

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, December 16, at Kansas, Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Leroy Gattin
Chairman

Doc. No. 024583

State of Kansas

Kansas Arts Commission

Notice of FY 2001 Grant Programs and Deadlines

The Kansas Arts Commission has announced its grant programs, including later application deadlines, for fiscal year 2001 (July 1, 2000 through June 30, 2001). The commission staff has simplified the application process for FY 2001. As a result, the slimmer guideline booklet won't be distributed until January 2000, and the application deadlines will be later than in prior years.

Operating Support grants are offered to arts and cultural organizations for programming and administrative costs. The deadline is March 27, 2000.

Arts Project Support grants are offered to assist non-arts organizations to develop and present arts projects. The deadline is March 13, 2000.

The Arts In Education (AIE) Projects program offers grants that provide opportunities for children to experience the arts through hands-on involvement. An applicant may seek support in either or both categories: Com-

munity AIE Projects and AIE Projects for At-Risk Students. The deadline is March 13, 2000. An Operational Support applicant grant also may seek AIE Project funding.

Grassroots grants are offered to rural, multicultural, culturally specific, and emerging organizations. Technical Assistance grants are offered to the same organizations, as well as to arts and cultural organizations.

The Kansas Touring Program (KTP) provides fee support to organizations contracting for performances by artists on the KTP Roster, published in the guidelines booklet. Organizations may request 40 percent of total fees, up to \$7,500. An Operating Support applicant may seek KTP support only as a component of that application.

Applications for Grassroots, Technical Assistance, and KTP support are processed and awarded on a first-come, first-served basis until reserved funds are exhausted. An organization therefore should apply at least six weeks or more prior to the beginning of its project in order to receive timely payment.

Funding for FY 2001 grants will come from an appropriation by the 2000 Kansas Legislature and grants from the National Endowment for the Arts, a federal agency.

To request the grant guidelines and application form, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3761, (785) 296-3335, fax (785) 296-4989, e-mail KAC@arts.state.ks.us. Persons with special communication needs may use the Kansas Relay Service, 1-800-766-3777.

David M. Wilson
Executive Director

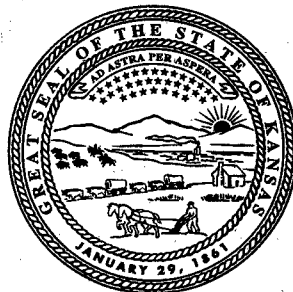
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State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, December 17, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For further information, contact the commission at (785) 296-3976.

Randell D. Scott
Acting Executive Director

Doc. No. 024575

State of Kansas

Criminal Justice Coordinating Council

Notice of Meeting

The Kansas Criminal Justice Coordinating Council will meet from 9 to 11 a.m. Friday, December 17, in the Fatzer Courtroom, third floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka. For further information, call the council office at (785) 296-0923.

Barbara S. Tombs
Executive Director

Doc. No. 024576

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 13 through December 26. Any individual with a disability may request accommodation in order to participate in committee meetings. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or (785) 296-8430 (TTY).

Date	Room	Time	Committee	Agenda
December 13	123-S	10:00 a.m.	Joint Committee on Pensions, Benefits and Investments	Review interim report and consider recommendations/conclusions.
December 14	123-S	9:00 a.m.		
December 13	Canceled		SRS Transition Oversight Committee	
December 14	Canceled			
December 13	519-S	10:00 a.m.	Joint Committee on Information Technology	13th: Review agency projects. 14th: Review KAN-ED and Broadband issues.
December 14	519-S	9:00 a.m.		
December 13	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
December 14	531-N	9:00 a.m.		
December 14	514-S	8:00 a.m.	Kansas Systems Review Team	Agenda not available.
December 15	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
December 15	514-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
December 16	514-S	9:00 a.m.		
December 15	519-S	1:30 p.m.	Senate Confirmations	Agenda not available.
December 15	526-S	10:00 a.m.	Legislative Post Audit	Agenda not available.
December 16	519-S	9:00 a.m.		
December 15	531-N House Chamber	10:00 a.m. 5:00 p.m.	Joint Committee on Health Care Reform Legislative Oversight	Brief hearing and work on report.
December 17	123-S	10:00 a.m.	Joint Committee on State-Tribal Relations	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 024581

State of Kansas

**Department of Administration
Division of Architectural Services**

Notice to Consulting Architects and Engineers

The Kansas Department of Administration is inviting all consulting firms who are interested in providing architectural and engineering services for capital improvement projects to prequalify themselves with the Division of Architectural Services, a division of the Department of Administration. Architectural work shall include landscape architecture.

In order to prequalify, the firm must have an architect or engineer registered with the State Board of Technical Professions in any discipline in which the firm is seeking work; i.e., a structural engineer must seal the structural drawings with his or her Kansas engineering seal.

