

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 18, No. 29 July 22, 1999 Pages 1043-1078

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State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of
Negotiations for Architectural and
Engineering Services

Notice is hereby given of the commencement of negotiations for architectural and engineering construction administration services for the Kansas Department of Transportation. Services will include, but not be limited to, the inspection of concrete placement and mechanical, electrical and plumbing installation. The majority or work would be performed at Western Kansas sites.

For information regarding the scope of services, contact Jaci Vogel, Assistant Bureau Chief of Construction & Maintenance, Department of Transportation, (785) 296-3576.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 6.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024081

State of Kansas

Legislature
Interim Committee Schedule

The following committee meetings have been scheduled during the period of July 26 through August 8:

Date	Room	Time	Committee	Agenda
July 27	220-S	2:00 p.m.	State Financial Council	Agenda not available.
August 2	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
August 3	514-S	9:00 a.m.	Administrative Rules and Regulations	
August 3	519-S	10:00 a.m.	Joint Committee on State Tribal Relations	Organization of committee; staff briefing; determine committee study agenda.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 024085

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State of Kansas

Social and Rehabilitation Services

**Notice of Basic Maximum Daily Rate
for State Institutions**

In compliance with K.S.A. 59-200b(a), the following per patient day costs for fiscal year 2000 will be the basic maximum daily rate of charge, effective July 1, 1999, for the following state institutions:

Parsons State Hospital and Training Center	\$307.00
Kansas Neurological Institution	\$335.00

In compliance with K.S.A. 59-200b(c), the following state institutions are hereby authorized to compute an individual patient charge on the basis of rates for services based on costs incurred by such state institutions determined by application of generally acceptable hospital accounting principles: Osawatomie State Hospital; Larned State Hospital, including the State Security Hospital; and Rainbow Mental Health Facility.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 024069

State of Kansas

**Department of Administration
Division of Architectural Services**

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

Notice is hereby given of the commencement of negotiations for engineering services to upgrade the existing campus-wide fire alarm system at the Larned State Hospital. The campus has 27 major buildings with a gross floor area of approximately 530,000 square feet.

For information regarding the scope of services, contact Gary LaShell, Architectural Consultant, Department of Social and Rehabilitation Services, (785) 296-3771.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 6.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024082

State of Kansas

Kansas Arts Commission

**Notice of Deadlines for
Individual Artist Program**

The Kansas Arts Commission has announced opportunities for Kansas artists available through the Individual Artist Program for 1999-2000, including the Kansas Touring Program and the Kansas Artist Fellowships and Mini-Fellowships.

The commission is accepting applications from individual performing artists who live in Kansas and from Kansas-based performing groups, companies and ensembles for three-year appointments to the roster of the Kansas Touring Program. This roster of solo and ensemble artists generally includes—but is not limited to—storytelling, mime, dance, theater for adults and children, and classical, folk, ethnic, blues, jazz and gospel music.

Each eligible application and its support materials will be reviewed by advisory panels of professionals and experts, and the full commission will act upon their recommendations during its quarterly business meeting in September.

The application deadline for the Kansas Touring Program is August 2. The application deadline for both the Kansas Artist Fellowships and the Mini-Fellowships is October 19. Completed applications with required support materials must bear an official U.S. Postal Service postmark not later than the deadline date. Applications hand-carried or sent by express mail or overnight delivery must be received in the commission office not later than 5 p.m. on the deadline date, or they will not be accepted.

The commission may award a Kansas Artist Fellowship of \$5,000 to a qualified artist in each of the following disciplines: fiction, poetry, two-dimensional visual art, three-dimensional visual art and crafts.

Up to 12 Mini-Fellowships of \$500 each are offered. An eligible artist may apply for a Mini-Fellowship in any one of the following disciplines: fiction, poetry, two-dimensional visual art, three-dimensional visual art, crafts, music composition, choreography, film/video, interdisciplinary/performance art and playwrighting.

Fellowship applications will be evaluated by advisory panels of professionals and experts, and the commission will act upon their recommendations and award the Fellowships early in 2000.

To request a copy of the guidelines and application booklet, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3761, (785) 296-3335, e-mail KAC@arts.state.ks.us. Persons with special communication needs may use the Kansas Relay Service, (800) 766-3777.

David M. Wilson
Executive Director

Doc. No. 024084

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 45,320 cubic yard detention dam, Site SP-12 in Butler County, will be received by the Whitewater River Watershed Joint District No. 22 at the USDA Service Center, 2503 Enterprise, Suite B, El Dorado, 67042, until 2 p.m. August 10 and then opened in the USDA Service Center conference room. A copy of the invitation for bids and plans and specifications can be reviewed and/or obtained at the USDA Service Center Office, (316) 320-5891.

Tracy D. Streeter
Executive Director

Doc. No. 024075

State of Kansas

Kansas Insurance Department

Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in the following pharmacy networks in the State of Kansas:

Aetna U.S. Healthcare Pharmacy Network has notified the Insurance Department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Trapp Pharmacy	Abilene	June 06, 1999

In addition, Aetna U.S. Healthcare Pharmacy Network has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Consumer's Pharmacy #32	Fort Scott	September 19, 1995
Frees Pharmacy	Great Bend	May 01, 1995

Prudential HealthCare—Kansas City has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Cheney Pharmacy	Cheney	June 15, 1999
Kingman Drug	Kingman	June 15, 1999

In addition, Prudential HealthCare—Kansas City has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Hesston Pharmacy	Hesston	June 1, 1999
Asher PBA Pharmacy	Paola	June 15, 1999
Jim's Pharmacy	Salina	June 15, 1999
Burns PBA Pharmacy	Garnett	June 15, 1999
Auten PBA Pharmacy	Osawatomie	June 15, 1999

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 024064

State of Kansas

Board of Nursing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 3 p.m. Tuesday, September 21, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the interim executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. A summary of the proposed regulations and the economic impact follows.

K.A.R. 60-16-101. Definitions. Additional definitions for administration of intravenous fluid therapy by licensed practical nurses have been written.

K.A.R. 60-16-102. Scope of practice for licensed practical nurse and intravenous fluid therapy. The regulation was revised to update current language. The board added language to clarify actions by the licensed practical nurse when engaged in intravenous fluid treatment.

K.A.R. 60-16-104. Standards for course; competency examination. The board revised the purpose of the course. A section was added to determine the qualifications of the course coordinator. The passing score for the written and clinical examinations were changed to better prepare the practical nurse to provide intravenous fluid treatment. Language was revised to clarify course provider reporting data.

Economic Impact:

Changes in K.A.R. 60-16-101 and 60-16-102 should have no economic impact on licensed practical nurses, the public or the Board of Nursing.

Changes in K.A.R. 60-16-104 should have no economic impact on course providers. The faculty of the course can be designated as course coordinator without incurring additional costs.

Copies of the regulations and their economic impact statements can be obtained from the Board of Nursing at the address above, (785) 296-5752.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the board.

Janette Pucci
Interim Executive Administrator

Doc. No. 024088

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, August 6, at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. Committee meetings will begin at noon Thursday, August 5. Agenda items include committee reports, EMSC grant update, budget update, a report on proposed regulations and a strategic planning session for the FY 2001 budget.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-7296.

David Lake
Executive Director

Doc. No. 024073

State of Kansas

Department on Aging

Notice of Hearing

A public hearing will be conducted at 10 a.m. Tuesday, August 10, in Room C, K-NEA Building, 715 S.W. 10th, Topeka, to consider the adoption of fiscal year 2000 proposed amendments to the 1998-2001 Older Americans Act State Plan for the Kansas Department on Aging.

This notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to the Secretary of Aging, New England Building, 503 S. Kansas Ave., Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed amendments during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Michelle Sweeney, (785) 296-5544 or TCC (785) 291-3167. Handicapped parking is located on the north and west sides of the K-NEA building, closest to the north entrance. The north entrance to the building is accessible to individuals with disabilities.

Copies of the proposed amendments may be obtained from the Department on Aging, Policy and Planning Unit, New England Building, 503 S. Kansas Ave., Topeka, 66603, (785) 296-5544.

Thelma Hunter Gordan
Secretary of Aging

Doc. No. 024078

State of Kansas

Board of Examiners in Optometry

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, September 28, in the conference room in Suite 303, 555 S. Kansas Ave., Topeka, to consider the adoption of proposed changes in two existing rules and regulations of the Kansas Board of Examiners in Optometry.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas State Board of Examiners in Optometry, 3111 W. 6th, Suite A, Lawrence, 66049. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Frieden, Haynes & Forbes at (785) 232-7266. Handicapped parking is located at the east end of the building, and the street entrance to the building is accessible to individuals with disabilities.

The amended regulations are proposed for adoption on a permanent basis. The regulations are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

Copies of the regulations and their economic impact statements may be obtained by contacting the secretary-treasurer of the Kansas State Board of Examiners in Optometry at the address given above. A summary of the regulations and their economic impact follows.

K.A.R. 65-5-10. Glaucoma licenses. This is an amendment to an existing regulation that adds the requirement of comanagement shall not apply to applicants for glaucoma licensure graduation after July 1, 1998, from approved optometric schools or colleges.

K.A.R. 65-5-6. Continuing education. This is an amendment to an existing regulation that changes the total number of hours each licensed optometrist shall earn of documented and approved continuing education during each license renewal period from 20 to 24 hours.

There is no economic impact. These are not environmental regulations.

Larry D. Stoppel
President

Doc. No. 024090

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 7-19-99 through 7-25-99

Term	Rate
1-89 days	4.97%
3 months	4.76%
6 months	4.90%
9 months	5.03%
12 months	5.16%
18 months	5.39%
24 months	5.46%

Derl S. Treff
Director of Investments

Doc. No. 024059

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be held at 9 a.m. Thursday, August 5, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$4,650,000 principal amount of Housing Development Revenue Bonds for Trilogy/Fleming of Topeka, Kansas, Inc. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance the costs of acquisition and rehabilitation of an existing independent living facility located at 1001 Cottonwood Court, Topeka.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at Jayhawk Tower, 700 S.W. Jackson, Suite 1000, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Kenneth Frahm
President

Doc. No. 024058

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. 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.

Thursday, August 5, 1999

#00009

Ultra resolution stereoscopic PIV system

William H. Sesler
Director of Purchasing

Doc. No. 024074

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, 66612, 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, August 2, 1999

186

Department of Wildlife and Parks—Excavation services (Wilson/Kanopolis state parks and wildlife areas)

194

Kansas Correctional Industries—Metal containers (quarts through fives)

195

Kansas Correctional Industries—Vinyl acrylic and acrylic emulsions

210

All academic agencies of the State of Kansas—Software

Wednesday, August 4, 1999

A-7490(A) and A-7492(A)

Kansas Department of Transportation—Insulate equipment wash building, Dodge City and Syracuse

Tuesday, August 17, 1999

A-8788

University of Kansas—Aircraft construction lab, Hanger No. 2

A-8827

Pittsburg State University—Partial roof replacement, Kelce Center

221

Department of Health and Environment—Haul road reclamation, Clemens Coal Project, Frontenac

John T. Houlihan
Director of Purchases

Doc. No. 024089

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of June 1999 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

Beasley Agency, L.L.C., Hugoton, KS.
 Beattie Milo Festival, Inc., Beattie, KS.
 Brownie's Boat Center, Inc., Topeka, KS.
 Bruce D. Cole, D.D.S., P.A., Overbrook, KS.
 Cimarron Exploration, Inc., Liberal, KS.
 Custom Agri Services, Inc., Garden City, KS.
 Dean Dennington, Inc., Overland Park, KS.
 Frigon Law Firm, Chartered, Dodge City, KS.
 Grace Radio, Inc., Brewster, KS.
 Granier Enterprises, Inc., Topeka, KS.
 Greer Farms, Inc., Elk City, KS.
 Kansas City Sailboard Association, Independence, KS.
 Kiwanis Club of Baxter Springs, Kansas Inc., Baxter Springs, KS.
 Kiwanis Club of North Topeka, Topeka, KS.
 Marvin Enterprises, Inc., Colorado Springs, CO.
 Metropolitan Car Wash, Inc., Kansas City, MO.
 Mid-Con International Funding Group, Inc.,
 Leavenworth, KS.
 Mid-Continent Resources, Inc., Garden City, KS.
 Mid-Kansas, Inc., Denver, CO.
 Middleton, Inc., Garden City, KS.
 Nancy J. Whalen Foundation, Fairway, KS.
 Nawic - Wichita Scholarship Foundation, Wichita, KS.
 Normandie Village Associates, L.P., Louisville, KY.
 Regents Management Corporation, Dallas, TX.
 Rhodes, Inc., Wichita, KS.
 Saturn Enterprises Inc., Meade, KS.
 Streckfus Terracing, Inc., Lakin, KS.
 Support Program for Independent Responsible Individuals in
 Transition, Ottawa, KS.
 Team Effort, Inc., Goddard, KS.
 The Atchison Flower Shoppe, Inc., Atchison, KS.
 The Evening Optimist Club of Wichita, Kansas,
 Wichita, KS.
 The Life and Living Foundation, Inc., El Dorado, KS.
 Tonda Oil Company, Independence, KS.
 Tri-B, Inc., Canton, KS.
 Wayne Post oak, Contractor, Inc., Lawrence, KS.
 Window to the World, Inc., Wichita, KS.

Foreign Corporations

A Bar Construction Company, Lee's Summit, MO.
 Affordable Multi-Family, Inc., Long Beach, CA.
 American Credit Services, Inc., Rochester, NY.
 American Lock & Supply, Inc., Anaheim, CA.
 Basic Phone, Inc., Beaumont, TX.
 Brandstetter Carroll, Inc., Lexington, KY.
 Cal Farley's Boys Ranch, Amarillo, TX.
 Commonpoint Mortgage Company, Grand Rapids, MI.
 Cullum & Brown, Inc., North Kansas City, MO.
 Don Bosco Community Center, Inc., Kansas City, MO.
 Firststar Equipment Corporation, Minnetonka, MN.
 Four Winds Services, Inc., Altus, OK.
 Fritz Air Freight, Inc., San Francisco, CA.

