the continuing education credit shall be prorated among the presenters;

(2) first-time publication of a psychology article in a juried professional journal or first-time publication of a book chapter in a psychology text. For each first-time publication, a maximum of 10 clock hours of credit may be approved in this subcategory. If more than one master's level psychologist or other professional authored the article or book chapter, the continuing education credit shall be prorated among the authors; and

(3) supervision of undergraduate or graduate practicum or intern students, applicants for licensure as master's level psychologists, or other professional mental health practitioners. A maximum total of 20 continuing education credits may be approved in this subcategory per each two-year renewal period. Continuing education credit for providing such supervision shall not exceed a total of five hours per semester.

(g) Category three continuing education credits and subcategory limits. Category three continuing education activities countable during each renewal period shall not exceed 24 credit hours. Category three credits and any limits by subcategory shall include the following:

(1) self-directed professional reading. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(2) self-directed learning projects pre-approved by the board. A maximum total of 20 continuing education credits per each two-year renewal period may be approved in this subcategory;

(3) computerized interactive learning modules, telecasts, audiotapes, or videotapes oriented to the enhancement of psychology practice, knowledge, values, ethics, or skills. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(4) professional psychology home-study continuing education activities that include a proficiency examination and are sponsored, endorsed, or approved by an academic institution or professional membership organization acceptable to the board. A maximum total of five continuing education credits per each two-renewal period may be approved in this subcategory;

(5) participation in quality care activities that may include client diagnosis review conferences, client staffings, treatment utilization review, peer or supervisory reviews, case consultations with other professional staff, or participation in formal quality-assurance activities. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(6) holding office or serving on a committee in a professional organization, if the organization's goals are clearly related to the enhancement of psychology prac-

*(continued)*

tice, values, skills, ethics, or knowledge. A maximum total of 15 continuing education credits per each two-year renewal period may be approved in this subcategory; and

(7) receiving personal psychotherapy from a licensed, registered, or certified mental health provider. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory.

(h) In determining whether or not a claimed continuing education activity shall be allowed, the master's level psychologist may be required by the board to satisfactorily demonstrate that the content was clearly related to psychology, or to provide verification of the master's level psychologist's participation in any claimed or reported activity. If a master's level psychologist fails to comply with this requirement, the claimed credit may be disallowed by the board.

(i) Continuing education approval shall not be granted for the following activities:

(1) first aid, infection control, or occupational health and safety courses;

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

(3) any activity for which the licensee cannot demonstrate to the board's satisfaction that the program's goals and objectives are to enhance the licensee's psychology practice, values, skills, ethics, or knowledge.

(j) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's continuing education activity attendance, participation, or completion as defined by K.A.R. 102-4-11a. These records may be required to be submitted to the board at least thirty days before the expiration date of each current licensure period. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5365 and 74-5366; effective Dec. 19, 1997.)

**102-4-11.** (Authorized by and implementing K.S.A. 1987 Supp. 74-5370; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; revoked Dec. 19, 1997.)

**102-4-11a. Documentation for continuing education.** Any of the following original, signed forms of documentation shall be accepted as proof of completion of a continuing education activity:

(a) a passing course grade for an academic credit course;

(b) a statement signed by the instructor and indicating the actual hours attended for an audited academic course;

(c) a signed statement of attendance from the provider of the institute, symposium, workshop, or seminar;

(d) a copy of the article or book chapter and verification of publication or written presentation at a professional meeting. These materials shall be submitted to the board for evaluation and certification of the number of hours of credit to be granted;

(e) a copy of the academic course syllabus and verification that the course was presented;

(f) a copy of a letter from the presentation sponsor or a copy of the brochure announcing the licensee as the presenter, the agenda of the presentation, and verification that the workshop, seminar, or program was presented;

(g) a letter from the board giving approval for retroactive continuing education credit;

(h) written verification from the university practicum or intern instructor or other official training director that the licensee provided supervision of undergraduate or graduate students, or from the supervisee that the licensee provided supervision;

(i) a copy of the self-directed project. This copy shall be submitted to the board for prior evaluation and certification of the number of credit hours to be granted upon the satisfactory completion of the project;

(j) the media format, content title, presenter or sponsor, content description, run time, and activity date when videotapes, audiotapes, computerized interactive learning modules, or telecasts were utilized for continuing education purposes; or

(k) a signed and dated statement from a sponsor, agency administrator, provider or other individual acceptable to the board that verifies the licensee's attendance, participation in, or completion of the continuing education activity. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5365 and 74-5366; effective Dec. 19, 1997.)

**102-4-12. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of unprofessional conduct.

(b) The following acts by a licensed master's level psychologist or an applicant for licensure as a master's level psychologist shall constitute unprofessional conduct:

(1) obtaining or attempting to obtain licensure or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(2) except when such information has been obtained in the context of confidentiality, failing to notify the board within a reasonable time that any person regulated by the board or applying for licensure or registration, including that licensee or applicant, has met any of these conditions:

(A) had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of investigatory or disciplinary proceedings;

(B) been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) been demoted, terminated, suspended, reassigned, asked to resign, or has resigned from employment for some form of misfeasance, malfeasance, or nonfeasance;

(D) been convicted of a crime; or

(E) practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

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

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) being convicted of a crime resulting from or relating to the licensee's practice of psychology;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified in respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgement, professional performance and functioning, or the ability to act in the client's best interests;

(9) refusing to cooperate in a timely manner with any request for a response, information, or assistance from the board with respect to the investigation of any report of an alleged violation filed against that licensee or licensure applicant or any other applicant or professional licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing services clearly inconsistent or incommensurate with training, education, experience, and accepted professional standards;

(11) treating any client, student, or supervisee in a cruel manner;

(12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship;

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

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

(16) failing to inform each client, supervisee, or student of any financial interests that might accrue to the master's level psychologist from referral to any other service or from the use of any tests, books, or apparatus;

(17) failing to provide each client or the client's legal representative with access to the client's records following the receipt of a formal written request, unless the release of such information is restricted or exempted by law, or when the disclosure of such information is precluded for a sufficiently compelling reason;

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

(19) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when one or more of these conditions is met.