In addition to the above, the statutes require that firms annually submit a statement of qualifications and performance data. In this regard, a completed Federal SF 254 form must be submitted to Gary Grimes, Deputy Director, Planning and Project Management, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, by 5 p.m. February 4. For further information, contact Gary Grimes at (785) 296-8899, ext. 204, or fax (785) 296-8898.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024574

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:

Blue Cross/Blue Shield of Kansas City Pharmacy Network has notified the Insurance Department of the following addition to its pharmacy network:

Pharmacy Name	City	Effective Date
Target Pharmacy	Wichita	December 1999

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

Pharmacy Name	City	Effective Date
Dillon's Pharmacy #19	Lawrence	10/15/99

United HealthCare of the Midwest, Inc. Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Checkers Pharmacy	Fort Scott	August 1999
Target Pharmacy #092	Wichita	August 1999

United HealthCare of the Midwest, Inc. Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Consumers markets #32	Fort Scott	August 1999
Bunch Drug Company	Beloit	August 1999
Medical Arts Pharmacy-West	Topeka	August 1999

Humana, Inc. Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Crossroads Pharmacy	Belleville	01/01/99
J & J Pharmacy	Lakin	01/26/99
Stark Pharmacy	Overland Park	02/01/99
Stark Professional Pharmacy	Overland Park	02/01/99
Target Pharmacy #T-531	Lawrence	02/23/99
Target Pharmacy #T-1756	Olathe	02/23/99
Target Pharmacy #T-1757	Overland Park	02/23/99
Target Pharmacy #T-1759	Shawnee	02/23/99
Osco Drug #2096	Kansas City	04/12/99
Osco Drug #2189	Kansas City	04/12/99
Osco Drug #2287	Kansas City	04/12/99
Osco Drug #2349	Kansas City	04/12/99
Osco Drug #2161	Leawood	04/12/99
Osco Drug #2410	Lenexa	04/12/99
Osco Drug #8906	Lenexa	04/12/99
Osco Drug #2401	Olathe	04/12/99
Osco Drug #2602	Olathe	04/12/99
Osco Drug #8908	Olathe	04/12/99
Osco Drug #2196	Overland Park	04/12/99
Osco Drug #2251	Overland Park	04/12/99
Osco Drug #2288	Overland Park	04/12/99
Osco Drug #2398	Overland Park	04/12/99
Osco Drug #2182	Roeland Park	04/12/99
Osco Drug #2241	Shawnee	04/12/99
Osco Drug #2192	Shawnee Mission	04/12/99
Shopko Pharmacy #2161	Wichita	04/21/99
Shopko Pharmacy #2162	Wichita	04/21/99
Qualicare	Lawrence	05/01/99
Walgreens #04221	Overland Park	05/05/99
Target Pharmacy #T-91	Wichita	06/16/99
Walgreens #04981	Topeka	07/15/99
Checkers Pharmacy	Fort Scott	07/18/99
Price Chopper Pharmacy #117	Gardner	08/02/99
Hen House Pharmacy #27	Kansas City	08/12/99
Price Chopper Pharmacy #20	Leavenworth	08/12/99
Hen House Pharmacy #31	Merriam	08/12/99
Price Chopper Pharmacy #26	Olathe	08/12/99
Price Chopper Pharmacy #25	Overland Park	08/12/99
The Medicine Shoppe #0702	Olathe	08/13/99
Horizon Pharmacy #48	Dodge City	08/24/99
Candlewood Health Pharmacy	Manhattan	09/02/99
Gardner Pharmacy	Gardner	09/23/99

Humana, Inc. Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Horizon Pharmacy #48	Dodge City	02/01/99
Malpert Drug Company	Goodland	02/26/99
Humana Pharmacy Quivera Medical Center	Lenexa	04/12/99
Humana Pharmacy Clairborne Medical Center	Olathe	04/12/99
Drug Emporium #4	Olathe	05/26/99
Consumers Market #32	Fort Scott	06/29/99
Osco Drug #8908	Olathe	08/31/99

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

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 024578

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, December 23, in the conference room in the offices of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amounts. Each bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. Each project shall be located as shown:

Project No. 000429, Maximum Principal Amount: \$138,000. Owner/Operator: Jonathan and Sondra Bergstrom. Description: Acquisition of 286 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the South Half of the Northeast Quarter, except 30 acres on west end, and the North Half of the Southeast Quarter of Section 14, Township 5, Range 1; the South Half of the Southeast Quarter of Section 14, Township 5, Range 1; and the North Half of the Northeast Quarter of Section 23, Township 5, Range 1, Cloud County, Kansas; approximately 1 mile north of the Coop elevator in Clyde.

Project No. 000430, Maximum Principal Amount: \$73,916.45. Owner/Operator: Joseph Y. and Cecilia Sanaie. Description: Acquisition of 120 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the South Half of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 22, Township 24, Range 15, Center Township, Woodson County, Kansas; approximately 4 miles north of Yates Center on the west side of Highway 75.

Each bond, 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 it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. Each bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on each bond when it 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 Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the projects described above may be obtained by contacting the Authority.

Any individual affected by the above-described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Kenneth Frahm
President

Doc. No. 024579

State of Kansas

Kansas Turnpike Authority

Notice to Bidders

The Kansas Turnpike Authority is requesting sealed proposals for design and operation of retail fuel and food establishments at the new Topeka Service Area, to be constructed at approximately KTA Milepost 188, Shawnee County, Kansas, known as KTA Contract No. 4016.

Proposals and specifications are on file and may be obtained at the office of Michael L. Johnston, President/CEO, Kansas Turnpike Authority, 9401 E. Kellogg, Wichita. The telephone number to request bidding documents is (316) 682-4537, ext. 2381. The documents also may be examined in the office of the Sedgwick County Clerk.

The facility plans and specifications, along with estimated cost of construction, detailed operational and market plans, and operator experience package must be in the possession of the Kansas Turnpike Authority by the close of business Friday, February 11.

Rent Proposal Forms will be read publicly at 10 a.m. Friday, March 10, at the Kansas Turnpike Authority Headquarters, 9401 E. Kellogg, Wichita.

Proposals must be accompanied by a cashier's check in an amount equal to 10 percent of the first year's guaranteed minimum rent, made payable to the Kansas Turnpike Authority as a guarantee that the bidder will enter into a contract and give a performance bond as required if awarded the contract. The KTA may award the contract to the "responsible" operator who guarantees the highest 10-year minimum rent to the KTA as indicated by the total of column G of the Rent Proposal Form. The cost of the facility also will be considered to determine the total "cash flow" value of the proposal to the KTA.