Fritz Companies, Inc., San Francisco, CA.
 Harry A. Stroh Associates, Inc., Skillman, NJ.
 Holden Energy Corporation, Ardmore, OK.
 Holmes Freight Lines, Inc., Omaha, NE.
 J.D. Von Wahlde & Sons, Incorporated, Fort Worth, TX.
 Jewish Community Center of Kansas City, Overland Park, KS.
 Jim's Catch-Up, Inc., Kansas City, MO.
 Lea-Con, Inc., Houston, TX.
 Lehman Ali Inc., New York, NY.
 Levi Strauss Global Fulfillment Services, Inc.,
 San Francisco, CA.
 M.O.R.S., Inc., Matlock, IA.
 McCleskey Construction Company, Norcross, GA.
 National Multiple Sclerosis Society, New York, NY.
 NPF Energy Corporation, Tustin, CA.
 Pate & Pate Enterprises, Inc., The Woodlands, TX.
 Prawl Engineering Corporation, Omaha, NE.
 TMP Twin Lakes, LLC, Santa Ana, CA.
 Vivra, Inc., San Mateo, CA.
 Winger, Inc., Denver, CO.

Ron Thornburgh
 Secretary of State

Doc. No. 024060

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. Responses must be received by 5 p.m. August 25 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 the 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.

Project No. 57-37 K-6782-01

Greenwood County

The scope of improvement is to provide for the replacement of the Haldeman Creek Drainage Bridge (013) and the Haldeman Creek Bridge (014), 4.7 and 5.2 km east of Madison. The project is scheduled for plan completion in November 2002, and the estimated construction cost is \$1,224,000.

Engineering Surveys for Districts
as Needed Statewide

The scope of services is to provide the following survey services. Two to four firms will be selected for each dis-

(continued)

tract. Please specify the district(s) for which you are requesting to perform surveying services.

1. Flagging of proposed right of way;
2. Supplemental surveys to original surveys;
3. Land surveying of right of way and installation of right of way markers;
4. Cross sectioning of roadway and/or borrow locations;
5. Re-establishing section corners and control points;
6. Staking center line for geotech investigations; and
7. Similar surveying services.

Traffic Engineering Assistance Program

The Bureau of Local Projects has developed a Traffic Engineering Assistance Program. This program enables KDOT to utilize 402 Safety funds, in order to assist local political subdivisions in solving traffic engineering operational and safety improvements when they do not have the traffic engineering expertise available.

The consultant selected is to provide services for the federal fiscal years 2000, 2001 and 2002, for one of two areas at a maximum of about \$50,000 per area per year. Area One includes KDOT's Districts 1, 2 and 3. Area Two includes KDOT's Districts 4, 5 and 6. The development of detailed plans, designs, specifications or estimates will not be approved under this program.

The following is a list of possible studies or problems that the consultant might be called upon to perform under the Traffic Engineering Assistance Program.

- Traffic Accident Analysis
- Traffic Counts
- Speed Surveys
- Minor Traffic Generation Studies
- Limited Transit Analysis
- Parking Analysis
- Capacity Problems
- Lighting and Visibility Analysis
- Signal and Lighting Analysis
- Traffic Control Devices Inventory and Review
- Traffic Signal Progression and Delay Analysis
- Intersection Related Safety Problems
- Sight Distance Difficulties
- Railroad Crossing Analysis
- High Accident Analyses
- School Signing, Marking or Routing Surveys
- Alignment Problems
- Major Street Operational Analysis
- CBD Circulation, Operation, Parking, Capacity

It is KDOT's policy to use the following criteria as 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. 024079

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for "On-Call" Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" mechanical, electrical and plumbing engineering services for small projects at the University of Kansas, Lawrence.

For information regarding the scope of services, contact James Modig, Director of Design and Construction Management, University of Kansas, (785) 864-3431.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 6.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024065

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's website at www.kssos.org. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

Barber County Treasurer

Sheri Mantey, Barber County Courthouse, Medicine Lodge, 67104. Term expires when a successor is elected and qualifies according to law. Effective August 7, 1999. Succeeds Linda K. Hamilton.

Kansas Arts Commission

John C. Hunter, 1801 Webster, Topeka, 66604. Term expires June 30, 2003. Reappointed.

Terry J. Snyder, 6722 Willow Lane, Shawnee Mission, 66208. Term expires June 30, 2003. Succeeds Ernest O. Ulmer.

Ken Stehlik, 1301 5th Ave., Dodge City, 67801. Term expires June 30, 2003. Succeeds Donald Lambert.

Behavioral Sciences Regulatory Board

Charles W. Frankenfeld, 1310 Main St., Larned, 67550. Term expires June 30, 2003. Succeeds Carolyn Albott.

Larry W. Hays, 1619 Suncrest Drive, McPherson, 67460. Term expires June 30, 2003. Reappointed.

Dr. Jay M. Mann, 14201 Grand St., Wichita, 67230. Term expires June 30, 2003. Reappointed.

Linda L. Mosier, 1349 College St., Hays, 67601. Term expires June 30, 2003. Reappointed.

Kansas Children's Cabinet

(Established by 1999 Session Laws of Kansas, Chapter 172)

Judge James P. Buchele, Shawnee County Courthouse, Topeka, 66603. Term expires June 30, 2002.

John E. Moore, Chair, 14305 Shannon Circle, Wichita, 67230. Term expires June 30, 2003.

Carol A. Nazar, 225 N. Crestway St., Wichita, 67208. Term expires June 30, 2001.

Donna L. Shank, 420 Lilac Drive, Liberal, 67901. Term expires June 30, 2001.

Carla J. Stovall, Attorney General, 2nd Floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612.

Citizens' Utility Ratepayer Board

Bill Dirks, 11403 W. Douglas, Wichita, 67209. Term expires June 30, 2003. Reappointed.

Frank E. Weimer, 8919 Alden St., Shawnee Mission, 66215. Term expires June 30, 2003. Reappointed.

State Board of Cosmetology

Judy Bray, 492 12th St., Box 708, Tonganoxie, 66086. Term expires May 20, 2000. Reappointed.

Mary Lou Davis, Executive Director, 1927 S.W. Oakley, Topeka, 66604. Serves at the pleasure of the Governor.

Sandra K. Gasser, 15345 Lake Road 2, Gardner, 66030. Term expires May 20, 2001. Reappointed.

Rogene Handlon, 2835 S.E. Pennsylvania Ave., Topeka, 66605. Term expires May 20, 2001. Reappointed.

Stephen M. Hudson, P.O. Box 373, Independence, 67301. Term expires May 20, 2000. Succeeds Robin Wolfe.

Leslie Miller, 317 Northwood Lane, Lawrence, 66044. Term expires May 20, 2002. Succeeds Glenda Cafer.

Sharon K. Pearson, 619 S. Kansas, Liberal, 67901. Term expires May 2, 2002. Succeeds Edith Hatton.

Robert J. Werne, 120 N. Rock Road, Wichita, 67206. Term expires May 20, 2001. New position.

Economic Development Review Panel for System Enhancement Projects

Dr. James M. Aubuchon, 1203 E. Quincy St., Pittsburg, 66762. Term expires September 1, 2000.

Mary Birch, Overland Park Chamber of Commerce, 10975 Benson, Suite 350, Shawnee Mission, 66210. Term expires September 1, 2000.

Sheryl J. Dick, 1102 Hackberry, Garden City, 67846. Term expires September 1, 2000.

Don A. Hill, 1720 Luther St., Emporia, 66801. Term expires September 1, 2000.

John G. Montgomery, 222 W. 6th St., Junction City, 66441. Term expires September 1, 2000.

John L. Rolfe, 3324 S.W. Maupin, Topeka, 66614. Term expires September 1, 2000.

Gary L. Sherrer, Lt. Governor, Room 222-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Term expires September 1, 2000.

Billie Jo Smart, 619 Woodland Drive, Washington, 66968. Term expires September 1, 2000.

Lavern D. Squier, 1301 Pine, Hays, 67601. Term expires September 1, 2000.

State Employees Health Care Commission

Bryce Miller, 2548 S.W. Belle Ave., Topeka, 66614. Serves at the pleasure of the Governor. Succeeds Verne Craig.

Veterans' Memorial Advisory Committee

Darrell Bencken, 1315 S.E. 29th St., Topeka, 66605. Serves at the pleasure of the Governor. Reappointed.

Charles G. Bredahl, 1818 S.W. Medford Ave., Sabetha, 66534. Serves at the pleasure of the Governor. Succeeds Jerry L. Wigington.

Gerald D. Curtis, 4300 S.W. 27th Terrace, Topeka, 66614. Serves at the pleasure of the Governor. Reappointed.

Curtis Doss, 1214 Bel Air Drive, Junction City, 66441. Serves at the pleasure of the Governor. Reappointed.

Col. Malen E. Dowse, 3006 S.W. Quail Creek Drive, Topeka, 66614. Serves at the pleasure of the Governor. Succeeds Arthur Solis.

Juanita McCall, 506 N.E. Forest Ave., Topeka, 66616. Serves at the pleasure of the Governor. Reappointed.

Charles S. Senseman, 8419 E. Harry St., #701, Wichita, 67207. Serves at the pleasure of the Governor. Reappointed.

Charles M. Yunker, 5918 N.W. Glenwood Drive, Topeka, 66617. Serves at the pleasure of the Governor. Reappointed.

Washburn University Board of Regents

Harold L. Dick, 105 Kisiwa Parkway, Hutchinson, 67502. Term expires June 30, 2003. Reappointed.

Kansas Water Authority

Thomas R. Bogner, 10055 Eagle Road, Dodge City, 67801. Term expires January 15, 2003. Reappointed.

Paul N. Tobia, P.O. Box 12283, Wichita, 67277. Term expires January 15, 2003. Reappointed.

Wichita State University Board of Trustees

Marilyn B. Pauly, 10710 S. 199th St. West, Clearwater, 67026. Term expires June 30, 2002. Reappointed.

William B. Moore, P.O. Box 208, Wichita, 67201. Term expires June 30, 2002. Reappointed.

Jeffrey L. Turner, 1320 N. Covington Circle, Wichita, 67212. Term expires June 30, 2002. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 024063

State of Kansas

Continuing Legal Education Commission

Notice of Meeting

The Kansas Continuing Legal Education Commission will meet at noon Friday, July 30, at 400 S. Kansas Ave., Suite 202, Topeka.

Martha E. Crow
Chair

Doc. No. 024067

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. KN Gas Gathering, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen 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.

KN Gas Gathering, Lakewood, Colorado, owns and operates the STV9-01 compressor station in Hugoton, Kansas. The station contains three gas compressor engines, two of which are equipped with catalytic converters located at compressor station STV9-01, Section 11, Township 32S, Range 35W, Hugoton.

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 Amer Safadi, (785) 296-1993, 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 Amer Safadi, 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 August 23.

A person may request a public hearing be held 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 August 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024066

State of Kansas

Secretary of State

Notice of Code Mortgage Rate

Pursuant to the provisions of the 1999 Session Laws of Kansas, Chapter 107, Section 8(11), the code mortgage rate during the period of July 1, 1999 through July 31, 1999, is 12.74 percent.

Ron Thornburgh
Secretary of State

Doc. No. 024077

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Mid Continent Market Center, Inc. has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of nitrous oxides, carbon monoxide, volatile organic compounds and hazardous air pollutants 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.

Mid Continent Market Center, Inc., Tulsa, Oklahoma, owns and operates a natural gas storage field located at S25-T22S-R7W, Reno County, Kansas, at which the glycol dehydrators will be modified/constructed.

A copy of the proposed permits, permit applications, 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 South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permits and supporting documentation, contact Michael Stewart, (785) 296-1994, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permits to Michael Stewart, 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 August 23.

A person may request a public hearing be held on the proposed permits. 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 August 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024087

State of Kansas

**Governor's Public Health
Improvement Commission****Notice of Meeting**

The Governor's Public Health Improvement Commission will meet from 1 to 5 p.m. Wednesday, August 11, and from 9 a.m. to noon Thursday, August 12, in the Pioneer Room, Memorial Union Building, Fort Hays State University, Hays. For more information, contact Mary Ann Cummings, Governor's Public Health Improvement Commission, Suite 665, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, (785) 296-8114, e-mail mcumming@kdhe.state.ks.us. Any individual with a disability may request accommodation in order to participate in the public meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Mary Ann Cummings or the Kansas Relay Center, (800) 766-3777 TTY.

Edwin Fonner, Jr., Dr.P.H.
Executive Director

Doc. No. 024086

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. KN Gas Gathering, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen 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.

KN Gas Gathering, Inc., Lakewood, Colorado, owns and operates the STV6-01 compressor station in Hugoton, Kansas. The station contains three gas compressor engines, one of which is equipped with a catalytic converter located at compressor station STV6-01, Section 14, Township 32S, Range 36W, Hugoton.

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 Amer Safadi, (785) 296-1993, 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 Amer Safadi, 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 August 23.

A person may request a public hearing be held 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 August 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024061

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. KN Gas Gathering, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen 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.

KN Gas Gathering, Inc., Lakewood, Colorado, owns and operates the STV8-01 compressor station in Hugoton, Kansas. The station contains three gas compressor engines, two of which are equipped with catalytic converters located at compressor station STV8-01, Section 14, Township 32S, Range 37W, Hugoton.

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 Amer Safadi, (785) 296-1993, 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 Amer Safadi, 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 August 23.