(A) Disclosure is required or permitted by law.

(B) Failure to disclose the information presents a clear and present danger to the health and safety of an individual or the public.

(C) The master's level psychologist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure is limited to that action.

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

(A) electronically recording sessions with that client;

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

(C) releasing information, except as required or permitted by law, to a third person concerning a client;

(21) failing to protect the confidences or secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the confidences or secrets of, or information of the client from disclosure by other persons in the master's level psychologist's work or practice setting;

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

(24) using alcoholic liquor or using illegally a controlled substance while performing the duties or services of a master's level psychologist;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with any client, supervisee, or student of that master's level psychologist;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been the client of that licensee or applicant;

(27) exercising undue influence on any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of the master's level psychologist or a third party;

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

(29) directly receiving or agreeing to receive a fee or any other consideration from a client or from any third party for or in connection with the performance of psychological services, other than from an authorized employer in an employment situation as specified in this act;

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;

(31) making claims of professional superiority that cannot be substantiated by the master's level psychologist;

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

(continued)

- (33) claiming or using any secret or special method of treatment or techniques that the master's level psychologist refuses to disclose to the board;
- (34) continuing or ordering tests, procedures, or treatment, or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;
- (35) failing to maintain a record for each client that conforms to the following minimal requirements. This record shall meet these requirements:
- (A) contain adequate identification of the client;
  - (B) indicate the client's initial reason for seeking the master's level psychologist's services;
  - (C) contain pertinent and significant information concerning the client's condition;
  - (D) reflect what intervention, treatment, tests, procedures, or services were obtained, performed, ordered, and recommended, and what the findings and results of each were;
  - (E) document the client's progress during the course of intervention or treatment provided by the master's level psychologist;
  - (F) be legible;
  - (G) contain only those terms and abbreviations that are comprehensible to similar professional practitioners;
  - (H) indicate the date and nature of any professional service that was provided; and
  - (I) indicate the manner and process of termination of the professional relationship;
- (36) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;
- (37) if engaged in research, failing to perform the following:
- (A) consider carefully the possible consequences for human beings participating in the research;
  - (B) protect each participant from unwarranted physical and mental harm;
  - (C) ascertain that the consent of the participant is voluntary and informed; and
  - (D) preserve privacy and protect anonymity of the subjects within the terms of informed consent;
- (38) making or filing a report that the master's level psychologist knows to be false, distorted, erroneous, incomplete, or misleading;
- (39) failing to notify the client promptly when termination or interruption of service to the client is anticipated;
- (40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for such care;
- (41) abandoning employment under circumstances that seriously impair the delivery of professional care to clients, without providing reasonable notice to the employer;
- (42) failing to terminate the master's level psychology services when it is apparent that the relationship no longer serves the client's needs or best interests;
- (43) failure of any master's level psychologist who is the owner or custodian of client records to retain such records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;
- (44) supervising in a negligent manner anyone over whom the master's level psychologist has supervisory responsibility;
- (45) failing to inform a client if master's level psychology services are provided or delivered under supervision;
- (46) engaging in a dual relationship with a current client, student, supervisee, or any person who, within the past 24 months, has been the master's level psychologist's client;
- (47) failing to inform the proper authorities pursuant to K.S.A. 38-1522 and its amendments when the master's level psychologist suspects or knows that a client has been involved in injuring or has injured a child either by physical, mental, or emotional abuse or neglect or sexual abuse;
- (48) failing to inform the proper authorities pursuant to K.S.A. 39-1431 and its amendments when the master's level psychologist knows or suspects that a resident as defined by K.S.A. 39-1401(a) has been or is being abused, neglected, or exploited, is in a condition that is the result of such abuse, neglect, or exploitation, or is in need of protective services;
- (49) failing to inform the proper authorities pursuant to K.S.A. 39-1431 and its amendments when a master's level psychologist knows or suspects that an adult, as defined in K.S.A. 39-1430 and its amendments, is being or has been abused, neglected, or exploited, is in a condition that is the result of such abuse, neglect, or exploitation, or is in need of protective services;
- (50) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to do any of the foregoing actions;
- (51) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client, or the client's legal representative or representatives;
- (52) practicing psychology in an incompetent manner;
- (53) practicing as a master's level psychologist after the expiration of the license;
- (54) using, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use by persons currently holding a type or class of license;
- (55) offering to provide or providing services in an employment situation other than that which is permitted by K.S.A. 74-5362, and its amendments, as an independent, contract, or private provider of psychological services;
- (56) practicing without adequate direction from a person authorized in K.S.A. 74-5362; and
- (57) violation of any provision of this act or any rule or regulation adopted thereunder. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing 1996 Supp. K.S.A. 74-5362 and 74-5369; effective Dec. 19, 1997.)
- 102-4-13. Use of computerized psychological tests.**
- (a) To utilize computers in any aspect of psychological

testing, each master's level psychologist shall consider each of the following issues in testing each client:

(1) whether or not a particular test is appropriate for a particular client;

(2) whether or not the computerized version of a test is appropriate for use by a particular client;

(3) whether or not the evaluation, validity, and reliability of the decision rules underlying interpretive statements and their supporting research are effective and adequate;

(4) whether or not the integration of findings is correct; and

(5) whether or not the conclusions and recommendations are appropriate.