Sealed proposals should be mailed or delivered to the KTA Headquarters, 9401 E. Kellogg, Wichita, 67207-1804.

Michael L. Johnston
President/CEO

Doc. No. 024571

State of Kansas

Workforce Investment Partnership Council**Notice of Sub-Committee Meeting**

The Five-Year Workforce Development System Plan Sub-Committee of the Kansas Workforce Investment Partnership Council will meet from 9 a.m. to noon Wednesday, December 15, at the Kansas Department of Human Resources office, 512 W. 6th, Topeka. All interested parties are invited to attend.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 024582

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. December 28 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 which 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, 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 scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, rules of practice and procedure before the commission.

Applications for Certificate of Public Service:

- Raymond A. Cleaver**, 713 N. Mill, Beloit, KS 67420; MC ID No. 157971; General commodities (except household goods).
- Richard J. Cornelison, dba Circle C Farm**, 11528 Sherman Road, Meriden, KS 66512; MC ID No. 156969; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).
- Darrell Docken, dba Docken Trucking**, 269 N. Cherry St., Winner, SD 57580; MC ID No. 223385; General commodities (except household goods and hazardous materials).
- Glen Eickleberry**, 1567 150th, Marion, KS 66861; MC ID No. 157374; General commodities (except household goods).
- N.B. Jordan, Jr., dba N.B. Jordan, Jr. Trucking**, 402 N. School, Sedan, KS 67361; MC ID No. 152018; General commodities (except household goods).
- Patrick T. Knox, dba Knox Valley Farms**, Route 3, Box 790, Clyde, KS 66938; MC ID No. 157375; General commodities (except household goods).
- L & R Cattle Co., Inc.**, 2116 Bison, Scott City, KS 67871; MC ID No. 157372; General commodities (except explosives and household goods).

Ronnie Martin, dba Ronnie Martin Trucking, Route 2, Tarkio, MO 64491; MC ID No. 122848; General commodities (except household goods).

Sheldon J. Wadel, dba Quality Crop Care, Route 1, Greensburg, KS 67054; MC ID No. 157373; General commodities (except household goods).

Leonard W. Wyatt, dba Wyatt & Sons, 15509 Kay Ave., Belton, MO 64012; MC ID No. 240099; General commodities (except household goods).

Application for Certificate of Convenience and Necessity:

Furney Charters, Inc., 523 Lincoln, Wamego, KS 66547; MC ID No. 134624; Joseph Weiler, Attorney; Passengers and their baggage.

Application for Extension of Certificate of Public Service:

K.L. Johnson Trucking, Inc., 302 W. Bellevue Ave., Garden City, KS 67846-2778; MC ID No. 101817; General commodities (except household goods and hazardous materials).

Application for Transfer of Certificate of Public Service:

Glen E. Williams, dba Southwest Towing, 1309 S. Second Ave., Dodge City, KS 67801, MC ID No. 151439, to: Southwest Towing, Inc., 1309 S. Second Ave., Dodge City, KS 67801; Clyde Christey, Attorney; Wrecked, disabled, repossessed and replacement motor vehicles, trailers, recreational vehicles, recreational trailers, golf carts, campers, pickup toppers, boats, motorcycles, and airplane parts and components, and general commodities (except household goods and hazardous materials).

Applications for Abandonment of Certificate of Public Service:

- A.J. Metler Hauling & Rigging, Inc.**, 1300 Dutch Valley Road, Knoxville, TN 37917; MC ID No. 107209.
- D Bar H Transport, Inc.**, Hwy. 56 East, Hugoton, KS 67951; MC ID No. 150828.
- Dale Delong Trucking, Inc.**, 1420 Road 210, Emporia, KS 66801; MC ID No. 154519.
- Robert P. Harbert, dba Harbert Hauling & Supply**, 550 S.W. 90th Ave., Cunningham, KS 67035; MC ID No. 133617.
- Hoot Owl Express, L.L.C.**, 2510 N.E. 24th, Guymon, OK 73942; MC ID No. 205193.
- Overmiller Stock Farms, Inc.**, Route 2, Box 140, Smith Center, KS 66967; MC ID No. 153879.
- Shelton Body Shop, Inc.**, 122 N. Georgie Ave., Derby, KS 67037-1487; MC ID No. 101922.
- Monte K. Stringer, dba Stringer Transport Services**, 7204 Holly Way, Hutchinson, KS 67502-9372; MC ID No. 156813.
- Dale K. Unruh, dba Dale K. Unruh Harvesting**, 979 20th Ave., Galva, KS 67443; MC ID No. 151420.

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 024586

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 12-6-99 through 12-12-99	
Term	Rate
1-89 days	5.54%
3 months	5.29%
6 months	5.56%
9 months	5.73%
12 months	5.81%
18 months	5.94%
24 months	5.98%

Derl S. Treff
Director of Investments

Doc. No. 024569

State of Kansas

**Department of Administration
Division of Architectural Services**

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

Notice is hereby given of the commencement of negotiations for "on-call" environmental engineering services for small projects at Kansas State University. Services shall include asbestos abatement, lead paint, chemical and air quality, and other hazardous material engineering services.

For information regarding the scope of services, contact Jerry Carter, Director of Facilities Planning/University Architect, Kansas State University, (785) 532-6377.

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. Monday, December 27.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024585

State of Kansas

Board of Healing Arts

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Thursday, February 10, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of two new proposed rules and regulations.