A person may request a public hearing be held 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 August 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024062

State of Kansas

Department of Wildlife and Parks

Public Notice

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of a tract of land in Sumner County. The tract consists of approximately 80 acres and has a legal description of N/2NW/4 of S22-T33-R2. This tract was appraised at \$46,000 and will be purchased for \$46,000. The tract will be part of the Slate Creek Wildlife Area and will remain on the county tax rolls.

Steyen A. Williams
Secretary of Wildlife and Parks

Doc. No. 024072

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 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 and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-99-91/93

Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: David DeLong, 1285 Road 210, Emporia, KS 66801; NE/4 of Section 25, T18S, R11E, Lyon County; Neosho River.

Kansas Permit No. A-NELY-B002

This is a new permit for an existing facility. The permit will be for 950 head (950 animal units) of beef cattle weighing more than 700 pounds.

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

Compliance Schedule: The approved waste management plan shall be adhered to as a condition of the permit. Dewatering equipment shall be obtained within six months after the effective date of the permit. A permeability test shall be conducted on the earthen holding pond.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Derek Kats, Route 1, Box 97, Prairie View, KS 67664; SW & SE/4 of Section 20, T2S, R19W, Phillips County; Solomon River.

Kansas Permit No. A-SOPL-B006

This is a new facility for a maximum of 500 head (250 animal units) of cattle weighing less than 700 pounds and an existing facility for 1,578 head (397.2 animal units) of swine.

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

Compliance Schedule: The approved livestock waste management plan shall be adhered to as a condition of the permit. Annual application of solids from the cattle facility is to be rotated every four years. Construction shall be completed within two years of the effective date of the permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Walker Feedlot, Inc., Harvey Walker, 612 Lark Road, Hope, KS 67451; SW/4 of Section 5, T16S, R3E, Dickinson County; Smoky Hill River Basin.

Kansas Permit No. A-SHDK-C002

Federal Permit No. KS-0086631

This is a modification of an existing facility for 3,500 head (3,500 animal units) of beef.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed and submitted to the department by October 30, 1999. Verification of the size and type of dewatering equipment shall be submitted to this agency by October 30, 1999. The wet weather area irrigation shall be maintained dry.

Public Notice No. KS-99-150/154

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: Allen County Sewer District #1, c/o Allen County Clerk, Allen County Courthouse, 1 N. Washington, Iola, KS 66749; Rock Creek; Treated domestic wastewater.

Kansas Permit No. M-NE37-0002

Federal Permit No. KS0085201

Legal: SW 1/4, S30, T24S, R19E, Allen County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: City of Effingham, City Hall, Effingham, KS 66023; Stranger Creek via unnamed tributary; Treated domestic wastewater.

Kansas Permit No. M-KS15-0001

Federal Permit No. KS0047279

Legal: NE 1/4, S15, T6S, R18E, Atchison County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH.

Monitoring for ammonia and fecal coliform will be required annually. The permittee has provided KDHE a schedule of compliance for improvements to the wastewater treatment facility to allow the facility to consistently meet the discharge limits set forth in this permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Perry 119 N. Elm P.O. Box 724 Perry, KS 66073	Old channel of Delaware River	Treated domestic wastewater
Kansas Permit No. M-KS58-0001		Federal Permit No. KS0029084
Legal: NE¼, S27, T11S, R18E, Jefferson County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Darrell and Patricia Breusing 1912 Indiana Lane Manhattan, KS 66502	Kansas River via unnamed tributary	Treated domestic wastewater
Facility Name: Walnut Grove Mobile Home Park Breusing Subdivision		
Kansas Permit No. C-KS66-0002		Federal Permit No. KS0092053
Legal: NW¼, S7, T10S, R9E, Pottawatomie County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Also, monitoring for ammonia, fecal coliform and weekday flow is included. The requirements of the proposed permit are pursuant to the proposed 1999 Kansas surface water quality standards and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Yates Center 117 E. Rutledge Street Yates Center, KS 66783	Owl Creek via Deer Creek	Treated domestic wastewater
Kansas Permit No. M-NE70-0001		Federal Permit No. KS0024732
Legal: SW¼, S14, T25S, R15E, Woodson County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for weekday flow will be required. Also, new limitations are established for ammonia, fecal coliform, and total residual chlorine. The proposed permit requires the permittee to submit an engineering report and a schedule to address improvements to the facility to meet final fecal coliform and ammonia limits. The requirements of the proposed permit are pursuant to the proposed 1999 Kansas surface water quality standards and federal surface water criteria, and are water quality based.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or

applications, or to the permit clerk for all other permits, at the 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 regarding the draft permit or application notice postmarked or received on or before August 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-91/93, KS-99-150/154) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 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.

For agricultural permits and applications a copy of the permit application, supporting documentation, and a KDHE developed fact sheet, if appropriate, are available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785)625-5664

North Central District Office, 2501 Market Place, Salina, 67401-7699, (785)827-9639

Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785)842-4600

Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (316)225-0596

South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316)337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720, (316)431-2390

Plans and documents for all new and expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

For all other proposed permits, the draft 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 address given above.

Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. These 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.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024080

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Kansas Department of Social and Rehabilitation Services, Children and Family Services, and the Kansas Children's Trust Fund announce the release of a request for proposals for the planning and implementation of new family resource and support programs. Family resource and support programs are community-based, family-centered and family-driven support systems, composed of a collaborative network of local agencies, advocacy groups and volunteers. Family resource and support programs provide comprehensive services that support the establishment and maintenance of safe and healthy families.

A pre-bid teleconference is scheduled for Thursday, August 19, from 10 a.m. to noon. To participate in the pre-bid teleconference, you will need to go to SRS Staff Development, Room C, 300 S.W. Oakley, Topeka, or the designated SRS area office nearest you. Contact your SRS area office for site information.

Organizations interested in receiving a request for proposals should contact Mainstream, Inc., 3600 S.W. Burlingame, Topeka, 66611, (785) 266-6422 or fax (785) 266-2113. Completed proposals must be received by 5 p.m. Friday, September 3, at Mainstream, Inc.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 024068

(Published in the Kansas Register July 22, 1999.)

**Summary Notice of Bond Sale
Lane County, Kansas
\$2,080,000**

**General Obligation Hospital Improvement Bonds
Series 1999**

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

Sealed Bids

Subject to the notice of bond sale dated July 9, 1999, sealed bids will be received by the clerk of Lane County, Kansas (the issuer), on behalf of the governing body at the Lane County Courthouse, Dighton, KS 67839-0788, until 1 p.m. August 2, 1999, for the purchase of \$2,080,000 principal amount of General Obligation Hospital Improvement Bonds, Series 1999. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 1, 1999, and will become due on September 1 in the years as follows:

Year	Principal Amount
2000	\$105,000

2001	125,000
2002	150,000
2003	155,000
2004	165,000
2005	170,000
2006	180,000
2007	190,000
2008	195,000
2009	205,000
2010	215,000
2011	225,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2000.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$41,600 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about August 25, 1999, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$23,758,195. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$2,305,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 397-5356, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated July 9, 1999.

Lane County, Kansas

Doc. No. 024071

(Published in the Kansas Register July 22, 1999.)

**Summary Notice of Bond Sale
City of Rose Hill, Kansas
\$1,531,000
General Obligation Bonds, Series 1999
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated July 6, 1999, sealed bids will be received by the clerk of the City of Rose Hill, Kansas (the issuer), on behalf of the governing body at City Hall, 306 N. Rose Hill, Rose Hill, KS 67133, until 6:30 p.m. August 2, 1999, for the purchase of \$1,531,000 principal amount of General Obligation Bonds, Series 1999. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,000. The bonds will be dated August 1, 1999, and will become due on October 1 in the years as follows:

Year	Principal Amount
2000	\$ 86,000
2001	105,000
2002	105,000
2003	115,000
2004	120,000
2005	130,000
2006	130,000
2007	135,000
2008	145,000
2009	150,000
2010	55,000
2011	60,000
2012	60,000
2013	65,000
2014	70,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2000.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$30,620 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 1, 1999, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$13,854,685. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$3,652,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 776-2712, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouly, (316) 264-9351.

Dated July 6, 1999.

City of Rose Hill, Kansas

Doc. No. 024070

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. August 10 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the schedule hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

(continued)

Applications for Certificate of Public Service:

- Alonzo Trucking LLC**, 708 S. 7th, Lamar, CO 81052; MC ID No. 157304; General commodities (except household goods and hazardous materials).
- Belle Springs Trucking, Inc.**, 1372 Key Road, Abilene, KS 67410; MC ID No. 157299; General commodities (except household goods and hazardous materials).
- Evan Vance Brian, Jr., dba Vance & Mavis Trucking**, 800 W. Cliff, Holly, CO 81047; MC ID No. 238649; General commodities (except household goods and hazardous materials).
- Expedited Delivery Services, Inc.**, 805 Port America Place, Suite 200, Grapevine, TX 76051; MC ID No. 157300; William Parker, Attorney; General commodities (except household goods, Classes A and B explosives, poison gas, highway controlled radioactive materials).
- Eldon Falk, dba Falk Trucking**, 22205 Clear Fork Road, Wheaton, KS 66551; MC ID No. 157303; General commodities (except household goods and hazardous materials).
- Loyd Fogg, dba Loyd Fogg Trucking**, 2182 Martin Ave., Burlington, CO 80807; MC ID No. 157301; General commodities (except household goods and hazardous materials).
- Klos Trucking, Inc.**, 4116 W. 163rd, Tinley Park, IL 60477; MC ID No. 144453; Railroad parts and equipment.
- Niehues Trucking, Inc.**, Route 2, Box 104, Sabetha, KS 66534; MC ID No. 154901; William Barker, Attorney; General commodities (except household goods and hazardous materials).
- Preston Farms II, L.L.C.**, 2463 County Road 36, Rexford, KS 67753; MC ID No. 157544; William Barker, Attorney; General commodities (except household goods and hazardous materials).
- Schmidt Trucking, L.L.C.**, 506 Ponderosa, Sterling, KS 67579; MC ID No. 157520; William Barker, Attorney; General commodities (except household goods and hazardous materials).
- Southwest Transports, Inc.**, 104¼ Chouteau St., Sublette, KS 67877; MC ID No. 157302; General commodities (except household goods and hazardous materials).

Applications for Transfer of Certificate of Public Service:

- Chester W. Platt, dba Platt & Company Transportation**, Route 1, Box 174, Eskridge, KS 66423, MC ID No. 149569, to: Platt & Company Transportation, Route 1, Box 174, Eskridge, KS 66423; William Barker, Attorney; General commodities (except hazardous materials and household goods).
- Lloyd V. Viles, dba TLC Couriers**, Route 1, Box 40, Eskridge, KS 66423, MC ID No. 149561, to: TLC Couriers, Inc., Route 1, Box 40, Eskridge, KS 66423; William Barker, Attorney; General commodities (except household goods, Classes A and B explosives and all hazardous materials as defined by CFR 172.10 et seq.) with no packages exceeding 100 pounds.

Applications for Abandonment of Certificate of Public Service:

- Roy E. Gustin, dba Gustin Trucking**, Route 4, Box 12B, Fredonia, KS 66736; MC ID No. 134464.
- Steven L. Sage, dba Sage Brothers**, 829 S. Ash St., Burlingame, KS 66413; MC ID No. 154060.

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 024083

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 2.—LIFE INSURANCE

40-2-26. Valuation of life insurance policies. Sections one through eight, including the appendix, of the national association of insurance commissioners' "valuation of life insurance policies model regulation," 1998 edition, are hereby adopted by reference. This regulation shall become effective on and after January 1, 2000. (Authorized by K.S.A. 40-103, implementing K.S.A. 40-103; effective Dec. 29, 1997; amended Jan. 1, 2000.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 024076

State of Kansas

Department of Health
and EnvironmentTemporary Administrative
Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-330. Definitions. (a) "Administrator" means a person employed by a secure residential treatment facility who is responsible for the overall administration of the facility.

(b) "Basement" means each area with a floor level more than 30 inches below ground level on all four sides.

(c) "Clinical director" means a person who is employed by the secure residential treatment facility and who is responsible for the overall treatment program.

(d) "Corporal punishment" means an activity directed toward modifying a youth's behavior by means of adverse physical contact, including spanking with the hand or an implement, slapping, swatting, pulling hair, or any similar activity.

(e) "Department" means the Kansas department of health and environment.

(f) "Discipline" means the ongoing process of helping youth develop inner control so that they can manage their own behavior in a socially approved manner.

(g) "Individual plan of care" means a written, goal-oriented treatment plan to enable a youth to function in a less restrictive environment, including the planned programs, therapies, and activities designed to move the individual to a level of functioning consistent with living in a community setting.

(h) "Involuntary seclusion" means the removal of a youth from other youths to a separate locked room or quarters.

(i) "License" means a document issued by the Kansas department of health and environment that authorizes a licensee to operate and maintain a secure residential treatment facility.

(j) "Placing agent" means the person, social agency, or court possessing the legal right to place a youth.

(k) "Program" means the comprehensive and coordinated activities and services providing for the care, protection, and treatment of youth.

(l) "Program director" means the staff person responsible for the oversight and implementation of the program.

(m) "Restraint" means the application of any devices, other than human force alone, to any part of the body of a youth in care for the purpose of preventing the youth from causing injury to oneself or others.

(n) "Secretary" means the secretary of the Kansas department of health and environment.

(o) "Secure facility" means a facility that is operated or structured to ensure that the entrances and exits from the facility are under the exclusive control of the staff.

(p) "Secure residential treatment facility" means a secure facility operated or structured to provide a therapeutic residential care alternative to psychiatric hospitalization for five or more youth with a diagnosis of a severe emotional, behavioral, or psychiatric condition.

(q) "Treatment" means comprehensive, individualized, goal-directed, therapeutic services provided to youth.

(r) "Treatment team" means the secure residential treatment facility's interdisciplinary personnel responsible for the development, implementation, and evaluation of each youth's individualized plan of care.