(b) To utilize computers in any aspect of psychological testing, the master's level psychologist shall also meet all of the following requirements:

(1) Conform to the "standards for educational and psychological testing," as copyrighted by the American psychological association in 1985 and reprinted in July 1996, that are hereby adopted by reference;

(2) not use the results of a computerized test in decision making about clients or make such results part of official client records, unless the results are signed by the master's level psychologist utilizing the test;

(3) be involved in a direct, supervisory, or consultative relationship to the client or to those persons using test findings for decision making regarding the client;

(4) assume the same degree of responsibility for the validity and reliability of interpretive statements and soundness of inferences, judgments, and recommendations based on computer-generated test results as would be assured if the master's level psychologist had personally examined the client; and

(5) make an explicit statement concerning the report as to whether or not the master's level psychologist has seen or examined the client in person. (Authorized by and implementing K.S.A. 1996 Supp. 74-7507; effective Dec. 19, 1997.)

#### Article 5.—REGISTERED MARRIAGE AND FAMILY THERAPISTS

**102-5-1. Definitions.** (a) "Client" means a person who is a direct recipient of marriage and family therapy services.

(b) "Termination of a marriage and family therapy relationship" means the end of the professional relationship that results from any of the following actions or situations:

(1) the therapist and each client mutually consenting to terminate;

(2) completing therapy;

(3) the client dismissing the therapist;

(4) the therapist dismissing the client; or

(5) the therapist transferring the client to another professional for active treatment or therapy with the belief that treatment will continue.

(c) "Marriage and family therapy supervision" means a formal professional relationship between the supervisor and supervisee that promotes the supervisee developing responsibility, skill, knowledge, attitudes, and ethical standards in the practice of marriage and family therapy.

(d) "Training plan" means a formal, written agreement that establishes the supervisory framework and describes the expectations and responsibilities of the supervisor and the supervisee.

(e) "Consultation" means a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the supervision objectives and requirements, as established in K.A.R. 102-5-7a, are lacking. Marriage and family therapy consultation shall not be substituted for supervision.

(f) "Continuing education" means programs or activities that are designed and that have content intended to enhance the marriage and family therapist's knowledge, skill, values, ethics, and ability to practice as a marriage and family therapist.

(g) "Prior-approved continuing education" means the following forms of continuing education:

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

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

(3) academic marriage and family therapy courses that are either audited or taken for credit.

(h) "Client contact" means face-to-face interaction between the therapist and an individual, couple, or family system.

(i) "Extenuating circumstances" means conditions caused by an unexpected event that is beyond an individual's control.

(j) "Misfeasance" means the improper performance of a lawful act by a licensee or registrant.

(k) "Nonfeasance" means the omission of an act that a licensee or registrant should do.

(l) "Malfeasance" means doing an act that a licensee or registrant should not do.

(m) "Job orientation" or "on-the-job training" means a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

(n) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee or registrant is impaired or compromised because of any of the following present or previous relationship with a client or supervisee:

(1) familial;

(2) sexual;

(3) emotional; or

(4) financial.

(o) "Related field" means a degree program in the helping professions and may include social work, psychology, counseling, healing arts, nursing, education, human development and family studies or theology.

(p) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice marriage and family therapy as demonstrated by the personal qualities of good judgment, integrity, honesty, fairness, credibility, reliability, respect for others, respect for the laws

(continued)

of the state and nation, self-discipline, self-evaluation, initiative, and commitment to the marriage and family therapy profession and its values and ethics.

(q) "Undue influence" means misusing one's professional position of confidence, trust, or authority over a client or supervisee, or taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following purposes:

(1) to improperly influence or change a client's or supervisee's actions or decisions; or

(2) to exploit a client or supervisee for the therapist's or a third party's financial gain, personal gratification, or advantage.

(r) "Professional experience" means any postgraduate, supervised experience as a marriage and family therapist.

(s) "One year of professional experience" means a total of 2,000 clock hours of postgraduate professional experience.

(t) "Individual clinical supervision" means face-to-face supervision with one supervisor and one or two supervisees.

(u) "Group clinical supervision" means face-to-face, simultaneous supervision with not more than six supervisees.

(v) "Practice setting" means the public or private marriage and family therapy service agency or delivery system within which marriage and family therapy is practiced or marriage and family therapy services are delivered.

(w) "Practicum or its equivalent" means a formal component of the academic curriculum in the marriage and family therapy or related field educational program that includes the following components:

(1) engages the student in supervised marriage and family therapy practice; and

(2) provides the student with opportunities to apply classroom learning to actual marriage and family therapy practice situations in the field setting.

(x) "Semester hour" as used in K.A.R. 102-5-3a means a minimum of 13 clock hours of formal, didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.

(y) "Academic equivalent of a semester hour," as used in K.A.R. 102-5-3a, means the prorated proportionate credit for formal academic course work when such course work is completed on the basis of trimester or quarter hours rather than semester hours. (Authorized by K.S.A. 1996 Supp. 74-7507(j); implementing K.S.A. 1996 Supp. 65-6504 and 65-6505; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-3. Educational requirements.** (a) To qualify for licensure with a master's or doctoral degree from a marriage and family therapy program, the following requirements shall be met.

(1) The college or university at which the applicant completed a master's or doctoral degree in marriage and family therapy shall be regionally accredited with accreditation standards equivalent to those in Kansas.

(2) The marriage and family therapy program at which the applicant completed a master's or doctoral degree

shall either be accredited by the commission on accreditation for marriage and family therapy education or shall meet standards approved by the board.