One of the proposed rules and regulations relates to the Woman's Right-to-Know Act, and the other deals with business transactions between licensees and patients.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the two new proposed rules and regulations. All interested parties may submit comments prior to the hearing to the Board of Healing Arts at the address above. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations 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 Melissa Kipp at (785) 368-6425. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed rules and regulations to be considered for adoption are as follows:

K.A.R. 100-22-3. Business transactions with patients. This regulation, if adopted, would establish certain business transactions between licensees and patients to constitute dishonorable conduct. Those transactions include the sale of nonhealth related items in the professional office, subject to limited exceptions, and the offering of business opportunities in the professional office.

K.A.R. 100-67-2. Woman's right to know. This regulation, if adopted, establishes that the duty to provide information regarding abortions and alternatives to abortions arises only under specified conditions.

Copies of the proposed regulations and the associated economic impact statements may be obtained by contacting Betty Johnson, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, (785) 296-3680.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 024590

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:

**District Judge, 29th Judicial District,
Division 7**

Roger W. McLean, Wyandotte County Courthouse, 710 N. 7th, Kansas City, KS 66101. Succeeds Carlos Murguia.

Edwards County Clerk

Gina Schuette, Edwards County Courthouse, 312 Massachusetts, Kinsley, 67547. Term expires when a successor is elected and qualifies according to law. Succeeds Pam Meadows.

Phillips County Commissioner

Rodger Van Loenen, Phillips County Courthouse, 301 State St., Phillipsburg, 67661. Term expires when a successor is elected and qualifies according to law. Succeeds Buford Van Loenen.

Smith County Treasurer

Mark Schemm, Smith County Courthouse, 218 S. Grant, Smith Center, 66967. Term expires when a successor is elected and qualifies according to law. Succeeds Harry Jones III.

**Coordinating Council on Early Childhood
Developmental Services**

Mimi Nagle, 9725 Outlook Drive, Shawnee Mission, 66207. Term expires July 31, 2003. Reappointed.

Deborah K. Voth, 2615 Wellesley, Wichita, 67220. Term expires July 31, 2003. Reappointed.

Solid Waste Grants Advisory Committee

Donald L. Anderson, 414 N. Washington, Lindsborg, 67456. Term expires December 12, 2001. Reappointed.

Chiquita Y. Cornelius, 3526 S.W. Summerwood Road, Topeka, 66614. Term expires December 12, 2001. Reappointed.

Charles A. Peckham, P.O. Box 46, Atwood, 67730. Term expires December 12, 2001. Reappointed.

Dale Sutton, 720 Washington, Hugoton, 67951. Term expires December 12, 2001. Reappointed.

Dr. James R. Triplett, 1701 S. Broadway, Pittsburg, 66762. Term expires December 12, 2001. Reappointed.

Dr. Phillip J. Wittek, 11180 Thompson Ave., Lenexa, 66219. Term expires December 12, 2001. Reappointed.

Ron Thornburgh
Secretary of State

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 November 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

Allen Pork Production, Inc., Haddam, KS.
Allen, Inc., South Hutchinson, KS.
Anchor Capital Corporation, Prairie Village, KS.
Applied Mathematics Corporation, Overland Park, KS.
B.E. USA Inc., Tokyo, Japan.
BCS Design, Inc., Olathe, KS.
Bob Ammon Painting, Inc., Shawnee Mission, KS.
Bottenfield's of Wichita, Inc., Wichita, KS.
Briar Hill Manor, Inc., Garden City, KS.
Butler Temporary Services, Inc., Olathe, KS.
Capitol Orthopaedic Center, Inc., Topeka, KS.
Cedar Crest Manor, Inc., Medicine Lodge, KS.
Comtek Systems, Inc., Edgerton, KS.
Copy Products, Inc., Iola, KS.
Datasolvers, Inc., Wichita, KS.
Dealers Acceptance Company, Inc., Pittsburg, KS.
Environments, Inc., Topeka, KS.
Guy Ind., Inc., Augusta, KS.
H. R. Inspection Service, Inc., Shawnee Mission, KS.
Harkness Cattle and Land, Inc., Scott City, KS.
Heartland Gospel Explosion, Inc., Topeka, KS.
Hornung Insurance Service, Inc., Osage City, KS.
Howe's Building Supplies Company, Inc., Lindsborg, KS.
Knowles Kountry Real Estate, Inc., Salina, KS.
Leader Financial Group, Inc., Overland Park, KS.
LHNC, Inc., Topeka, KS.
Mechanical Balancing Inc., Shawnee Mission, KS.
Morrow Enterprises Inc., Coffeyville, KS.
National Inspection and Repair, Inc., Topeka, KS.
P-K, Inc., Wichita, KS.
Precision Engine Inc., Wichita, KS.
Ranney Farms, Inc., Delphos, KS.
Salina Music Company, Inc., Salina, KS.
Sunburst/Gold Crown Management, Inc., Overland Park, KS.
T F T Hay, Inc., Leoti, KS.
Technical Irrigation Service, Inc., Montezuma, KS.
Tennis Foundation, Inc., Olathe, KS.
The Mourning Wood L.L.C., St. George, KS.
Tower Electric, Inc., Kansas City, KS.
Unicorn Enterprises, Inc., Murdock, KS.
Walnut Equipment Leasing Co., Inc., Bala Cynwyd, PA.
West Texas Bean Processors II, Inc., Cimarron, KS.
3 J's Farm, Inc., Collyer, KS.