(s) "Youth" means a person or persons who are at least 10 years of age, but not more than 21 years of age.

(t) "Youth care staff" means the persons employed by the secure residential treatment facility to supervise the youth. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-331. Licensing procedures. (a) Each person, corporation, firm, association, or other organization desiring to operate a secure residential treatment facility shall apply for a license on forms provided by the department.

(b) A person, corporation, firm, association, or other organization shall not operate a secure residential treatment facility unless issued a license by the department.

(c) In addition to the application for a license, each applicant shall submit a written proposal that details the purpose of the facility; the administration, financing, and staffing; and the services and treatment to be offered, including the age range and sex of youth to be served.

(d) Each applicant shall submit identifying information that is necessary to complete criminal history and child abuse registry background checks for all persons 10 years of age and older residing, working, or regularly volunteering in the secure residential treatment facility. The identifying information shall be submitted on forms provided by the department. The identifying information shall be submitted at the time of application for an original license, at the time of application for renewal of a license, and before each new person resides, works, or regularly volunteers in the secure residential treatment facility. Youth admitted into a secure residential treatment facility for care and treatment shall not be consid-

ered to be residing in the secure residential treatment facility for the purposes of criminal history or child abuse background checks.

(e) Each applicant shall submit to the department plans for each building that will be used as a secure residential treatment facility. Each plan shall state whether or not the facility will rely on locked entrances and exits to secure the facility.

(f) Each applicant shall submit a code footprint for each building to be used as a secure residential treatment facility to the Kansas state fire marshal's office for approval. Each applicant shall provide to the department a copy of the approval of the Kansas state fire marshal's office before a license is issued.

(g) Each applicant shall be issued a license if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and regulations promulgated pursuant to these statutes and if the license fee required by K.S.A. 65-505, and amendments thereto, is submitted. Each license shall be prominently displayed within the facility.

(h) Each licensee shall apply for renewal of the license annually on forms supplied by the department and shall submit the fee required by K.S.A. 65-505, and amendments thereto.

(i) Each application for an original license or for renewal of a license may be withdrawn at any time upon request by the applicant. The applicant or licensee and other appropriate agencies shall be notified by the department that the facility is considered closed and the license has been surrendered. Each applicant shall submit a new application to the department before reopening a facility.

(j) A new application and fee shall be submitted for each change of ownership, sponsorship, or location.

(k) Each applicant or licensee receiving notice of the denial or revocation of a license shall be notified of the right to an administrative hearing by the department, and subsequently of the right of appeal to the district court.

(l) Exceptions.

(1) Any applicant or licensee may submit to the department a written request for an exception to a regulation. Each exception shall be granted if the secretary or the secretary's designee determines the exception to be in the best interest of a youth or the youth's family, and if the exception does not violate statutory requirements.

(2) Written notice of each request for an exception that is approved by the secretary shall be provided to the applicant or licensee by the secretary or the secretary's designee. Each written notice shall state the nature of the exception and its duration and shall be posted with the license. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-501, 65-504, 65-505, 65-506, and 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-332. Terms of license. (a) The maximum number of youth and the age range of youth who may be treated in each facility shall be specified on the facility's license.

(b) Each facility license issued by the department shall be valid only for the firm, corporation, or association ap-

(continued)

pearing on the license and for the address listed on the license.

(c) The licensee shall not act as a placing agent.

(d) Advertising for each facility shall conform to the statement of services as given on the application. A claim for specialized services shall not be made unless the secure residential treatment facility is staffed and equipped to offer those services. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-501, 65-504, and 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-333. Administration. (a) Organization.

(1) Each facility shall be governed by one of the following entities:

(A) A public agency, who shall employ an administrator for the facility; or

(B) a private entity with a governing board that is legally responsible for the operation, policies, finances, and general management of the center. The private entity shall employ an administrator for the facility. The administrator shall not be a voting member of the governing board.

(2) If the licensee is a private corporation, it shall be a corporation qualified in the state of Kansas and shall operate in accordance with an established constitution and by-laws. The licensee shall furnish a copy of the articles of incorporation and by-laws to the department before a license is issued. One of these documents shall include a nondiscrimination statement that complies with state and federal civil rights laws.

(b) Administrative policies.

(1) A copy of these regulations for secure residential treatment facilities for youth shall be kept on the premises at all times and shall be made available to all staff members.

(2) Each licensee shall develop and implement a quality assurance program to ensure consistent compliance with these regulations. The quality assurance program shall provide for review of the facility's policies, procedures and practices, including their consistency with licensure requirements.

(3) Each licensee shall establish written plans and policies of organization and administration clearly defining legal responsibility, administrative authority, and responsibility for comprehensive services, including an organizational chart approved by the licensee.

(4) Personnel and administrative policies shall be distributed to staff members.

(c) Finances.

(1) Funding.

(A) Each secure residential treatment facility shall have sound and sufficient finances to ensure effective services. The licensee shall be responsible for financing plans. The licensee shall provide the financial resources necessary to maintain compliance with the regulations.

(B) If the licensee is a charitable organization, all solicitation of funds conducted in Kansas shall be in compliance with K.S.A. 17-1759 et seq., and amendments thereto.

(C) Youth shall not be exploited in any fund-raising efforts.

(2) Financial records.

(A) Each secure residential treatment facility shall maintain financial records that are sufficient to verify resources and expenditures. Each secure residential treatment facility shall account for major expenditures on behalf of the youth for whom payment is received.

(B) Each youth's personal money shall be kept separate from the facility funds in an individual account, in accordance with accepted accounting procedures.

(C) A yearly audit by an independent accountant shall be conducted, and a copy of the audit shall be available at the facility for review by the staff of the Kansas department of social and rehabilitation services and of the department.

(D) Each secure residential treatment facility shall have an annual financial statement verifying assets and liabilities. The licensee shall make the annual financial statement available to the Kansas department of social and rehabilitation services and to the department.

(3) Insurance.

(A) Each secure residential treatment facility shall maintain the following insurance:

(i) Professional and civil liability insurance for all employees; and

(ii) liability insurance for injury or personal property damage.

(B) Each licensee shall purchase one or more motor vehicle liability insurance policies covering each vehicle owned or operated by the facility. Each policy shall contain the following limits of liability, exclusive of interest and costs:

(i) Not less than \$100,000 for personal injury or death in any one accident;

(ii) not less than \$300,000 for personal injury to, or the death of, two or more persons in any one accident; and

(iii) not less than \$50,000 for harm to, or destruction of, property of others in any one accident.

(d) Personnel policies.

(1) Each secure residential treatment facility shall have written personnel policies, which shall be approved and reviewed annually by the governing body. The personnel policies shall be provided to each staff member upon employment. The personnel policies shall include the following:

(A) Hiring practices;

(B) job descriptions, including qualifications, duties, and responsibilities for each staff position;

(C) policies regarding hours of work;

(D) sick and vacation leave policies;

(E) grievance procedures; and

(F) a description of salaries, benefits, and staff development practices.

(2) A personnel record shall be maintained for each employee and shall be made available to the employee upon written request.

(e) Staffing.

(1) The governing body of each secure residential treatment facility shall designate an administrator whose responsibility is the overall administration of the facility.

(2) A written daily staff schedule shall be developed and followed. The staff schedule shall meet all of the following requirements:

(A) The schedule shall provide for adequate male and female staff on the living unit to directly supervise and interact with the youth at all times, to implement each youth's individual plan for care, and to provide for each youth's physical, social, emotional, and educational needs.

(B) The schedule shall provide for a minimum ratio of one youth care staff member on active duty to seven youth during waking hours and one youth care staff member on active duty to 10 youth during sleeping hours.

(C) At least one male and one female youth care staff member shall be present, awake, and available to the youth at all times.

(3) At no time shall there be fewer than two youth care staff members present on the living unit when one or more youth are in care.

(4) Youth shall not be left in a room unattended except that, during sleeping hours, the minimum ratio of youth care staff shall be immediately available in a connecting area to the sleeping rooms. Supervision of youth in involuntary seclusion shall comply with K.A.R. 28-4-338(c).

(5) Alternate qualified youth care staff members shall be provided for the relief of the regular staff members on a one-to-one basis and in compliance with the staffing pattern required in paragraph (e)(2) of this regulation.

(6) Electronic supervision shall not replace the youth care staffing requirements.

(7) Auxiliary staff members shall be available as needed. The auxiliary staff shall include food service, clerical, and maintenance personnel. Auxiliary staff members shall not be included in meeting the minimum ratio of youth care staff to youth.

(8) Professional consultant services shall be available, to the extent necessary, to meet the needs of the youth served. Professional consultants shall include physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists, teachers, and dieticians.

(9) A volunteer shall not be used as a substitute for a youth care staff member, but shall augment the services provided by the staff.

(10) A staff person designated to be in charge of the secure residential treatment facility shall be on-site at all times when a youth is in care. Procedures shall be in place to ensure that all staff members know who is in charge.

(f) Community and volunteer involvement.

(1) Each secure residential treatment facility shall establish written policies and procedures that provide for securing community and volunteer involvement in facility programs. The policies and procedures shall specify a screening and selection process for volunteers and shall encourage recruitment from all cultural and socioeconomic segments of the community.

(2) Written policies and procedures for volunteers shall include the following:

(A) a description of the lines and scope of authority, responsibility, and accountability for volunteers;

(B) orientation and training requirements for each volunteer; and

(C) a requirement that each volunteer who provides professional services must meet the same requirements

as would be expected of a paid professional staff member providing the same services.

(3) Each volunteer shall agree, in writing, to abide by all secure residential treatment facility policies, specifically including those relating to security, confidentiality of information, and mandatory reporting laws pertaining to suspected abuse, neglect, and exploitation of youth.

(4) Each volunteer in contact with youth shall have a health assessment, including a screen for tuberculosis. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-508 and 65-516; effective, T-28-7-8-99, July 8, 1999.)

28-4-334. Staff development. (a) Each person having contact with youth shall demonstrate emotional maturity, sound judgment, and a sound knowledge of the developmental needs of youth.

(b) Administrator qualifications.

(1) Each administrator shall demonstrate the following:

(A) Knowledge of the principles, practices, methods, and techniques of administration and management;

(B) ability to train, supervise, plan, direct, and evaluate the work of others, as documented by experience, training, or a combination of both;

(C) ability to establish and maintain effective working relationships with others;

(D) ability to establish and maintain effective working relationships with governmental agencies, schools, other treatment facilities, and community organizations;

(E) knowledge of the methods and techniques used in dealing with youth in a residential setting; and

(F) knowledge of principles and techniques of behavioral and mental health treatment and care of youth and of the growth, development, needs, and unique problems of youth.

(2) Each administrator shall have a master's degree in social work or a related field, or a bachelor's degree in social work, human development and family life, psychology, or education. Each administrator shall have a minimum of three years of supervisory experience within a child care facility providing treatment to youth.

(c) Each secure residential treatment facility shall have a program director who is responsible for oversight and implementation of the facility's program. Each program director shall have a master's degree in social work, psychology, nursing, or a related field, and shall have a minimum of one year of supervisory experience in a treatment facility serving youth. In secure residential treatment facilities with more than 20 youth, the program director shall not be the administrator.

(d) All youth care staff and alternate youth care staff shall meet the following requirements:

(1) Be 21 years of age or older;

(2) have a high school diploma or its equivalent; and

(3) have completed one or more of one of the following:

(A) Three semester hours of college-level study in adolescent development, psychology, or a related subject;

(B) 45 clock hours of training in child care or child development; or

(continued)

(C) one year of experience as a child care worker or house parent in a facility serving youth.

(e) Professional staff and consultants shall meet all Kansas qualification and licensing requirements for their profession.

(f) Each food service employee shall meet all of the following requirements:

(1) Comply with the Kansas health standards established in K.A.R. 28-36-22;

(2) possess knowledge of the nutritional needs of children and youth;

(3) understand quantity food preparation and service concepts; and

(4) practice sanitary food handling and storage methods.

(g) Staff professional development. Each secure residential treatment facility shall provide and monitor professional development programs, which shall consist of activities designed to achieve specific learning objectives. Professional development may occur through workshops, seminars, or staff meetings, or through closely supervised, on-the-job training.

(1) Each secure residential treatment facility shall have written policies and procedures governing orientation and in-service training. Each employee shall receive orientation training before being assigned an independent job duty.

(2) Each youth care staff member shall receive a minimum of eight hours of orientation training before assuming any responsibility for supervising youth and an additional 32 clock hours of orientation training before assuming independent responsibility for supervision of youth. Orientation training shall include all of the following topics:

(A) Accident and injury prevention;

(B) child abuse, neglect, and exploitation reporting requirements;

(C) crisis management and intervention;

(D) emergency and safety procedures to follow in the event of an emergency, bomb threat, fire, tornado, riot, or flood;

(E) facility policies and procedures;

(F) first aid, including rescue breathing;

(G) health, sanitation, and safety measures;

(H) job duties and responsibilities;

(I) the rights of the youth;

(J) observation of symptoms of illness and communicable diseases;

(K) policies regarding behavior management, use of restraints, and involuntary seclusion;

(L) problem solving methods;

(M) report writing methods;

(N) security procedures; and

(O) suicide prevention.

(3) Each program director and each person having contact with youth shall complete a minimum of 40 clock hours of in-service training per year. In-service training shall include the following topics:

(A) Accident and injury prevention;

(B) child abuse symptoms and reporting requirements;

(C) child care practices;

(D) child psycho-social growth and development;

(E) first aid, including rescue breathing;

(F) the rights of the youth;

(G) licensing regulations;

(H) observations of symptoms of illness and communicable diseases;

(I) suicide prevention;

(J) use of restraints and seclusion; and

(K) crisis management.

(4) Each program director shall attend a minimum of one training event per year away from the facility, in addition to the in-service training conducted at the facility.