(3) A marriage and family therapy program that is not accredited by the commission on accreditation for marriage and family therapy education shall also meet these conditions:

(A) provision to the applicant and satisfactory completion by the applicant of a marriage and family therapy practicum, or its equivalent, that fulfills these provisions:

(i) is a part-time clinical experience that integrates didactic learning with clinical experience and that is completed concurrently with didactic course work at a typical rate of 5-10 hours of direct client contact per week;

(ii) consists of at least 500 hours of client contact; and

(iii) includes 100 hours of supervision that is provided by the program's core faculty and off-site supervisors. The practicum shall also provide a minimum of 50 supervised hours in an individual format and no more than 50 supervised hours in a group format. Supervision shall occur at least once a week;

(B) the applicant's degree was conferred on the basis of the marriage and family program's requirement that each marriage and family therapy student successfully completed a minimum of nine semester credit hours or their academic equivalent in each of the following substantive content areas:

(i) human development and family study courses in which the interplay between interpersonal and intrapersonal development is stressed and issues of gender, ethnicity, and ecosystems are addressed as they relate to human development. Such courses may include studies in sexuality, sexual functioning, sexual identity, sexism, stereotyping, and racism;

(ii) theoretical foundations of marital and family functioning courses, including an overview of the historical development of systems theory and cybernetics, and a study of the life cycle of the family and the process and modification of family structures over time. Such courses may include studies in the birth of the first child, adolescent sexual development, death of a family member, and issues of context, including gender and ethnicity;

(iii) marital and family assessment and therapy courses that underscore the interdependence between diagnosis or assessment and treatment by insuring that students can use appropriate assessment instruments and methods within a systemic context. Such courses shall also provide a thorough understanding of the major models of system change, including structural, strategic, intergenerational, contextual, experiential, systemic, and behavioral models, teach the principles and techniques evolving from each model, and address the indications and contraindications of using each technique, the rationale for intervention, the role of the therapist, and the importance of considering gender and ethnicity; and

(C) the applicant's degree was conferred on the basis of the marriage and family therapy program's requirement that each marriage and family therapy student successfully completed a minimum of three semester credit hours or their academic equivalent in each of the following substantive content areas:

(i) a professional study course that contributes to the development of a professional attitude and identity by examining the role of professional socialization, professional organizations, licensure and certification, the code of ethics, legal responsibilities and liabilities of clinical practice and research, and interprofessional cooperation, as these topics relate to the profession and practice of marriage and family therapy. A generic course in ethics is not appropriate for this area of study; and

(ii) a research course in which students gain an understanding of research methodology, data analysis, computer research skills, and evaluation and critical examination of professional research reports. The emphasis of the course shall be placed on the quantitative and qualitative research that is relevant to marriage and family therapy.

(b) To qualify for licensure with a master's or doctoral degree in a related field, both of the following requirements shall be satisfied.

(1) The college or university at which the applicant completed a master's or doctoral degree in a related field shall be regionally accredited, with accreditation standards equivalent to those in Kansas.

(2) To be considered equivalent to a marriage and family therapy program, the related field degree program shall have provided and the applicant shall have completed the requirements of subsection (a)(3).

(c) To qualify for licensure with a master's or doctoral degree in a related field with additional course work in marriage and family therapy, all of the following requirements shall be met.

(1) The college or university at which the applicant completed a master's or doctoral degree in a related field shall be regionally accredited, with accreditation standards equivalent to those in Kansas.

(2) The marriage and family therapy program at which the applicant obtained additional course work in marriage and family therapy shall either be accredited by the commission on accreditation for marriage and family therapy education or shall meet standards approved by the board.

(3) In obtaining a master's or doctoral degree in a related field and additional course work in marriage and family therapy, the applicant shall have completed the requirements of subsection (a)(3).

(d) The following activities shall not be substituted for or counted toward the educational or supervised experiential requirements provided in subsection (a):

(1) academic courses that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(2) independent studies;

(3) thesis or independent research courses;

(4) academic course work that has been audited rather than graded;

(5) academic course work for which the applicant received an incomplete or a failing grade;

(6) graduate or postgraduate course work or experiential training provided by colleges, universities, institutes, or training programs that do not qualify as provided in subsection (a); and

(7) continuing education, in-service or on-the-job training. (Authorized by K.S.A. 1996 Supp. 74-7507(j); implementing K.S.A. 1996 Supp. 65-6404; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-4.** (Authorized by K.S.A. 1991 Supp. 74-7507(j) and implementing K.S.A. 1991 Supp. 65-6404; effective March 29, 1993; revoked Dec. 19, 1997.)

**102-5-4a. Applications for licensure with examination.** (a) The applicant shall request the licensure application forms from the board's executive director.

(b) Each applicant for licensure by examination shall submit application materials to the board and complete the application procedures established by the board. As part of the application process, the applicant shall perform the following:

(1) submit the completed application form;

(2) submit the full payment of the licensure application fee provided in K.A.R. 102-5-2;

(3) submit two references on board-approved forms from individuals who are not related to the applicant, who are authorized by law to practice marriage and family therapy or to practice in a related field, and who can address the applicant's professional conduct, competence, and merit of the public trust; and

(4) arrange for the applicant's transcripts covering all applicable graduate college or university course work to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States shall also arrange to have the applicant's transcript translated and evaluated for degree equivalency by a source and in a manner acceptable to the board.

(c) At the time of application, an applicant who has completed the postgraduate supervised experience requirements shall also submit the supervisory attestation on a board-approved form from each person who is not related to the applicant, who provided either administrative or clinical supervision, and who can attest to the applicant's professional conduct and competency. The board shall determine the extent and quality of the applicant's postgraduate supervised experience.

(d) At the time of application, an applicant who has not completed the postgraduate supervised experience shall additionally and sequentially complete the following procedures:

(1) submit a completed temporary licensure permit request form;

(2) submit a reference on a board-approved form from each individual not related to the applicant who provided direct clinical supervision of the applicant's graduate program practicum; and

(3) submit a postgraduate supervised training plan on the board-approved forms;

(4) when the applicant receives the board's notice that the applicant is eligible for a temporary permit, the applicant shall submit the temporary permit fee required in K.A.R. 102-5-2; and

(5) when the applicant completes the postgraduate supervised experience, the applicant shall submit a supervisory attestation on board-approved forms from each in-

(continued)

dividual not related to the applicant who provided administrative or clinical supervision. The board shall determine the extent and quality of the applicant's postgraduate experience.

(e) Each applicant shall pass a nationally administered, standardized written examination approved by the board after the applicant receives notice that the board has approved the applicant's requisite educational experience.