Foreign Corporations

Access National Mortgage, Inc., Wilmington, MA.
Alta Pacific Constructors, Inc., Santa Ana, CA.
Am-Rail Construction Inc., Tulsa, OK.
AT&T Credit Holdings, Inc., San Francisco, CA.
Atlas Equity, Inc., Newport Beach, CA.
Brighton Painting Company, Inc., South Roxana, IL.
Butler National Corporation, Olathe, KS.
Cansas International Corporation, Olathe, KS.
Corometrics Medical Systems, Inc., Wallingford, CT.

D & H Distributing Company, Harrisburg, PA.
 Engineering Measurements Company, Longmont, CO.
 Florence Financial Intl. Ltd., Minden, NV.
 Fluor Daniel Environmental Services, Inc., Norwood, MA.
 Groundwater Technology Government Services, Inc.,
 Norwood, MA.
 Groundwater Technology, Inc., Norwood, MA.
 Hubbard Milling Company, Brentwood, TN.
 Hunter Care Centers, Inc., Chesterfield, MO.
 Industrial Specialists, Inc., Richwood, TX.
 John Morrell & Co., Smithfield, VA.
 Kansas City Surgical Group, Inc., Kansas City, MO.
 M Capital Corp., Orange, CA.
 Metcalf & Eddy, Inc., Wakefield, MA.
 Mid-States Excavating, Inc., Blue Springs, MO.
 National Partnership Equities, Inc., Beverly Hills, CA.
 Natural Gas Technologies, Inc., Dallas, TX.
 Norstan Communications, Inc., Maple Grove, MN.
 PHP Healthcare Corporation, Reston, VA.
 Radiation Oncologists, P.C., Kansas City, MO.
 Seagull Operating Co., Inc., Shreveport, LA.
 Tiernay Metals, Redondo Beach, CA.
 Unisys Leasing Corporation, Boulder, CO.
 Vanstar Corporation, Pleasanton, CA.

Ron Thornburgh
 Secretary of State

Doc. No. 024587

State of Kansas

State Bank Commissioner

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, February 8, in the conference room of the Office of the State Bank Commissioner, Division of Consumer and Mortgage Lending (OSBC), Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of new Kansas Administrative Regulations 75-6-30 and 75-6-31, proposed revisions to K.A.R. 75-6-6 and 75-6-26, and proposed revocations of K.A.R. 75-6-2 and 75-6-24. These regulatory changes are proposed for adoption on a permanent basis. All of the proposed changes were drafted primarily in response to 1999 Substitute for Senate Bill 301 (1999 Kansas Session Laws, Chapter 107), which made substantial revisions to the Uniform Consumer Credit Code (UCCC).

K.A.R. 75-6-30 is a new regulation written in order to clarify what constitutes a "place of business" for purposes of licensing. The OSBC's intent is to make clear that any office engaging in certain loan activities must be licensed to conduct a supervised loan business. The OSBC believes there should be no new costs associated with this regulation, as licenses have been required for "branch offices" in the past, and the regulation is simply designed to clarify what constitutes a place of business, or "branch."

K.A.R. 75-6-31 is a new regulation written to implement a 1999 change in the UCCC. The law now requires all supervised lenders to have a surety bond. The amount of the bond is set through this regulation. The regulation will have an economic impact on all supervised lenders. The dollar amount of the impact will depend on the amount of bond determined to be sufficient in light of the

lender's activities, and which company the lender chooses to obtain the bond.

K.A.R. 75-6-6 governs computation of time under the UCCC. The revision of K.A.R. 75-6-6 was made to clarify that calendar days and not business days should be used for all time computations in the UCCC. The OSBC does not perceive any economic impact to be associated with the revision of this regulation.

K.A.R. 75-6-26 expands the scope of federal consumer protection laws and regulations that are applicable to UCCC transactions. The revision is to require that creditors comply with the entire federal law or regulation, and not just specific sections. The revision ties into the federal regulations to define certain terms in the UCCC, and also clarifies any difference in meaning between the federal and state definitions. The OSBC does not perceive any economic impact to be associated with the revision of this regulation.

Finally, **K.A.R. 75-6-2** and **K.A.R. 75-6-24** are proposed to be revoked. K.A.R. 75-6-2 defined "actuarial method." That term is now defined within the UCCC at K.S.A. 16a-1-301 (1), as amended by Chapter 107 of the 1999 Session Laws, making the regulation unnecessary. K.A.R. 75-6-24 adjusted the dollar amounts upon which interest could be charged on open-end credit. The OSBC proposed revocation of this regulation because pursuant to K.S.A. 16a-2-401(1), as amended, the parties to an open-end credit transaction may now contract for any interest rate the parties agree to. The OSBC does not perceive any economic impact to be associated with the revocation of either of these regulations.

A copy of the proposed regulations and the economic impact statement may be obtained by contacting Jenna Hall, Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, (785) 296-2266, fax (785) 296-0168. The standard departmental cost will be assessed for any copies requested.

This 60-day notice of hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed regulations. Written comments should be submitted prior to the hearing to Kevin Glendenning, Acting Deputy Commissioner, Division of Consumer and Mortgage Lending, at the address listed above. Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations; however, presentations should be in writing whenever possible.

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 before the hearing by contacting Jenna Hall.

Judith M. Stork
 Acting State Bank Commissioner

Doc. No. 024592

State of Kansas

State Conservation Commission

Permanent Administrative
RegulationsArticle 7.—NON-POINT SOURCE POLLUTION
CONTROL FUND

11-7-1. Definitions. (a) "Animal unit" means a defined unit of measurement to determine the applicability of state and federal regulations and pollution potential of a confined feeding facility as defined by K.S.A. 65-171d, and amendments thereto.