(5) Each person's in-service training shall be documented in that person's personnel file. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-335. Admission and release policies. (a) Before admission, each youth shall be evaluated to determine all of the following:

(1) Whether or not the youth is a danger to self or others;

(2) whether or not secure treatment is clinically indicated; and

(3) whether or not there are other less restrictive facilities that could meet the youth's needs.

(b) Any youth may be admitted to the secure residential treatment facility if the preadmission evaluation of the youth indicates all of the following:

(1) The youth is a danger to self or others.

(2) The youth requires treatment in a secure setting.

(3) Less restrictive care is not available to meet the youth's needs.

(c) All written admission policies and procedures of the facility shall conform with the goals and purposes of the facility.

(d) Admission procedures and practice shall include provisions for the following:

(1) Collecting identifying information;

(2) completing a health history checklist, which shall be completed on a form approved by the department and which shall include a description of bruises, abrasions, symptoms of illness, and current medications;

(3) assessing the youth's suicide risk potential, assault potential, and escape risk;

(4) conducting an intake interview;

(5) providing an orientation to the facility in a manner that is understandable to the youth. Completion of the orientation and receipt of all written orientation materials shall be documented by a signed statement from the youth;

(6) completing an inventory that documents the youth's clothing and personal possessions and their disposition. Each inventory shall include a written list of all money and personal property of the youth, shall be signed by the youth and the admitting staff member, and shall be kept with the youth's record. If the youth refuses to sign the inventory, the refusal shall be documented in the youth's record;

(7) distributing personal hygiene items;

(8) providing for a shower and hair care;

(9) issuing clean, laundered clothing, if necessary; and

(10) assigning the youth to a sleeping room.

(e) No youth shall be admitted who shows evidence of being seriously physically ill, injured, or under the influence of alcohol or drugs until the youth is examined and approved for admission by a physician licensed to practice in Kansas.

(f) A secure residential treatment facility shall not accept permanent legal guardianship of a youth.

(g) Release policies.

(1) All releases shall be authorized by the treatment team or the legal custodian.

(2) Temporary releases for court attendance, medical appointments, placement visits, or other necessary purposes shall be permitted when authorized by the parent or legal guardian or the court.

(3) The secure residential treatment facility shall provide release forms to be signed by the person to whom the youth is released and by the staff person releasing the youth.

(4) Procedures and practices for the discharge of youth shall include provisions for the following:

(A) Verification of identity of the youth and the person to whom the youth is released;

(B) completion of any pending action, including any grievance or claim for damages or lost possessions;

(C) transportation arrangements;

(D) instructions for forwarding mail; and

(E) return of money and personal property to the youth. A receipt for all money and personal property shall be signed by the youth.

(h) Length of treatment.

(1) Each youth shall be released or transferred within six months of the youth's admission date.

(2) A secure residential treatment facility may request that a youth remain in the facility longer than six months, if the treatment team determines that continued treatment in a secure residential treatment facility is necessary and the department approves an extension of treatment.

(3) Each written request for an extension shall be submitted to the department before the end of the six-month period. The request shall include the following information:

(A) The name of the youth;

(B) the reason why the extension is needed; and

(C) the length of time of the requested extension.

(4) If it is determined to be in the best interest of the youth and the youth's family, the request shall be approved by the department. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-336. Program and services. (a) Each secure residential treatment facility shall keep documentation of each youth's preadmission evaluation in the youth's file.

(b) An interdisciplinary treatment team shall develop an individualized plan of care for each youth admitted to the secure residential treatment facility. The team shall review the treatment plan every 30 days and shall update the treatment plan as necessary.

(c) The treatment team shall be headed by the clinical director or the clinical director's designee.

(d) Each facility shall maintain a written plan and daily routine for all youth, which shall include the following:

(1) Meals;

(2) rest and sleep;

(3) personal hygiene;

(4) physical exercise;

(5) recreation;

(6) counseling;

(7) education; and

(8) social services.

(e) Classroom instruction shall be provided on-site by teachers holding appropriate certification from the Kansas board of education.

(1) The staff of the secure residential treatment facility shall coordinate education services with the local school district. During the local school year, each youth shall receive a minimum of six hours of instruction per day, excluding weekends and holidays.

(2) For each youth currently enrolled in a Kansas public school, the staff of the secure residential treatment facility shall maintain contact with the youth's home school district to ensure the continuity of each youth's education.

(3) The staff of the facility shall provide a regular schedule of instruction and related educational services appropriate to the needs of each youth.

(4) Youth care staff shall be stationed in proximity to the classroom, with frequent, direct, physical observation of the classroom activity at least every 15 minutes, to provide immediate support to the teacher.

(f) Library services.

(1) Each secure residential treatment facility shall have written policies and procedures that govern the facility's library program, including acquisition of materials, hours of availability, and staffing.

(2) Library services shall be available to all youth.

(A) Reading and other library materials may be provided for use during non-library hours.

(B) Library materials shall be appropriate for various levels of competency.

(C) Reading material shall reflect a variety of racial and ethnic interests.

(g) Recreation.

(1) Each secure residential treatment facility shall provide indoor and outdoor recreational areas and equipment where security and visual supervision can be easily maintained. Unless restricted for health reasons, all youth shall be allowed to engage in supervised indoor and outdoor recreation on a daily basis.

(2) Art and craft supplies, books, current magazines, games, and other indoor recreational materials shall be provided for leisure time activities.

(h) Work.

(1) Work assignments shall not be used as a substitute for recreation.

(2) Youth shall be prohibited from performing the following duties:

(A) Personal services for the staff;

(B) cleaning or maintaining areas away from the facility;

(C) replacing employed staff; or

(D) any work experience defined as hazardous by the Kansas department of human resources regulations governing child labor.

(continued)

(3) After receiving the required youth care staff orientation and training, auxiliary staff may supervise work activities. Youth care staff shall be within visual and auditory distance to provide immediate support, if necessary.

(i) Visitation and communication.

(1) Each secure residential treatment facility shall provide telephone and contact visitation rights for parents, legal guardians, legal representatives, and other visitors approved by personnel designated by the administrator. Private telephone conversation and visitation shall be allowed, except when a need to protect the youth is clinically indicated, as documented in the youth's individual plan for care.

(2) The facility shall make written policies and procedures regarding telephone use and visitation available to all youth, parents, legal guardians, and legal representatives.

(3) A youth shall not be denied the right to contact an attorney or court counselor. No court counselor or attorney shall be refused visitation with a youth to whom the counselor or attorney is assigned.

(4) Staff of the secure residential treatment facility shall not censor mail or written communication, except to check for contraband, unless there is sufficient reason to believe that the security of the facility is at risk. Suspect mail shall be opened by staff in the presence of the addressee. If mail is to be read, the youth shall be informed in advance and shall be present when the mail is opened. The reason for each occasion of censorship shall be documented and kept in the youth's record.

(5) Writing materials and postage for the purposes of correspondence shall be available to youth. Materials and postage for at least two letters per week shall be provided for each youth.

(6) Youth shall be provided access to the telephone to make and receive personal calls.

(7) First-class letters and packages shall be forwarded after the transfer or release of each youth.

(j) Transportation. Each secure residential treatment facility shall establish and implement written policies and procedures for transporting youth.

(1) The transportation policies and procedures shall include all of the following information:

(A) A list of the persons authorized to transport youth;

(B) a description of precautions to prevent escape during transfer;

(C) documentation of a current and appropriate license for each facility driver for the type of vehicle in use;

(D) provisions for maintaining documentation of current insurance in the transporting vehicle; and

(E) procedures to be followed in case of accident, injury, or other critical incident, including notification procedures.

(2) Each transporting vehicle owned or leased by the facility shall have a yearly safety check. A record of the yearly safety check and all repairs or improvements made shall be kept on file at the facility. When youth are transported in a privately owned vehicle, the vehicle shall be in good working condition.

(3) Each vehicle used to transport youth shall be equipped with an individual seat belt for the driver, each

youth passenger, and each additional passenger. The driver, each youth passenger, and each additional passenger shall be required to use the seat belts at all times.

(4) Smoking in the transporting vehicle shall be prohibited while youth are being transported.

(5) Youth shall be delivered to the designated destination by the most direct route.

(6) Youth shall not be shackled or confined with mechanical restraints when being transported by staff. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-337. Records. (a) Personnel records. Each secure residential treatment facility shall maintain individual personnel records for each staff member, which shall include the following information:

(1) The staff member's job application, including all of the following:

(A) Identifying information;

(B) the staff member's qualifications; and

(C) character and employment references;

(2) a description of the staff member's terms of employment and a copy of the staff member's job description;

(3) documentation of the staff member's employment dates and a copy of each of the staff member's annual performance reviews;

(4) the staff member's health certificates, including a record of the results of a health assessment and tuberculin test, documented on forms supplied or approved by the department;

(5) documentation of orientation, in-service training, and continuing education completed by the staff members;

(6) documentation of the report submitted to the department for the purpose of a background check for criminal and child abuse histories, to determine compliance with K.S.A. 65-516, and amendments thereto;

(7) documentation that the employee has read, understands, and agrees to all of the following:

(A) The statutes and regulations regarding mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) the regulations for licensing secure residential treatment facilities for youth;

(C) the facility's policies and procedures, including personnel, administrative, daily, and behavior management policies and procedures; and

(D) policies providing for a drug-free workplace; and

(8) a copy of each grievance and incident report regarding the specific employee, including documentation regarding the means of resolution of each report.

(b) Volunteer records. Each secure residential treatment facility shall maintain individual volunteer records documenting the facility-related activities of each volunteer. The records shall include the following:

(1) The volunteer's identifying information;

(2) a copy of the volunteer's job description;

(3) documentation of the volunteer's dates of service and a copy of each of the volunteer's performance reviews;

(4) documentation of orientation provided to the volunteer regarding the facility and specific assignments given to the volunteer;

(5) documentation that the volunteer has read, understands, and agrees to follow facility policies and procedures, including those related to security, confidentiality of information, and mandatory reporting of suspected child abuse and neglect;

(6) documentation of freedom from active tuberculosis;

(7) documentation of the report submitted to the department for the purpose of a background check for criminal and child abuse histories, to determine compliance with K.S.A. 65-516, and amendments thereto; and

(8) a copy of the health assessment as required in K.A.R. 28-4-333(f)(4).

(c) Youth records.

(1) Each secure residential treatment facility shall establish and implement written policies and procedures governing management of youth records. These policies and procedures shall include provisions for the following:

(A) Establishment, utilization, content, privacy, security, and preservation of records;

(B) a schedule for the retirement and destruction of inactive case records; and

(C) a review of the youth record policies and procedures at least annually and revision as needed.

(2) Each secure residential treatment facility shall keep a register of all youth in care. The register shall include the following information for each youth:

(A) Name;

(B) date of birth;

(C) the name and address of each parent or legal guardian;

(D) the name and address of the legal custodian, if not the parent or legal guardian;

(E) the name and address of the closest living relative, if other than a parent or guardian;

(F) the reason for admission; and

(G) the dates of admission and release.

(3) Each facility shall keep individual records for each youth, which shall include the following:

(A) The youth's identifying information;

(B) a description of the youth's legal status;

(C) the name of the youth's legal custodian;

(D) medical and dental permission forms, signed by a parent or legal guardian. The permission form used shall be one that is acceptable to the vendor who will provide the service; and

(E) a written inventory of all money and personal property of the youth signed by the youth and the admitting staff member as required by K.A.R. 28-4-335(d).

(4) Each facility shall keep a daily log of each youth's behavior in the youth's individual record file, with notations regarding any special problems and the response of the staff to any problems. Each entry shall be initialed by the staff member making the entry.

(5) A list of all youth receiving treatment shall be submitted on forms provided by the department upon request.

(6) Information from a youth's record shall not be released without written permission from the youth's parent or legal guardian. Improper disclosure of records or information regarding a youth shall be grounds for rev-

ocation or suspension of the secure residential treatment facility's license or denial of a facility's application for licensure.

(7) The written policies, procedures, and practices regarding youth records shall provide for the transfer of a youth's record upon release of a youth to a residential care facility. Each facility shall ensure that each youth's record precedes or accompanies the youth. The case file information shall include the following:

(A) Identifying information;

(B) medical records;

(C) immunization records;

(D) insurance information;

(E) the youth's medical card, when applicable;

(F) school placement information, including present courses of study; and

(G) the name and address of each parent or legal guardian.

(8) Additional case file information to be transferred shall accompany the youth or be transferred within 72 hours. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-508 and 65-516; effective, T-28-7-8-99, July 8, 1999.)

28-4-338. Behavior management. (a) Policies.

(1) Each secure residential treatment facility shall establish and implement written policy providing for a behavior management system that assists youth to develop inner control and manage their own behavior in a socially acceptable manner. The policy shall provide the following:

(A) Expectations that are age appropriate and that allow for special abilities and limitations; and

(B) positive and negative consequences related to each expectation.

(2) Each facility shall establish written rules of youth conduct that define expected behaviors and related consequences.

(A) A rule book containing expected behaviors, ranges of consequences, and disciplinary procedures shall be given to each youth and youth care staff member.

(B) An acknowledgment of receipt of the rule book shall be signed by each youth and kept in each youth's record.

(C) If a literacy or language problem prevents a youth from understanding the rule book, a staff member or translator shall assist the youth in understanding the rules.

(3) Each staff member who has direct contact with youth shall be thoroughly familiar with the rules of youth conduct, the rationale for the rules, and the intervention options available.

(b) Discipline.

(1) Discipline that is humiliating, frightening, or physically harmful to the youth shall not be used at any time. Each youth shall be protected against all forms of neglect, exploitation, or degrading forms of discipline. No youth shall be isolated or confined in any dark space. Electronic monitoring or an audio communication system shall not replace the required presence of a youth care staff member.

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(2) Corporal punishment shall not be used.