(f) The applicant shall submit the fee required in K.A.R. 102-5-2 for the original two-year licensure period, after the applicant receives notice that the applicant has satisfied all eligibility requirements.

(g) If the applicant fails to qualify for and obtain licensure or a temporary permit, the applicant's application may, for lack of qualifications or completeness, be suspended for a period not to exceed one year. If the applicant has not met the qualifications or has not completed the application process by the end of one year, the application shall expire. Upon expiration, the applicant may submit a new application, the required fee, and all supporting documents.

(h) If the applicant qualifies for and obtains a temporary permit, the applicant's application shall remain active until the temporary permit or the renewed temporary permit expires. If the applicant does not qualify for a renewal of the temporary permit, or if a qualifying applicant fails to apply for and obtain a renewal of the temporary permit, the application shall expire when the original temporary permit expires. Upon expiration, the applicant may submit a new application, the required fee, and all supporting documents.

(i) An applicant or prospective applicant shall not receive a judgment on the applicant's eligibility for licensure until the board receives all application materials and the applicant completes all application procedures.

(j) An applicant may renew a temporary permit for an additional two-year period. The applicant shall submit a written request, pay the temporary permit fee provided in K.A.R. 102-5-2, and demonstrate satisfactory progress toward completing the postgraduate supervised experience requirements. To demonstrate satisfactory progress toward completing the postgraduate supervised experience requirements and thus qualify to renew the temporary permit, the applicant shall have completed at least 2,000 hours of supervised professional experience within the preceding two years. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-6404, 65-6405, and 65-6411; effective Dec. 19, 1997.)

**102-5-5. Examinations.** (a) An applicant for licensure by examination shall take a nationally administered, standardized written examination approved by the board. The pass score shall be the criterion referenced cut-off score.

(b) After the board approves an applicant's education, the applicant for licensure by examination shall, by the board-established deadlines, register for the examination and submit the examination fee required in K.A.R. 102-5-2.

(c) For each examination for which the applicant registers or sits, the applicant shall submit, by board-established deadlines, the required registration form and a separate, nonrefundable examination fee.

(d) An applicant who fails a required examination, or who fails to sit for an examination for which the applicant has been registered, shall submit the nonrefundable examination fee for each subsequent examination for which the applicant registers.

(e) The written examination may be waived by the board if the applicant successfully passed, at a level equal to or greater than the criterion referenced cut-off score, a nationally administered, standardized written examination that the board deems to be substantially equivalent to the examination approved by the board.

(f) An applicant shall not be authorized to register for the examination or to qualify for a waiver of the examination until the applicant has fulfilled all educational requirements and has satisfied the board that the applicant merits the public trust. (Authorized by K.S.A. 1996 Supp. 74-7507(i) and implementing K.S.A. 1996 Supp. 65-6404 and 65-6411; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-6.** (Authorized by K.S.A. 1991 Supp. 74-7507(j); implementing K.S.A. 1991 Supp. 65-6406; effective March 29, 1993; revoked Dec. 19, 1997.)

**102-5-6a. Licensure without examination.** (a) On or after January 1, 1997 and before July 1, 1998, an applicant may qualify for licensure as a marriage and family therapist without examination by submitting an application, license application fee, and all supporting documents that demonstrate that, at the time of application, the applicant meets the educational and experience requirements of either paragraph (1) or paragraph (2).

(1) To qualify for licensure without examination under this paragraph, an applicant shall fulfill these requirements:

(A) have completed the education requirements provided in subsection (a), subsection (b), or subsection (c) of K.A.R. 102-5-3;

(B) have satisfied the professional supervised experience requirements provided in K.A.R. 102-5-7a;

(C) have practiced postgraduate marriage and family therapy continuously for five years immediately before application, as demonstrated by the applicant's attestation that the applicant averaged eight client contact hours per week for at least nine months out of each of the five years immediately before application; and

(D) be given proportionate credit under this subsection toward the requirement of five years of continuous practice of marriage and family therapy, when the applicant successfully completes any portion of the postgraduate supervised experience that occurred within the five years immediately before application.

(2) To qualify for licensure without examination under this paragraph, an applicant shall meet these conditions:

(A) have completed a graduate degree in a related field as defined in K.A.R. 102-5-1(o);

(B) have practiced postgraduate marriage and family therapy continuously for five years immediately before application for licensure. The applicant shall demonstrate the five years of continuous practice by submitting the following:

(i) an attestation that the applicant averaged eight client contact hours per week for at least nine months out of each of the five years immediately before application;



(ii) attestations on board-approved forms from at least two persons who are not related to the applicant, who are lawfully engaged in the practice of marriage and family therapy or a related field, and who can verify that the applicant is recognized as a professional who has been engaged in the practice of marriage and family therapy; and

(iii) supporting documentation, such as an official job description, a published description of the applicant's professional services as offered to clients, membership in marriage and family therapy professional associations, or participation in marriage and family therapy continuing education activities.

(b) In addition, each applicant for licensure without examination shall submit on board-approved forms, three professional references that attest to the applicant's competency to practice marriage and family therapy. Such references shall be from individuals who are not related to the applicant and who are lawfully authorized to practice marriage and family therapy or to practice in a related field.

(c) Each applicant for licensure without examination shall arrange for the applicant's transcripts covering all applicable graduate college or university course work to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States shall also arrange to have the applicant's transcript translated and evaluated for degree equivalency by a source and in a manner that is acceptable to the board.

(d) When the applicant receives the board's notice that the applicant has satisfied all eligibility requirements for licensure without examination, the applicant shall submit the fee for the original two-year licensure period.

(e) An applicant or a prospective applicant shall not receive a judgment on the applicant's eligibility for licensure until the board receives all application materials and the applicant completes all application procedures.

(f) This regulation shall have no force or effect on or after July 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-7507(j); implementing K.S.A. 1996 Supp. 65-6305, 65-6308, and 65-6411; effective Dec. 19, 1997.)