(b) "Applicant" means a landowner or legal agent applying for financial assistance to construct or apply pollution control practices.

(c) "Commission" means the state conservation commission.

(d) "Confined feeding facility" is as defined in K.S.A. 65-171d (c)(2), and amendments thereto, exclusive of swine.

(e) "Critical or targeted water resources" means water resources that have been identified as exceptional and vulnerable.

(f) "District" means a conservation district that is a political subdivision of state government with its own governing body of five elected supervisors created under K.S.A. 2-1901 et seq., and amendments thereto, as a special purpose district to develop and carry out soil and water conservation programs within its political boundaries.

(g) "Exceptional value water resources" means any of the following:

(1) A public water supply impoundment and associated tributary watershed;

(2) a recharge area or groundwater capture zone of a public water supply well field;

(3) a sole source aquifer;

(4) a flowing stream and tributary watershed above a public water supply diversion;

(5) a flowing stream and tributary watershed that sustains or supports habitats of threatened or endangered species;

(6) a flowing stream and tributary watershed above the highest valued fishery resources;

(7) a flowing stream and tributary watershed above reaches having any habitat of aquatic species in need of conservation; or

(8) a flowing stream and tributary watershed above highly valued recreation areas.

(h) "Financial assistance" means financial incentives offered to eligible applicants on a cost-sharing basis to implement approved pollution controls practices.

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

(j) "Non-point source (NPS)" means any activity that is not required to have a national pollutant discharge system permit and that results in the release of pollutants to waters of the state. This release may result from precipitation runoff, aerial drift and deposition from the air, or release of subsurface brine or other contaminated groundwaters to surface waters of the state.

(k) "On-site wastewater system" means a system composed of a septic tank disposal field, a wastewater pond, or an alternative treatment system designed to treat wastewater from a single-family residence or business installed in compliance with state regulations and county ordinances to prevent surface and groundwater contamination by disease-causing organisms, organic matter, chemicals, and nutrients.

(l) "Plan" means a locally developed, long-range comprehensive plan for the non-point source pollution control in a watershed, hydrologic unit, or county.

(m) "Pollution" means either of the following:

(1) Any contamination or other alteration of the physical, chemical, or biological properties of any waters of the state that will or is likely to create a nuisance or render these waters harmful, detrimental, or injurious to public health, safety, or welfare; to the plant, animal, or aquatic life of the state; or to other designated beneficial uses; or

(2) any discharge that will or is likely to exceed state effluent standards predicated upon technologically based effluent limitations.

(n) "Practice" means a land treatment or management practice constructed or implemented to effect pollution control.

(o) "Project work plan" means a detailed plan for a proposed project that is identified in the approved local non-point source pollution management plan.

(p) "State contract" means a contract between the commission and the district to prescribe the annually allocated amount of technical assistance and information and education funds and to prescribe expenditure guidelines for those funds.

(q) "State non-point source pollution management plan" means a process to identify measures to control pollutants discharged from non-point source pollution sources and shall also mean state and local programs for controlling non-point source pollution.

(r) "Total maximum daily load" means state identification and prioritization of pollutants and specific water bodies with pollutant loadings allocated for specific water bodies and corresponding pollutant reduction goals developed and strategies implemented.

(s) "Vulnerable water resources" means water resources that have a high probability of being contaminated. Factors that contribute to vulnerability shall include the following:

(1) Infiltration recharge;

(2) vadose zone characteristics;

(3) depth to water table;

(4) topography;

(5) soil characteristics;

(6) pollutant source concentration;

(7) pollutant characteristics;

(8) groundwater;

(9) surface water;

(10) precipitation;

(11) runoff;

(12) land cover; and

(13) proximity of the pollution to a stream or lake. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999).

11-7-2. Local non-point source pollution management plan. (a) The conservation district responsibility,

with assistance from sponsors or cosponsors, shall be to coordinate the development and submission of a comprehensive local non-point source pollution management plan. Local, state and federal agencies and the private sector shall be invited to assist in the development of the management plan.

(b) The management plan submitted to the commission shall include the following:

- (1) Pollution reduction goals;
- (2) a description and the location of the area included in the plan;
- (3) a description of problems and potential problems;
- (4) a description of proposed solutions, evaluation and monitoring;
- (5) estimated costs;
- (6) the source of funding;
- (7) an implementation schedule; and
- (8) a list of participants in the development of the plan.

(c) An administrative review by the commission and a technical review by the following state and federal natural resource agencies shall be completed with recommendations consolidated by the KDHE:

- (1) KDHE;
- (2) United States natural resources conservation service;
- (3) Kansas biological survey;
- (4) Kansas corporation commission;
- (5) Kansas geological survey;
- (6) Kansas water office;
- (7) Kansas forest service;
- (8) Kansas department of wildlife and parks;
- (9) Kansas department of agriculture;
- (10) Kansas state university cooperative extension service; and
- (11) United States environmental protection agency.

(d) The reviewer's recommendations shall be included in the plan as an amendment and incorporated into project work plans.

(e) The conservation district shall be notified in writing when the local non-point source pollution management plan is approved. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-3. Project work plan. (a) The conservation district shall coordinate the development and submission of a project work plan to request funds for a new or significantly modified existing project work plan to implement all or part of an approved management plan, or to report the implementation of a non-point source pollution control project that does not require additional state assistance.

(b) The project work plan submitted to the commission shall include the following:

- (1) A description of the water quality problem;
- (2) a description of the project area;
- (3) a priority designation;
- (4) the goals and objectives of the project;
- (5) evaluation procedures;
- (6) schedules and milestones;
- (7) a budget; and
- (8) a list of all participating organizations.