(3) Under no circumstances shall any youth be deprived of meals, clothing, sleep, medical services, exercise, correspondence, parental contact, or legal assistance for disciplinary purposes. If a youth is in involuntary seclusion during normal school hours, school work shall be provided to the youth.

(4) Under no circumstances shall any youth be allowed to supervise or to administer discipline to another youth.

(c) Involuntary seclusion.

(1) Involuntary seclusion shall be permitted within a secure residential treatment facility only when a youth is out of control, continually refuses to obey reasonable and lawful requests, or behaves in a way that presents a threat to self or others.

(2) Each secure residential treatment facility shall establish and implement written policies and procedures that govern the use of involuntary seclusion. The policies and procedures shall include provisions that meet the following conditions and requirements:

(A) Permit the use of involuntary seclusion if all other less restrictive methods to prevent immediate, substantial bodily injury to the youth or others have been attempted and have failed to prevent immediate and substantial bodily injury to the youth or others and if all alternative measures to prevent injury are not sufficient to accomplish this purpose;

(B) require a written order by the program director of the secure residential treatment facility, physician, psychologist, or other approved staff member each time a youth is placed in or released from involuntary seclusion;

(C) ensure that no more than one youth is placed in an involuntary seclusion room at any one time;

(D) provide for a search of each youth and removal of any items that may be used to injure oneself or others before admission to the involuntary seclusion room;

(E) ensure that each youth is provided appropriate clothing at all times;

(F) ensure that each youth in involuntary seclusion is provided with a mattress with linens on a clean, level surface above floor level;

(G) ensure that each youth receives all meals and snacks normally served and is allowed time to exercise and perform necessary bodily functions;

(H) ensure that each youth has prompt access to drinking water and washroom facilities;

(I) ensure that the designated staff member on duty makes appropriate entries in the youth's records regarding the use of involuntary seclusion;

(J) ensure that at least one youth care staff member is in the proximity of each youth in involuntary seclusion at all times, with direct, physical observation at least every 15 minutes. At the time of each observation, all of the following activities shall occur:

(i) Interactive intervention shall be attempted, unless the youth is sleeping;

(ii) the result of the intervention shall be recorded; and

(iii) the condition of the youth shall be recorded;

(K) ensure constant supervision if a youth is considered suicidal; and

(L) provide for an assessment of the need for continued involuntary seclusion at each shift change and for

documentation of the reasons that involuntary seclusion is continued.

(3) Electronic or auditory devices shall not be used to replace staff supervision of youth in involuntary seclusion.

(4) A youth shall not remain in involuntary seclusion for more than 24 hours without written approval of the program director or the program director's designee. No staff person who was involved in the incident leading to involuntary seclusion shall be permitted to approve an extension of the involuntary seclusion.

(5) The program director or designee who approved the extended involuntary seclusion shall visit with each isolated youth at least once within each eight-hour period after the first 24 hours.

(6) Written approval of the program director or program director's designee shall be required for each eight-hour period that involuntary seclusion is extended, beyond the first 24 hours.

(7) Involuntary seclusion shall not exceed 48 hours for any reason unless the youth continues to behave in a way that presents a threat to oneself or others.

(8) If a youth requires more than 48 consecutive hours of involuntary seclusion or more than 72 cumulative hours of involuntary seclusion within any seven-day period, or is placed on suicide watch, an emergency staff meeting shall be held to discuss the appropriateness of the youth's individual plan of care.

(A) Participants in the emergency staff meeting shall include the following:

(i) The youth, if behavior permits;

(ii) the program director or the program director's designee;

(iii) a physician, clinical psychologist, or clinical social worker who has assessed the youth; and

(iv) any other appropriate staff member.

(B) The youth's parents or legal guardian shall be notified of the emergency staff meeting and invited to participate. Documentation of notifications shall be kept in the youth's record.

(C) The results of the emergency staff meeting shall be recorded and maintained on file.

(9) All youth care staff and program personnel shall be informed at all times of the current status of each youth in involuntary seclusion.

(d) Restraint.

(1) Each facility shall establish and implement written policies and procedures that govern the use of restraint.

(2) These policies and procedures shall include the following:

(A) Limitations on the use of physical restraint to instances of justifiable self-defense, protection of the youth or others, or the protection of property;

(B) permission to use physical restraint only if all other less restrictive methods of controlling the youth's dangerous behavior were attempted and failed;

(C) a statement that chemical agents are not to be used by secure residential treatment facility personnel;

(D) a statement that psychotropic medications are not to be used for disciplinary reasons; and

(E) a statement that psychotropic medications are to be administered only when medically necessary upon order of the youth's physician.

(3) The restraints selected shall be the least restrictive measure necessary to prevent injury to the youth or others.

(4) Restraint or involuntary seclusion shall never be used for punishment or for the convenience of staff. Restraint or involuntary seclusion shall not be used for more than three consecutive hours without medical reevaluation of its necessity, except between the hours of 12:00 midnight and 8:00 a.m., unless necessary for the safety and well-being of the youth.

(5) Each secure residential treatment facility that uses restraint shall develop and insure implementation of a comprehensive policy on the use of each restraint. The policy shall identify the following:

(A) The forms of restraint in use at the facility, clearly demonstrating that each specified form of restraint is required to appropriately serve youth;

(B) specific criteria for the use of each form of restraint;

(C) the staff members authorized to approve the use of each form of restraint;

(D) the staff members authorized and qualified to administer or apply each form of restraint;

(E) the approved procedures for application or administration of each form of restraint;

(F) the procedures for monitoring any youth placed in each form of restraint;

(G) any limitations on the use of each form of restraint, including time limitations;

(H) the procedures for immediate, continual review of restraint placements for each form of restraint, except passive physical restraint; and

(I) procedures for comprehensive record keeping concerning all incidents involving the use of restraint, including incidents of passive physical restraint if it is used in conjunction with or leads to the use of any other form of restraint. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-339. Rights of youth. (a) The rights of youth while in the licensee's care or control shall not be diminished or denied for disciplinary reasons.

(b) Each secure residential treatment facility shall establish and implement written policies and procedures concerning the rights of the youth. These policies and procedures shall provide that youth are assured of their rights, subject only to the limitations necessary to maintain order and security in the secure residential treatment facility. These policies and procedures shall ensure the following:

(1) Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse, or punitive interference with the daily functions of living, including eating or sleeping;

(2) freedom from discrimination based on race, culture, religion, national origin, sex, or disability;

(3) equal access to programs and services for both male and female youth in coed facilities;

(4) receipt and explanation of written rules and grievance procedures of the facility, in a language that the youth can understand;

(5) opportunity for a variety of physical exercise, including outdoor exercise if weather permits;

(6) participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security;

(7) reasonable religious diets;

(8) the right to wear personal clothing consistent with secure residential treatment facility guidelines. If the facility provides clothing, it shall be of proper size and contemporary style;

(9) access to the courts and confidential contact with attorneys, judges, parents, social workers, and other professionals, including telephone conversations, visits, and correspondence;

(10) medical treatment and emergency dental care, a medically proper diet, and the right to know what and why medications are being prescribed;

(11) the right to send and receive uncensored mail in accordance with K.A.R. 28-4-336(i)(4);

(12) the right to receive visitors and communication in accordance with the facility's visitation policies;

(13) the right to determine the length and style of hair, except when a physician determines that a haircut is medically necessary; and

(14) the right to keep facial hair, if desired, except when a licensed physician determines that removal is medically necessary for health and safety. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-340. Emergency, safety, security, and control.

(a) Each secure residential treatment facility shall develop a disaster plan to provide for the safety of youth in emergencies. The licensee shall review the plan at least annually and update as needed. The plan and any subsequent updates shall be approved by the state fire marshal or the fire marshal's designee.

(1) The disaster plan shall contain provisions for the care of youth in disasters, including fires, tornadoes, storms, floods, and civil disorders, as well as occurrences of serious illness or injury to staff members and youth.

(2) All of the staff in the secure residential treatment facility shall be informed of the disaster plans, and the plans shall be posted in a prominent location.

(3) Each secure residential treatment facility shall have first aid supplies, including the following:

(A) Assorted adhesive strip bandages;

(B) adhesive tape;

(C) a roll of gauze;

(D) scissors;

(E) a package of gauze squares;

(F) pump soap;

(G) an elastic bandage;

(H) tweezers; and

(I) rubbing alcohol.

(4) Each secure residential treatment facility that uses involuntary seclusion shall have a policy and procedure to evacuate each youth in seclusion in the event of a fire or other emergency.

(b) The secure residential treatment facility shall conduct a minimum of one fire drill and one tornado drill per shift per quarter.

(c) Security and control. Each secure residential treatment facility shall use a combination of supervision, in-

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spection, accountability, and clearly defined policies and procedures on the use of security to promote safe and orderly operations.

(1) All written policies and procedures for security and control shall be available to all staff members. The licensee shall review the policies and procedures at least annually and update as needed, and shall include all of the following requirements:

(A) The licensee shall ensure that a daily report on youth population movement is completed and kept on file.

(B) Written operational shift assignments shall state the duties and responsibilities for each assigned position in the secure residential treatment facility.

(C) Supervisory staff shall maintain a permanent log and prepare shift reports that record routine and emergency situations.

(D) The licensee shall ensure that security devices are regularly inspected and maintained, with any corrective action completed as necessary and recorded.

(E) No weapons shall be permitted in the facility.

(F) The licensee shall ensure that guidelines for the control and use of keys, tools, and medical and culinary equipment are implemented.

(G) No youth or group of youth shall exercise control or authority over another youth, have access to the records of another youth, or have access to or use of keys that control security.

(H) The licensee shall ensure that procedures are developed and implemented for handling escapes, runaways, and unauthorized absences.

(I) The licensee shall ensure that safety and security precautions are developed and implemented pertaining to facility and staff vehicles.

(2) The licensee shall ensure that policies and procedures are developed for the prosecution of any illegal act committed while the youth is in care.

(3) The licensee shall ensure that policies and procedures are developed and implemented to prohibit the use of chemical agents, including mace, pepper mace, or tear gas, by facility staff.

(4) Poisons and all flammable materials shall be kept in locked storage.

(5) The licensee shall ensure that policies and procedures are developed that govern documentation of all special incidents, including the taking of hostages and the use of restraint other than for routine transport. The policies and procedures shall require submission of a written report of all special incidents to the program director or the program director's designee. Each report shall be submitted no later than the conclusion of that shift. A copy of the report shall be kept in the youth's record. A copy of the report of any incident that involves the taking of hostages, the death or injury of a youth, or criminal charges against a youth or staff member shall be submitted to the department, the placing agent, and other persons as appropriate.

(6) The licensee shall ensure that each incident of disaster is reported to the department within 24 hours, excluding weekends and holidays. Each incident of fire shall also be reported to the state fire marshal within 24 hours, excluding weekends and holidays.

(7) A written plan shall provide for continuing operations in the event of a work stoppage. Copies of this plan shall be available to all staff. The licensee shall ensure that each incident of work stoppage is reported to the department within 24 hours, excluding weekends and holidays. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-341. Health care policies. (a) Health services for youth.

(1) Each secure residential treatment facility, in consultation with a physician or community health nurse, shall develop written health care policies that cover the following:

(A) A health history checklist and review for each youth upon admission, as documented on forms approved by the department;

(B) follow-up health care, including a health examination and referrals, for concerns identified in the health history checklist and review;

(C) dental screening upon admission and follow-up emergency dental care as needed;

(D) preventive dental care for youth;

(E) chronic care, convalescent care, and preventive care, if medically indicated;

(F) care for minor illness, including the use and administration of prescription and nonprescription drugs;

(G) care for youth under the influence of alcohol or other drugs;

(H) consultation regarding individual youth, if indicated;

(I) infection control measures and universal precautions to prevent the spread of blood-borne infectious diseases;

(J) maternity care as defined in K.A.R. 28-4-279; and

(K) medically indicated seclusion.

(2) Each facility shall designate as a medical consultant a physician licensed to practice in Kansas.

(3) Each facility shall obtain written consent from each youth's parent or legal guardian for medical and dental care.

(4) The medicine cabinet shall be located in an accessible, supervised area. The cabinet shall be kept locked. Medications taken internally shall be kept separate from other medications. All unused medication shall be safely discarded.

(5) All medications shall be administered by a designated staff member qualified to administer medications. Prescription medication shall be given from a pharmacy container labeled with the following:

(A) The youth's name;

(B) the name of the medication;

(C) the dosage and the dosage intervals;

(D) the name of the prescribing physician; and

(E) the date the prescription was filled.

Any changes of prescription or directions for administering a prescription medication shall be authorized, in writing, by a physician with documentation placed in the youth's record.

(6) All medication, including nonprescription medication, shall be given only in accordance with label directions, unless ordered differently by a physician. A record

shall be kept in the youth's record documenting the following:

- (A) The name of the person who gave the medication;
- (B) the name of the medication;
- (C) the dosage; and
- (D) the date and time it was given.

(7) Each licensee shall make the following arrangements for emergency care:

(A) The secure residential treatment facility shall have a written record of the name, address, and telephone number of a physician licensed in Kansas to be called in case of emergency.

(B) Policies and procedures shall ensure the continuous care of youth who require emergency medical treatment.

(C) If a staff member accompanies a youth to the source of emergency care, the staff member shall remain with the youth for the duration of the emergency.

(D) Supervision of the other youth in the secure residential treatment facility shall not be compromised.

(E) The health history checklist and health assessment shall be taken to the emergency room with the youth.

(8) The licensee shall report each instance of suspected abuse or neglect and each incident resulting in the death of or in a serious injury to any staff member or youth that requires treatment at a hospital. The report shall be made within 24 hours, excluding weekends and holidays, to the department and the county health department in which the secure residential treatment facility is located. The licensee shall submit each written incident report to the department within five working days. If an injured youth is taken to a hospital or seen by a physician, the licensee shall ensure that the parent or legal guardian or custodian is notified as soon as possible. If suspected abuse or neglect of a youth occurs, the licensee shall ensure that the Kansas department of social and rehabilitation services is notified.