**102-5-8. Return of license.** (a) If the board has revoked, suspended, or accepted a voluntary surrender of an individual's license, the individual shall return the license certificate and the wallet-size card to the board's executive director within 10 days after the board's action.

(b) If an individual's license has expired, the individual shall return the license certificate to the board's executive director within 30 days after the license expired. (Authorized by K.S.A. 1996 Supp. 74-7507(j); implementing K.S.A. 1996 Supp. 65-6407; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-9. Renewal and reinstatement.** (a) Each licensed marriage and family therapist may renew the license by submitting the following items to the board's executive director:

- (1) a complete renewal application;
- (2) supporting continuing education documents as prescribed in subsection (b); and
- (3) the renewal fee as prescribed in K.A.R. 102-5-2.

(b) At the time of renewal, each licensed marriage and family therapist shall submit evidence that the licensee has completed 50 hours of continuing education, three hours of which shall be taken in an ethics seminar, workshop, or course as defined in K.A.R. 102-5-10(b). After December 31, 1998, each licensed marriage and family therapist shall submit, at the time of renewal, evidence that the licensee has satisfactorily completed 60 hours of continuing education, three hours of which shall be taken in ethics.

(c) If the application for renewal, including all supporting continuing education documents and payment of the required fee, is not made before the license expiration, the licensee may reinstate the license by paying the required renewal fee, plus the late charge prescribed in K.A.R. 102-5-2, and submitting proof satisfactory to the board that the licensee has complied with continuing education requirements.

(d) Each individual who holds a marriage and family therapist license but who fails to renew the license before its expiration, and who thereafter applies to renew the license, shall indicate on the reinstatement application form whether or not the individual has continued to practice marriage and family therapy in Kansas, or has continued to represent that individual as being a marriage and family therapist in Kansas after the individual's license expired and, if so, under what circumstances.

(e) If the license of any individual has been suspended and the individual thereafter makes an application for license renewal or reinstatement, the individual shall submit the following items:

- (1) the completed reinstatement application forms;
- (2) the required renewal fee and, if applicable, the late charge set forth in K.A.R. 102-5-2;
- (3) proof satisfactory to the board that the individual has complied with the continuing education requirements;
- (4) proof satisfactory to the board that the individual has complied with the terms of the suspension; and
- (5) any materials, information, evaluation or examination reports, or other documentation that the board may request and that will enable the board to satisfactorily evaluate and determine whether or not the license should be renewed or reinstated. Factors to be considered by the board in determining whether or not the license should be renewed or reinstated shall include the following:

(A) the extent to which the individual presently merits the public trust;

(B) the extent to which the individual demonstrates consciousness of the wrongful conduct that resulted in the license suspension;

(C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct after the license suspension;

(F) the time elapsed since the license suspension; and

(continued)

(G) the individual's present competence in marriage and family therapy knowledge and skills.

(f) If the license of any individual has been revoked and the individual thereafter makes an application for license reinstatement, the individual shall submit the following items:

- (1) the completed reinstatement application forms;
- (2) the required renewal fee and the late charge set forth in K.A.R. 102-5-2;
- (3) proof satisfactory to the board that the individual has complied with the continuing education requirements; and
- (4) materials, information, evaluation or examination reports, or other documentation that will enable the board to satisfactorily evaluate and determine whether or not to reinstate the license. Factors to be considered by the board in determining whether or not to reinstate the license shall include the following:

(A) the extent to which the individual presently merits the public trust;

(B) the extent to which the individual has demonstrated consciousness of the wrongful conduct that resulted in the license revocation;

(C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license revocation;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct after the license revocation;

(F) the time elapsed since the license revocation; and

(G) the individual's present competence in marriage and family therapy knowledge and skills. (Authorized by and implementing K.S.A. 1996 Supp. 65-6407 and 65-6411; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-10. Continuing education for licensees.** (a) Before January 1, 1999, each licensee shall complete 50 clock hours of documented and approved continuing education during each two-year renewal period. Effective on and after January 1, 1999, each licensee shall complete 60 clock hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the requirements shall not be carried over to the next renewal period.

(b) During each two-year renewal period as a part of the required continuing education hours, each licensee shall complete a program on professional ethics that consists of at least three clock hours of formal training. This program shall meet the definition of marriage and family therapy continuing education that is contained in K.A.R. 102-5-1(f), and the program shall focus on ethical issues of the marriage and family therapy profession.

(c) Each licensee may receive continuing education credit for attending approved programs. Continuing education credit shall be granted on the basis of the actual contact time that the licensee spends attending each instructional activity. One-quarter credit hour may be granted for attending at least 15 but fewer than 30 minutes. Credit shall not be granted for fractional units of fewer than 15 minutes.

(d) For courses taken for academic credit, 15 continuing education hours shall be granted for each academic credit hour that a marriage and family therapist successfully completes.

(2) For academic courses that are audited, a licensee shall receive continuing education credit on the basis of the actual contact time that the licensee spends attending the course. The continuing education hours that are granted for audited courses shall not exceed 15 hours per academic hour.

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

(1) an academic marriage and family therapy course that is either taken for academic credit or audited;

(2) a seminar, institute, workshop, course, mini-course, computerized interactive learning module, telecast, audiotape, or videotape that is oriented to the enhancement of a marriage and family therapist's practice, values, ethics, skills or knowledge;

(3) a cross-disciplinary offering from medicine, law, the behavioral sciences, or any other discipline, if the offering is clearly related to the enhancement of a marriage and family therapist's practice, values, ethics, skills, or knowledge;

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

(5) providing supervision to undergraduate or graduate practicum or intern students, applicants for licensure as marriage and family therapists, or other professional mental health practitioners;

(6) an approved-provider program or an approved single-program provider program, as long as the program is oriented toward the enhancement of a marriage and family therapist's practice, values, ethics, skills, or knowledge;

(7) preparing for and presenting for the first time a marriage and family therapy course, seminar, institute, workshop, or mini-course;

(8) first-time publication of a marriage and family therapy article in a juried professional journal;

(9) a cross-disciplinary offering in foreign or sign languages, computer science, professional or technical writing skills, business administration, or management sciences, if such offering is clearly related to enhancing an individual's marriage and family therapy practice, values, ethics, skills; or knowledge; and

(10) marriage and family therapy home-study continuing education activities that include a proficiency examination and that are sponsored, endorsed, or approved by an academic institution or professional membership organization acceptable to the board.