(c) Approval of a project work plan requesting state funds shall include the following:

- (1) An implementation schedule;
- (2) local initiatives;
- (3) utilization of existing state and federal programs; and

(4) administration of the project to assure successful completion and consistency with the approved and amended local non-point source pollution management plan.

(d) Approved project work plans requesting funding from the non-point source pollution control fund shall be considered by the commission, if funds are available.

(e) Financial requests for new and existing project work plans shall be submitted to the commission using forms prescribed by the commission.

(f) Project work plans shall address at least one of the following water resources included in the state non-point source pollution management plan and assessment report:

- (1) Critical or targeted water resources;
- (2) exceptional value water resources; or
- (3) vulnerable water resources. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-4. Project work plan amendment. (a) An amendment to the project work plan may be submitted to the commission for review.

(b) An amendment that involves a funding increase and is approved shall be funded from available non-point source pollution control funds.

(c) An amendment that involves a funding increase and is not approved shall be returned with the reason for disapproval. Appeal may be made in writing within 15 days after the notice of disapproval. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-5. Allocation of non-point source pollution control funding. (a) When funds are available, any district with an approved local non-point source management plan shall annually request from the commission NPS funding for new and existing project work plans to implement specific elements of the plan and to request contract funds by April 1, using forms prescribed by the commission.

(b) Annual district allocations shall be made by the commission in accordance with the following criteria:

- (1) The amount of geographic inclusion in a state water plan priority area;
- (2) the identified areas or drainage addressing the protection of public water supply areas;
- (3) other locally identified priority areas;
- (4) the total maximum daily load project areas; and
- (5) any other criteria determined by the commission to meet the resource goals and objectives of the state. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-6. Contract funds. (a) The state contract shall provide for the distribution of technical assistance, information, and education or nonfinancial assistance funds.

(continued)

(b) A one-time advance of the annual allocation of technical assistance and information and education funds shall be paid to each district by the commission after July 1, upon receipt of the signed contract.

(c) The amount allocated shall be a supplement to each district's uncommitted balance retained on June 30, to equal the current fiscal year allocation.

(d) Uncommitted funds held by each district on June 30 shall remain in each district account and shall be deducted from the next fiscal year's annual advance if the contract is extended.

(e) If the contract is not extended or if uncommitted funds exceed the next fiscal year's allocation, the uncommitted funds shall be returned to the commission by the district within 10 days of the expiration of the contract or receipt of next fiscal year's allocation.

(f) The district may employ a water quality coordinator to provide technical assistance. This coordinator shall be an employee of the district and shall be supervised by that district's board of supervisors or its designee.

(g) The technical assistance allocation shall be used solely for salaries, wages, and benefits as prescribed by the commission for the employment of any conservation district employee or employees, based on staff hours directly related to the implementation of the program, with funds accounted for on forms prescribed by the commission.

(h) The information and education allocation shall be used for components generally contained in the approved project work plan and shall be accounted for on forms prescribed by the commission and submitted to the commission by the requested date.

(i) Any district purchase, using state contract funds, of equipment exceeding \$75.00 in value shall be the property of the commission for five years or the life of the equipment, whichever is less, and shall require advance purchase approval of the commission. After five years, the equipment shall become the property of the conservation district.

(j) Transfers of technical assistance or information and education funds to a district's financial assistance account may be allowed for reasons determined to be valid by the commission.

(k) Each district shall follow the operations fund guidelines in K.S.A. 2-1907b, and amendments thereto, in its expenditure of state contract funds. (Authorized by K.S.A. 1998 Supp. 2-1915 and 2-1904; implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-7. Conservation district program. Each participating conservation district board of supervisors shall develop and submit to the commission for approval, using commission-prescribed forms, the district's fiscal year financial assistance program under the following guidelines: (a) The district may develop the program after receiving the state program forms from the commission.

(b) The district shall select the pollution control practices from those identified in the project work plans that will best address pollution prevention and improvement.

(c) The district shall implement its adopted program policies upon approval by the commission.

(d) The financial assistance applicant shall follow the minimum standards of design, construction, operation, and maintenance found in section IV of the "Kansas field office technical guide," as in effect on January 1, 1999 and other standards adopted by the commission as outlined in K.A.R. 11-7-12, 11-7-13, and 11-7-14.

(e) Financial assistance levels set by the conservation district shall not exceed 70% for private ownership and 50% for public entities and shall not change during the fiscal year unless a specific allowance is granted by the commission.

(f) The maximum amount of financial assistance allowed for each practice, except abandoned water well plugging and livestock waste systems, shall be \$10,000 unless exempted for reasons prescribed by the commission.

(g) Each district shall develop financial assistance prioritization criteria following commission guidelines and requirements in the funding of financial assistance contracts.

(h) Amendments to the district program shall be submitted, in writing, by the district to the commission and may be approved following commission-prescribed guidelines.

(i) Approval shall be obtained from the state historical preservation office before any expenditure of state funds on practices that impact national or state historic sites or other cultural resource areas. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-8. Financial assistance contract. (a) Each request for a financial assistance payment submitted by the district shall be recommended for approval by the conservation district board of supervisors or its designee and duly recorded in the minutes of the regularly scheduled board meeting.

(b) The district shall review and recommend approval of requests for payment from the non-point source pollution control fund on forms prescribed by the commission.

(c) Financial assistance requests shall be consistent with each district's current fiscal year program as approved by the commission, and all commission guidelines and procedures shall be followed in the submittal of financial requests.