(9) The licensee shall ensure that any injury to a youth or staff member that is a result of suspected criminal action is reported immediately to the local law enforcement officials.

(10) The licensee shall ensure that any death of staff or a youth within the secure residential treatment facility is reported to the local law enforcement officials.

(b) Physical health of youth.

(1) The licensee shall ensure that a health history checklist is completed for each youth at the time of admission. This checklist shall be completed by the person who admits the youth, using forms supplied or approved by the department.

(A) The health checklist shall serve as a guide to determine if a youth is in need of immediate medical care.

(B) The licensee shall ensure that the secure residential treatment facility's physician is contacted for any youth who is taking a prescribed medication at the time of admission so that treatment is not interrupted.

(C) The licensee shall ensure that the secure residential treatment facility's physician is contacted for any youth who has acute symptoms of illness or who has a chronic illness. Communicable diseases shall be reported to the local county health department within 24 hours, excluding weekends and holidays.

(2) Within 72 hours of admission, a physician or a nurse certified by the department to conduct screening and health assessments shall review the health history checklist. Based upon health indicators derived from the checklist or in the absence of documentation of a screening within the past 24 months, the physician or certified nurse shall determine whether or not a full screening and health assessment are necessary.

(A) If necessary, the screening and health assessment shall be conducted by a licensed physician or by a nurse certified by the department to conduct these examinations.

(i) The screening and health assessment shall be completed within 10 days of admission.

(ii) The screening shall be based upon health assessment and screening guidelines provided or approved by the department.

(B) Medical and dental records shall be kept on forms provided or approved by the department and shall be kept current.

(C) The licensee shall ensure that each youth receives a tuberculin skin test. A chest x-ray shall be taken of all positive tuberculin reactors and those with a history of positive reaction. The proper treatment or prophylaxis shall be instituted. The results of this follow-up shall be recorded in the youth's record, and the county health department shall be informed of the results.

(D) Each licensee shall maintain a current health record that includes the following for each youth:

- (i) The youth's current immunization record;
- (ii) a health history checklist;
- (iii) documentation of the review of the health history checklist;
- (iv) documentation of the decision regarding the need for screening and health assessment;
- (v) the tuberculin skin test result;
- (vi) a list of medical contacts; and
- (vii) entries regarding the youth's health care plan.

(E) The health record shall accompany the youth when transferred to another facility. A copy of the health record shall be kept in the youth's record at the secure residential treatment facility.

(3) The licensee's written policies and procedures shall prohibit the use of tobacco in any form by youth while in care.

(c) Dental health of youth.

(1) Each licensee shall make emergency dental care available for all youth. Each youth's record shall include a report of a dental examination obtained within one year before or 60 days after admission.

(2) The secure residential treatment facility staff shall develop plans for dental health education and shall supervise the youth in the practice of good dental hygiene.

(d) Personal health of staff members and volunteers.

(1) Each person caring for youth shall meet the following requirements:

- (A) Be free from communicable disease;
- (B) be free from physical, mental, or emotional handicaps to the extent necessary to fulfill the responsibilities listed in the job description, and protect the health, safety, and welfare of the youth; and

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(C) be free from impaired ability due to the use of alcohol or other drugs.

(2) Each staff member who may have contact with any youth shall receive a health examination within one year before employment. This examination shall be conducted by a licensed physician or a nurse authorized to conduct these examinations.

(3) Results of the health examination shall be recorded on forms supplied or approved by the department and kept on file. Health assessment records may be transferred from a previous place of employment, if the transfer occurs within one year of the examination date.

(4) The initial health examination shall include a tuberculin skin test. If there is a positive reaction to the tuberculin skin test or a history of previous positive reaction, a chest x-ray shall be required. Proof of proper treatment or prophylaxis shall be required. Documentation of the test, x-ray, and treatment results shall be kept on file in the person's health record.

(5) A tuberculin skin test or a chest x-ray shall be required if significant exposure to an active case of tuberculosis occurs or if symptoms compatible with tuberculosis develop. If there is a positive reaction to the diagnostic procedure, proof of proper treatment or prophylaxis shall be required. The results of this follow-up shall be recorded in the person's health record. The licensee shall inform the department of each case described in this paragraph.

(6) Each licensee shall require all volunteers to present written proof of freedom from active tuberculosis before serving in the facility.

(7) Smoking shall not be permitted in the facility.

(e) Personal hygiene.

(1) The licensee shall ensure that each youth bathes upon admission and that each youth is given the opportunity to bathe daily.

(2) The licensee shall give all youth the opportunity to brush their teeth after each meal.

(3) The licensee shall furnish each youth with toothpaste and a toothbrush. Pump soap shall be available at all community sinks and showers.

(4) Each licensee shall make facilities for shaves and haircuts available. No youth shall be required to have a haircut unless a physician determines that a haircut is medically necessary.

(5) Each youth's washable clothing shall be changed and laundered at least twice a week. The licensee shall ensure that underwear and socks are changed and laundered daily. Clean and serviceable footwear of appropriate size shall be issued to each youth.

(6) Each female youth shall be provided personal hygiene supplies with regard to her menstrual cycle.

(7) The licensee shall ensure that clean, individual bath and face towels are issued to each youth at least twice a week. Bed linen shall be changed at least once a week.

(8) The licensee shall allow each youth to have at least eight hours of sleep each day. Fourteen hours of activity shall be provided. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-342. Mental health policies. (a) The treatment and activities provided by the secure residential treat-

ment facility for youth shall supplement and support the family-child relationship.

(b) The views of the parents, the youth, and the placing agent concerning factors important to them in the emotional development of the youth shall be considered by the staff in the services provided.

(c) The cultural heritage of the youth shall be recognized and respected.

(d) Mental health concepts, as an integral aspect of total child development, shall be included in staff training and in parent-youth conferences. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

28-4-343. Environmental standards. (a) General building requirements.

(1) Each secure residential treatment facility shall use public water and sewage systems, or shall have private water and sewage systems approved pursuant to K.S.A. 65-163 and K.S.A. 65-165, and amendments thereto.

(2) A licensed architect shall be responsible for the plans for any newly constructed building or for any major addition or alteration to an existing building.

(A) In the case of a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the department for review before commencing the final working drawings and specifications. The licensee shall submit the final working drawings, construction specifications, and plot plans to the department for review and written approval before the letting of contracts.

(B) In the case of an addition or alteration to an existing building, the licensee shall submit a written statement defining the proposed use of the construction and detailing the plans and specifications to the department for review and written approval before commencing construction.

(3) If construction is not commenced within one year of submitting a proposal for a new building or an addition or alteration to an existing building, the licensee shall resubmit the plans and proposal to the department before proposed construction begins.

(b) Location and grounds requirements.

(1) Community resources, including health services, police protection, and fire protection from an organized fire department, shall be available.

(2) There shall be at least 100 square feet of outside activity space available per youth allowed to utilize each area at any one time.

(3) The outside activity area shall be free of physical hazards.

(4) If the secure residential treatment facility is on the same grounds as any other type of facility, the secure residential treatment facility shall be a separate, self-contained unit.

(5) Sufficient space for visitor and staff parking at each secure residential treatment facility shall be provided.

(c) The water supply to each secure residential treatment facility shall be from a source approved and certified by the department. Any privately owned water supply shall be approved by the county health officer or the department.

(d) Structural requirements.

(1) Facility construction shall provide for the removal of architectural barriers to disabled persons. All parts of each facility shall be accessible to and usable by disabled persons.

(2) Each facility's structural design shall facilitate personal contact and interaction between staff members and youth.

(3) Floors shall be smooth and free from cracks, easily cleanable, and not slippery. Floor covering for living quarters shall be required. All floor covering shall be kept clean and be maintained in good repair.

(4) Walls shall be smooth, easily cleanable, and sound. Lead-free paint shall be used on all painted surfaces.

(5) No youth's room shall be in a basement. The minimum square footage of floor space shall be 80 square feet in single rooms, and an average of no fewer than 60 square feet of floor space per person in rooms accommodating more than one person. At least one dimension of the usable floor space unencumbered by furnishings or fixtures shall be no fewer than seven feet. The minimum ceiling height shall be seven feet, eight inches over 90% of the room area. An even temperature of between 68° Fahrenheit and 78° Fahrenheit shall be maintained, with an air exchange of at least four times per hour.

(6) Bedrooms occupied by youth shall have a window source of natural light. Access to a drinking water source and toilet facilities shall be available 24 hours a day.

(7) Separate beds with level, flat mattresses in good condition shall be provided for each youth. Beds shall be above the floor level.

(8) Adequate, clean bedding shall be provided for each youth.

(9) All quarters utilized by youth shall have minimum lighting of 20 foot-candles in all parts of the room. There shall be minimum lighting of 35 foot-candles in areas used for reading, study, or other close work.

(10) There shall be adequate space for study and recreation.

(11) Each living unit shall contain the following:

(A) Furnishings that provide sufficient seating for the maximum number of youth expected to use the area at any one time;

(B) writing surfaces that provide sufficient space for the maximum number of youth expected to use the area at any one time;

(C) furnishings that are consistent with the security needs of the assigned youth; and

(D) adequate central storage for household supplies, bedding, linen, and recreational equipment.

(12) If the secure residential treatment facility is on the same premises as another child care facility, the living unit of the secure residential treatment facility shall be maintained in a separate, self-contained unit. Youth of the secure residential treatment facility shall not use space shared with other child care facilities at the same time.

(13) If a secure residential treatment facility has day rooms, the day rooms shall provide space for varied youth activities. Day rooms shall be situated immediately adjacent to the youth sleeping rooms, but separated from them by a floor-to-ceiling wall. Each day room shall provide at least 35 square feet per person, exclusive of lava-

tories, showers, and toilets, for the maximum number of youth expected to use the day room area at any one time.

(14) There shall be a working telephone readily accessible to staff members in all areas of the building. Emergency numbers, including fire, police, hospital, physician, poison control facility, and ambulance, shall be posted by each phone.

(15) The inside program and activity areas, excluding the sleeping rooms, day room, and classrooms, shall provide floor space equivalent to a minimum of 100 square feet per youth.

(16) Sufficient space shall be provided for contact visiting. There shall be adequately designed space to permit the screening and search of both youth and visitors. Storage space shall be provided for the secure storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.

(17) Each room used for involuntary seclusion shall meet the following requirements for an individual bedroom:

(A) The walls of each room used for involuntary seclusion shall be completely free of objects.

(B) The door of each room used for involuntary seclusion shall be equipped with a window mounted in a manner that allows inspection of the entire room. The glass in this window shall be impact-resistant and shatterproof.

(C) The locking system for a room used for involuntary seclusion shall be approved by the state fire marshal or the fire marshal's designee.

(18) A service sink and storage area for cleaning supplies shall be provided in a well-ventilated room separate from kitchen and living areas.

(e) Food services.

(1) Food storage, preparation, and service shall comply with the departmental regulations governing food and lodging services.

(2) All foods not requiring refrigeration shall be stored at least six inches above the floor in clean, dry, well-ventilated storerooms or other approved areas with no overhead drain or sewer lines.

(3) Dry bulk food that is not in an original, unopened container shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled.

(4) Poisonous or toxic materials shall not be stored with or over food. If medication requiring refrigeration is stored with refrigerated food, the medication shall be stored in a locked medicine box under all food items in the refrigerator.

(5) All perishables and potentially hazardous foods shall be continuously maintained at 45° Fahrenheit or lower in the refrigerator, or 10° Fahrenheit or lower in the freezer.

(A) Each cold storage facility shall be provided with a clearly visible, accurate thermometer.

(B) All foods stored in the refrigerator shall be covered.

(C) Food not stored in the original container shall be labeled with the contents and date.

(D) Raw meat shall be stored under all other food items in the refrigerator before cooking.

(continued)

(E) Adequate facilities to maintain food temperatures required in this regulation shall be available.

(6) All dense, hot foods shall be stored in containers four or fewer inches deep.

(7) Food preparation and service.

(A) Each food preparation area shall be adequately equipped for the sanitary preparation and storage of food and washing of dishes and utensils. Food shall be prepared and served in a sanitary manner.

(B) Cooking equipment shall be kept clean and in good condition.

(C) Dishes shall have hard-glazed surfaces and shall be free of cracks and chips.

(D) Dishes, kitchen utensils, and serving equipment shall be maintained in a sanitary condition using one of the following methods:

(i) A three-compartment sink supplied with hot and cold running water to each compartment and a drain board for washing, rinsing, sanitizing, and air drying, with an appropriate chemical test kit for testing the sanitizing solution;

(ii) a domestic-type dishwasher for groups of 24 or fewer persons;

(iii) a commercial-type dishwasher providing a 12-second rinse with 180° Fahrenheit water, for groups of 25 persons or more;

(iv) other methods of sanitizing by manual or mechanical cleaning in accordance with K.A.R. 28-36-24(a) (3) and (4); or

(v) the use of disposable plates, cups, and plastic utensils of food-grade medium weight. Disposable table service shall be used only one time and then destroyed.

(E) Tables shall be in good condition and shall be washed before and after each meal. Floors shall be swept after meals.

(F) Meat shall be thawed using one of the following methods:

(i) Removing the meat from the freezer in advance and putting it in the refrigerator to thaw;

(ii) placing the meat under running, tepid water 72° Fahrenheit until thawed; or

(iii) thawing in the microwave as part of the cooking process.

(8) Sanitary conditions.

(A) Only authorized persons shall be in the kitchen.

(B) Each kitchen shall be equipped with separate hand-washing facilities. Personnel shall wash their hands before handling food and after working with raw meat.

(C) Hair shall be restrained.