(11) participation in professional organizations or appointment to professional credentialing boards, of the goals of the organizations or boards are clearly related to the enhancement of marriage and family therapy practice, values, ethics, skills, and knowledge. Participation may include holding office or serving on committees of the organization or board.

(f) In each of the following categories, the maximum number of clock hours for which continuing education

credit may be approved during any period shall be according to this schedule:

(1) up to a maximum of 10 clock hours of credit for preparing and presenting for the first time a new course or mini-course, seminar, institute, or workshop that is related to enhancing a marriage and family therapist's practice, values, ethics, skills or knowledge. In addition to the preparation and presentation credit that is allowed, the number of clock hours that is approved for participants in the program may be given to the presenter, up to a maximum of 10 additional clock hours. If the presentation was prepared and presented by more than one marriage and family therapist or other professional, the continuing education credit allowed to prepare for and present the continuing education program shall be prorated among the presenters;

(2) up to a maximum of 20 clock hours of credit to prepare each marriage and family therapy article that is published for the first time in a recognized professional journal, each book chapter that a recognized publisher prints, or each written presentation that the licensee gives for the first time at a statewide or national professional meeting. If such material was authored by more than one marriage and family therapist or other professional, the continuing education credit shall be prorated among the authors;

(3) up to a maximum of 20 clock hours of credit for each self-directed learning project that the board pre-approves;

(4) up to a maximum of 20 clock hours of credit for supervising an undergraduate or graduate practicum or intern student, an applicant for licensure as a marriage and family therapist, or any other mental health care professional;

(5) up to a maximum of five hours of credit for each renewal period for viewing any professional videotape or listening to any audiotape, when the professional instructional tape is the totality of the presentation and when the intent of the presentation is to enhance a marriage and family therapist's practice, values, ethics, skills or knowledge;

(6) up to a maximum combined total of 20 clock hours of credit per renewal for cross-disciplinary continuing education offerings in foreign or sign languages, computer sciences, professional or technical writing skills, business administration, or management sciences;

(7) up to a maximum combined total of 10 clock hours of credit per renewal for proficiency-based marriage and family therapy home-study continuing education activities; and

(8) up to a maximum combined total of 15 clock hours of credit for participation in professional organizations or appointment to professional boards.

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

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

(1) first aid, CPR, infection control, or occupational health and safety courses;

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

(3) any activity for which the licensee cannot demonstrate to the board's satisfaction that the program's goals and objectives are to enhance the licensee's practice, ethics, values, skills, or knowledge in marriage and family therapy.

(i) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's continuing education activity attendance, participation, or completion as defined by K.A.R. 102-5-11. A licensee may be required to submit these records to the board at least thirty days before the date the individual's license expires. (Authorized by and implementing K.S.A. 1996 Supp. 65-6407; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-11. Documentation for continuing education.** Any of the following original, signed forms of documentation shall be accepted as proof that a licensee has completed a continuing education activity:

(a) a passing course grade for an academic credit course;

(b) a signed statement, by the instructor, of actual contact hours attended for an audited academic course;

(c) a signed statement from the provider of the institute, symposium, workshop, or seminar that the licensee attended the continuing education program;

(d) a copy of the article or book chapter and verification of publication or written presentation at a professional meeting. The licensee shall submit these materials to the board to evaluate and certify the number of hours of credit to be granted;

(e) a copy of the academic course syllabus and verification that the licensee presented the course;

(f) a copy of a letter from the presentation sponsor or a copy of the brochure announcing the licensee as the presenter, the agenda of the presentation, and verification that the licensee presented the workshop, seminar, or program;

(g) a letter from the board giving approval for retroactive continuing education credit;

(h) written verification from the university practicum or intern instructor or other official training director that the licensee supervised undergraduate or graduate students or from the postgraduate supervisee that the licensee provided supervision;

(i) a copy of the self-directed project. The licensee shall submit this copy to the board to evaluate and certify the number of credit hours that the board will grant; or

(j) the media format, content title, presenter or sponsor, content description, run time, and activity date for each videotape, audiotape, computerized interactive learning module, or telecast that the licensee utilized for continuing education purposes. (Authorized by and implementing K.S.A. 1996 Supp. 65-6407; effective March 29, 1993; amended Dec. 19, 1997.)

**102-5-12. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon the board finding that unprofessional conduct has occurred.

(b) Any of the following acts by a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(continued)

(1) obtaining or attempting to obtain licensure or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact;

(2) except when such information has been obtained in the context of confidentiality, failing to notify the board within a reasonable time that any person regulated by the board or applying for licensure or registration including that marriage and family therapist or that marriage and family therapist applicant has met any of these conditions:

(A) had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of investigatory or disciplinary proceedings;

(B) been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) been demoted, terminated, suspended, reassigned, or asked to resign, or has resigned from employment for some form of misfeasance, malfeasance, or nonfeasance;

(D) been convicted of a crime; or

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations that regulate the profession;

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

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) being convicted of a crime resulting from or relating to the licensee's professional practice of marriage and family therapy;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified in respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) refusing to cooperate in a timely manner with any request for a response, information, or assistance from the board with respect to the board's investigation of any report of an alleged violation filed against the marriage and family therapist, any applicant, or any professional licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing services clearly inconsistent or incommensurate with training, education, experience, and accepted professional standards;

(11) treating any client, student, or supervisee in a cruel manner;

(12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin or disability;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the marriage and family therapy relationship;

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

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

(16) failing to inform each client, student, or supervisee of any financial interests that might accrue to the marriage and family therapist if the marriage and family therapist refers the therapist's client to any other service or if the therapist uses any tests, books, or apparatus;

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

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

(19) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records except when any one or more of these conditions is met:

(A) Disclosure is required or permitted by law.

(B) Failure to disclose the information presents a clear and present danger to the health and safety of an individual or the public.

(C) The marriage and family therapist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of marriage and family therapy, in which the case disclosure is limited to that action.

(D) The criteria provided by K.S.A. 65-6410 and its amendments are met;

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) electronically recording sessions with that client;

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

(C) releasing information, except as required or permitted by law, to a third person concerning a client;

(21) failing to protect the confidences, secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the information, confidences, and secrets of the client from disclosure by other persons in the marriage and family therapist's work or practice setting;

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

(24) using alcoholic liquor or using illegally a controlled substance while performing the duties or services of a marriage and family therapist;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with any client, student, or supervisee of that marriage and family therapist;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been the marriage and family therapist's client;

(27) exercising undue influence on any client, student, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the marriage and family therapist's or a third party's financial gain, personal gratification, or advantage;

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

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

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of services to the client by that agency or colleague;

(31) making claims of professional superiority that the marriage and family therapist cannot substantiate;

(32) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

(33) claiming or using any secret or special method of treatment or techniques that the marriage and family therapist refuses to disclose to the board;

(34) continuing or ordering tests, procedures, or treatment, or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;

(35) failing to maintain a record for each client that conforms to the following minimal requirements. The record shall meet all of these requirements:

(A) contain adequate client identification;

(B) indicate the client's initial reason for seeking the marriage and family therapist's services;

(C) contain pertinent and significant information concerning the client's condition;

(D) reflect what intervention, treatment, tests, procedures, or services were obtained, performed, ordered, and recommended, and what the findings and results of each were;

(E) document the client's progress during the course of intervention or treatment the marriage and family therapist provides;

(F) be legible;

(G) contain only those terms and abbreviations that are comprehensible to similar professional practitioners;

(H) indicate the date and nature of any professional service that the marriage and family therapist provided; and

(I) indicate the manner and process of termination of the marriage and family therapy relationship;

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

(37) engaged in research, failing to perform the following:

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

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

(C) ascertain that each participant's consent is voluntary and informed; and

(D) preserve each participant's privacy and protect anonymity within the terms of informed consent;

(38) making or filing a report that the marriage and family therapist knows to be false, distorted, erroneous, incomplete, or misleading;

(39) failing to notify the client promptly when the marriage and family therapist anticipates terminating or interrupting service to the client;

(40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for such care;

(41) abandoning employment under circumstances that seriously impair delivering professional care to clients, without providing reasonable notice to the employer.

(42) failing to terminate the marriage and family therapy when it is apparent that the relationship no longer serves the client's needs or best interests;

(43) failing to retain client records for at least two years after the date of terminating the professional relationship, unless otherwise provided by law, by any marriage and family therapist who is the owner or custodian of such client records;

(44) supervising in a negligent manner anyone over whom the marriage and family therapist has supervisory responsibility;

(45) when applicable, failing to inform a client that marriage and family therapy services are provided or delivered under supervision;

(46) engaging in a dual relationship with a current client, student, supervisee, or any person who, within the past 24 months, has been the marriage and family therapist's client;

(47) failing to inform the proper authorities pursuant to K.S.A. 38-1522 and its amendments when the marriage and family therapist suspects or knows that a client has been involved in injuring or has injured a child either by physical, mental, or emotional abuse or neglect, or sexual abuse;

(48) failing to inform the proper authorities pursuant to K.S.A. 39-1431 and its amendments that a resident as defined by K.S.A. 39-1401(a) has been or is being abused, or neglected, or exploited, is in a condition that resulted from such abuse, neglect, or exploitation, or needs protective services;

(49) failing to inform the proper authorities pursuant to K.S.A. 39-1431 and its amendments that an adult, as defined in K.S.A. 39-1430 and its amendments, is being or has been abused, neglected, or exploited, or needs protective services;

(50) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to do any of the foregoing actions;

(51) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of marriage and family therapy practice in the community, constitutes experimentation on human subjects without

(continued)

first obtaining the client's or the client's legal representative or representative's full, informed, and voluntary written consent;

(52) practicing marriage and family therapy in an incompetent manner;

(53) practicing marriage and family therapy after the marriage and family therapist's license expires;

(54) using, or continuing to use after a license has expired, any title or abbreviation prescribed by law to be

used by persons who currently hold a type or class of license; or

(55) violating any provision of this act or any rule or regulation adopted thereunder. (Authorized by and implementing K.S.A. 1996 Supp. 65-6408; effective March 29, 1993; amended Dec. 19, 1997.)

Mary Ann Gabel  
Executive Director

Doc. No. 019962

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**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

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112-12-1	Amended	V. 16, p. 1889
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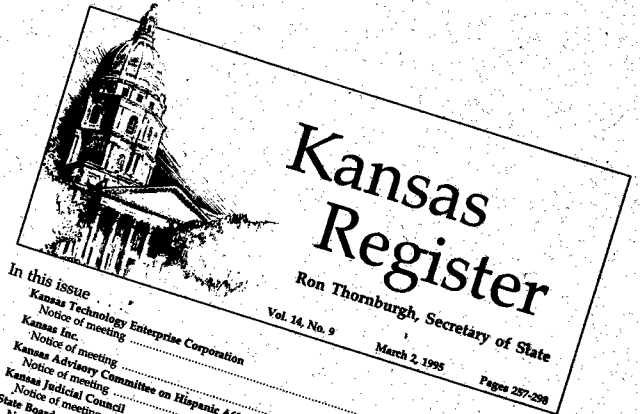
**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

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**AGENCY 124: CHILD DEATH REVIEW BOARD**

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