(D) No staff member with any open wounds or infections shall be involved in food preparation or service.

(E) Clean and soiled linen shall be properly stored in the kitchen area.

(F) All trash cans in the restroom used by the kitchen staff shall be covered.

(9) Food safety.

(A) All dairy products shall be pasteurized. Dry milk shall be used for cooking only.

(B) Home-canned foods, other than jams and jellies, and home-frozen foods shall not be served.

(C) Commercially canned food from dented, rusted, bulging, or leaking cans, and food from cans without labels shall not be used.

(10) Nutrition.

(A) Meals and snacks shall meet the nutritional needs of the youth in accordance with recommended dietary allowances. A sufficient quantity of food shall be prepared for each meal to allow each youth second portions of vegetables, fruit, bread, and milk.

(B) Special diets shall be provided for youth, if medically indicated, or to accommodate religious practice, as indicated by a religious consultant.

(C) Menus shall be planned one week in advance. Copies of the menus for the preceding month shall be kept on file and available for inspection.

(11) If meals are catered, the following requirements shall be met:

(A) The meals shall be obtained from sources licensed by the department.

(B) Food shall be transported in covered and temperature-controlled containers. Hot foods shall be maintained at not less than 140° Fahrenheit, and cold foods shall be maintained at 45° Fahrenheit or less.

(f) Toilets and lavatories.

(1) For each eight or fewer youth of each sex, there shall be at least one toilet, one lavatory, and either a bathtub or a shower. All toilets shall be above floor level.

(2) Each bathroom shall be ventilated. Each inside bathroom shall have a mechanical ventilating system to the outside, with a minimum of 10 air changes per hour.

(3) Toilet and bathing facilities and drinking water shall be convenient to sleeping quarters and living and recreation rooms.

(4) Cold and hot water, not exceeding 120° Fahrenheit, shall be supplied to lavatories, bathtubs, and showers.

(5) Toilet facilities and drinking water shall be convenient to the reception and admission areas.

(6) Locked sleeping rooms shall be equipped with a drinking fountain, lavatory, and toilet, unless a communication system or procedure is in effect to give the resident immediate access to a lavatory, toilet, and drinking water.

(g) Laundry.

(1) If laundry is done at the secure residential treatment facility, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in a manner that safeguards the health and safety of the youth.

(2) Soiled linen shall be stored separately from clean linen.

(3) Blankets shall be laundered or sanitized before reissue.

(4) Blankets, when used with sheets, shall be laundered at least once each month.

(5) Mattresses shall be water-repellent and washed down and sprayed with disinfectant before reissue. Mattress materials and treatments shall meet state fire marshal regulations.

(6) Adequate space shall be allocated for the storage of clean and dirty linen and clothing. If an in-house laundry service is provided, adequate space shall be allocated for the laundry room and the storage of laundry supplies, including locked storage for chemical agents used in the laundry area.

(h) Building maintenance standards.

- (1) Each building shall be clean at all times and free from accumulated dirt, vermin, and rodent infestation.
- (2) Floors and walking surfaces shall be kept free of hazardous substances at all times.
- (3) A schedule for cleaning each building shall be established and maintained.
- (4) Floors shall be swept and mopped daily.
- (5) Washing aids, including brushes, dish mops, and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.
- (6) Mops and other cleaning tools shall be cleaned and dried after each use and stored in a well-ventilated place on adequate racks.

- (7) Insecticides, rodent killers, and other poisons shall be used under careful supervision. These and other poisons shall be stored in a locked area.
- (8) Toilets, lavatories, sinks, and other such facilities in the living quarters shall be cleaned thoroughly each day. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024057

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1998 Supplement to the *Kansas Administrative Regulations*.

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39-3-1 through 39-3-8	Revoked	V. 17, p. 1936
39-5-1	Revoked	V. 17, p. 1936
39-6-1	Revoked	V. 17, p. 1936
39-6-2	Revoked	V. 17, p. 1936

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-35	Revoked	V. 17, p. 1837
40-1-45	New	V. 17, p. 1211
40-2-25	Amended	V. 17, p. 1546
40-3-33	Amended	V. 18, p. 1016
40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-36	Amended	V. 17, p. 689
40-5-10	Amended	V. 17, p. 1578
40-9-118	Amended	V. 17, p. 1033
40-15b-1	Amended	V. 17, p. 1547

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended (T)	V. 18, p. 131
44-1-103	Amended	V. 18, p. 390
44-12-601	Amended	V. 17, p. 424

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-2	Amended	V. 17, p. 143
45-9-4	New (T)	V. 18, p. 1034

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)

Reg. No.	Action	Register
47-2-53	Amended	V. 17, p. 1108
47-2-75	Amended	V. 17, p. 1108
47-3-42	Amended	V. 17, p. 1109
47-5-5a	Amended	V. 17, p. 1110
47-6-4	Amended	V. 17, p. 1112
47-6-6	Amended	V. 17, p. 1112
47-6-8	Amended	V. 17, p. 1113
47-7-2	Amended	V. 17, p. 1113
47-8-9	Amended	V. 17, p. 1113
47-9-1	Amended	V. 17, p. 1114
47-16-6	Amended	V. 17, p. 1117
47-16-9	Amended	V. 17, p. 1117
47-16-10	Amended	V. 17, p. 1117
47-16-11	Amended	V. 17, p. 1117

AGENCY 48: DEPARTMENT OF HUMAN RESOURCES—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-4	Amended	V. 17, p. 628

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-1-22	Revoked	V. 17, p. 628
51-2-4	Amended	V. 17, p. 628
51-2-5	Amended	V. 17, p. 629
51-3-1	Amended	V. 17, p. 629
51-3-5	Amended	V. 17, p. 629
51-3-5a	Amended	V. 17, p. 629
51-3-6	Amended	V. 17, p. 630
51-3-8	Amended	V. 17, p. 630
51-3-17	Revoked	V. 17, p. 631
51-4-1	Revoked	V. 17, p. 631
51-7-5	Revoked	V. 17, p. 631
51-7-6	Revoked	V. 17, p. 631
51-7-8	Amended	V. 17, p. 631
51-8-2 through 51-8-7	Revoked	V. 17, p. 631
51-8-9	Revoked	V. 17, p. 631
51-8-10	Revoked	V. 17, p. 631
51-9-5	Amended	V. 17, p. 632
51-9-10	Amended	V. 17, p. 632

51-9-11	Amended	V. 17, p. 632
51-9-12	New	V. 17, p. 632
51-9-13	New	V. 17, p. 633
51-9-14	New	V. 17, p. 634
51-10-6	Amended	V. 17, p. 634
51-12-2	New	V. 17, p. 635
51-13-1	Amended	V. 17, p. 635
51-15-2	Amended	V. 17, p. 635
51-17-2	New	V. 17, p. 635
51-18-2	Amended	V. 17, p. 636
51-18-3 through 51-18-6	New	V. 17, p. 637
51-19-1	Amended	V. 17, p. 637
51-21-1	Amended	V. 17, p. 637
51-24-1	Amended	V. 17, p. 637
51-24-2	Revoked	V. 17, p. 637
51-24-7	Revoked	V. 17, p. 637

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 18, p. 51
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-101	Amended	V. 18, p. 52
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358
60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361
60-15-101 through 60-15-104	Amended	V. 17, p. 1321-1323
60-16-101	Amended	V. 17, p. 796
60-16-102	Amended	V. 17, p. 796

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 17, p. 1270
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 17, p. 102
66-7-2	Amended	V. 18, p. 79
66-10-1	Amended	V. 17, p. 102

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 17, p. 1107
68-2-20	Amended	V. 17, p. 1167
68-2-22	New	V. 18, p. 81
68-5-15	New	V. 18, p. 993
68-7-12	Amended	V. 17, p. 170
68-7-18	Amended	V. 18, p. 994
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81
68-14-1	Amended	V. 18, p. 1019
68-14-2 through 68-14-5	Amended	V. 18, p. 996, 997
68-14-7	Amended	V. 18, p. 997
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-20-10a	New	V. 18, p. 81
68-20-15a	Amended	V. 18, p. 82
68-20-16	Amended	V. 17, p. 1107
68-20-17	Amended	V. 18, p. 83
68-20-19	Amended	V. 18, p. 83

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 17, p. 1622

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 71-3-7 (New, V. 18, p. 104) and 71-6-6 (New, V. 18, p. 104, 105).

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Rows include 74-2-7 (Amended, V. 17, p. 1415) and 74-12-1 (Amended, V. 17, p. 1418-142).

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Row includes 75-6-24 (Amended, V. 17, p. 738).

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 82-1-221a (New, V. 18, p. 231) and 82-4-53 (Amended, V. 17, p. 1897).

Table with 3 columns: Reg. No., Action, Register. Rows include 82-4-54 (Amended, V. 17, p. 1897) and 82-12-2 (Amended, V. 18, p. 239).

AGENCY 86: KANSAS REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Row includes 86-1-5 (Amended, V. 17, p. 246).

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Rows include 88-2-1 (Amended, V. 17, p. 1087) and 88-3-13 (New, V. 17, p. 1088).

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Rows include 91-5-1 (Amended, V. 17, p. 1802) and 91-5-13 (Amended, V. 17, p. 1803).

AGENCY 92: DEPARTMENT OF REVENUE

Table with 3 columns: Reg. No., Action, Register. Rows include 92-19-1a (Revoked, V. 17, p. 949) and 92-21-21 (Revoked, V. 17, p. 959).

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Table with 3 columns: Reg. No., Action, Register. Rows include 93-3-1 (through, V. 17, p. 1896) and 93-4-1 (Revoked, V. 17, p. 948).

Table with 3 columns: Reg. No., Action, Register. Rows include 93-4-2 (through, V. 17, p. 948, 949) and 93-4-6 (New, V. 17, p. 948, 949).

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

Table with 3 columns: Reg. No., Action, Register. Rows include 99-25-1 (Amended, V. 18, p. 189) and 99-40-47 (New, V. 17, p. 213).

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Rows include 100-11-1 (Amended, V. 17, p. 509) and 100-69-5 (Amended, V. 17, p. 510).

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 102-1-1 (Amended, V. 17, p. 1799) and 102-5-7a (New, V. 17, p. 427).

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Row includes 108-1-2 (New, V. 17, p. 462).

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register.

Table with 3 columns: Reg. No., Action, Register. Rows include 111-1-5 (Amended, V. 18, p. 451) and 111-2-80 (New, V. 18, p. 54).

111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	Amended	V. 18, p. 773
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88		
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111-2-93	New	V. 18, p. 451-453
111-3-1	Amended	V. 18, p. 956
111-3-14	Amended	V. 18, p. 957
111-3-21	Amended	V. 18, p. 958
111-3-22	Amended	V. 18, p. 958
111-4-1364		
through		
111-4-1380	New	V. 18, p. 14-19
111-4-1381		
through		
111-4-1396	New	V. 18, p. 55-59
111-4-1384	Amended	V. 18, p. 958
111-4-1397		
through		
111-4-1412	New	V. 18, p. 125-129
111-4-1413		
through		
111-4-1430	New	V. 18, p. 332-336
111-4-1423	Amended	V. 18, p. 453
111-4-1431		
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111-4-1443	New	V. 18, p. 454-457
111-4-1444		
through		
111-4-1468	New	V. 18, p. 773-779
111-4-1457	Amended	V. 18, p. 958
111-4-1469		
through		
111-4-1485	New	V. 18, p. 959-963
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-7-66	Amended	V. 18, p. 963

111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-7-134	Amended	V. 18, p. 336
111-9-97		
through		
111-9-102	New	V. 18, p. 337
111-9-103		
through		
111-9-108	New	V. 18, p. 963, 964

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 17, p. 511
112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-7-7	Amended	V. 17, p. 512
112-10-6	Amended	V. 18, p. 954
112-10-8	Amended	V. 17, p. 1968
112-12-9	Amended	V. 17, p. 213
112-16-11	Amended	V. 17, p. 590
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-4-1	Amended	V. 17, p. 463
115-4-7	Amended	V. 17, p. 464
115-4-13	Amended	V. 18, p. 1020
115-11-2	Amended	V. 18, p. 484
115-16-4	Amended	V. 18, p. 780
115-17-1	Amended	V. 17, p. 1707
115-17-2	Amended	V. 17, p. 1707
115-17-4	Amended	V. 17, p. 1708
115-17-5	Amended	V. 17, p. 1708
115-17-6	Amended	V. 17, p. 1708
115-17-14	Amended	V. 17, p. 1709
115-17-21	New	V. 18, p. 781

115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-30-10	Amended	V. 18, p. 781
115-35-1	New	V. 17, p. 1710

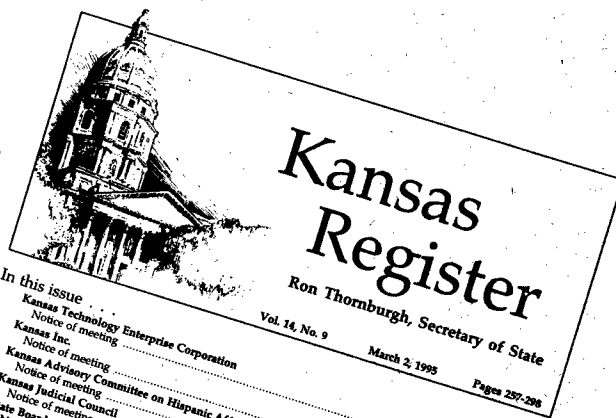
AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-1	Amended	V. 18, p. 955
117-6-3	Amended	V. 17, p. 1706
117-8-1	Amended	V. 18, p. 995
117-8-2	New	V. 17, p. 1707

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1		
through		
118-1-4	Amended	V. 17, p. 1547, 1548
118-3-1		
through		
118-3-16	New	V. 17, p. 1549-1553
118-4-1		
through		
118-4-4	New	V. 18, p. 672, 673

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