(d) The actual cost or county average cost, whichever is smaller, shall be used as a basis for determining financial assistance earned.

(e)(1) The applicant shall not begin construction until written approval of the submitted request is given by the commission to the district, unless the commission determines that an exception is warranted.

(2) If the applicant requests immediate approval, verbal approval may be given by the commission if either of the following conditions is met:

(A) The practice has been designed and surveyed, and the contractor or installer is at the site and ready to proceed with practice construction on the same day that the request is made.

(B) The commission will not receive the financial assistance request form before an uncommitted funds cancellation deadline.

(f) Partial payments shall not be awarded to an applicant approved for financial assistance, unless specifically granted by the commission, until the project is certified as complete and includes all components installed according to the design and installation requirements of the commission.

(g) Each contract shall be assigned by the commission an expiration date of 60 days following the date the contract is approved by the commission if the conservation district does not assign the expiration date.

(h) Districts may grant an extension of any length of time during the contract period but not beyond June 30.

(i) Contract cancellation and amendments of an approved contract shall be recommended by the district and duly recorded in the regularly scheduled board of supervisors' meeting. If a cancellation or amendment is approved by the commission, the district shall retain one copy and forward one copy to the applicant or legal agent.

(j) The commission-prescribed maintenance agreement shall be signed by the applicant, who shall be the landowner or legal agent, with the original copy attached to the request for financial assistance submitted to the commission for approval. (Authorized by K.S.A. 1998 Supp. 2-1915 and K.S.A. 75-5657; implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-10. Cancellation of funds. (a) A status report of all active NPS contracts and each district's uncommitted balance shall be prepared by the commission on or after June 1 and shall be provided to each district.

(b) Cost-share funds uncommitted and not under contract at the close of business on June 30 shall be canceled.

(c) Cost-share funds under contract for practices on which construction has not begun by June 30 shall be canceled.

(d) Cost-share funds under contract for practices on which construction has not begun by June 30, due to inclement weather or other factors beyond the control of the applicant, shall be individually evaluated by the commission and may be encumbered and continued for one year.

(e) Cost-share funds under contract for practices on which construction has begun but has not been completed by June 30 may be encumbered and continued for one year.

(f) Encumbered contracts not completed within the year of encumbrance may be canceled by the commission.

(g) Any contract may be extended by the commission beyond previously outlined guidelines if the contract is determined by the commission to be highly significant in pollution reduction and if other factors exist that are beyond the control of the applicant. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999.)

11-7-11. Maintenance contract. (a) Each applicant for financial assistance shall sign form SCC/NPS-3 entitled "non-point source pollution control program application/contract for financial assistance."

(b) The applicant shall agree to maintain the practice according to recommended maintenance procedures

adopted by the commission for 10 years or the life of the practice, whichever is greater.

(c) If the financial assistance recipient fails to maintain the practice according to contract provisions, the recipient may be declared ineligible for future financial assistance funds. The financial assistance recipient may be required to repay financial assistance funds received on the following pro-rata basis if the amount is more than \$100.00 and the recipient has constructed or installed the practice within the following time limits:

- (1) Five or fewer years: 100%;
- (2) more than five years but six or fewer years: 80%;
- (3) more than six years but seven or fewer years: 60%;
- (4) more than seven years but eight or fewer years: 40%;
- (5) more than eight years but nine or fewer years: 20%;
- and
- (6) more than nine years but 10 or fewer years: 10%.

(d) The recipient of state financial assistance for any pollution control practice shall be responsible for proper operation and maintenance and, if needed, modification of the facility or other actions to ensure satisfactory operation and continued pollution control at the recipient's expense.

(e) The financial assistance recipient shall obtain a written agreement to transfer the maintenance responsibilities contained in the commission's "non-point source pollution control program application/contract for financial assistance" in the event of new ownership of the property where the practice was installed within the life span specified.

(f) When a recipient of financial assistance is determined by the commission to be in noncompliance with the requirements of the contract for financial assistance, upon notice by the district, the recipient shall bring the property into compliance within a time specified by the commission, or the repayment provisions of the application contract outlined in subsection (c) above shall apply.

(g) The provisions of the financial assistance application contract shall not apply to a recipient of financial assistance if the recipient's failure to comply is due to any of the following:

- (1) Natural disasters;
- (2) faulty design or construction as determined by the commission; or
- (3) any other situation beyond the control of the financial recipient. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective Dec. 27, 1999.)

11-7-12. On-site wastewater system. (a) The minimum standards established by the KDHE for design and construction of on-site wastewater systems outlined in KDHE bulletin 4-2, as in effect on March 1997, and the "environmental health handbook," written by the KDHE, Kansas state university cooperative extension service, and Kansas association of sanitarians and as in effect on January 1, 1999, are hereby adopted by reference. These minimum standards may be superseded only by local ordinances requiring more stringent standards of design and construction.

(continued)

(b) The standard for on-site waste system operation and maintenance outlined in Kansas state university cooperative extension publications MF-947, revised and published October 1991, and MF-2290, published October 1997, shall be followed for all state financially assisted on-site wastewater projects and are hereby adopted by reference.

(c) An on-site wastewater system shall be designed, inspected, and certified as complete by a local official according to local and state design and permitting standards before any state financial assistance payment is made.

(d) If no local standards exist or assistance is not available from local health authorities, applicants shall follow the minimum standards established by the KDHE and outlined in bulletin 4-2, as adopted by reference in subsection (a) above, for design and construction of on-site wastewater systems, with assistance provided or coordinated by a district representative.

(e) Only existing systems determined to be failing by the local county official or a KDHE representative shall be eligible for state financial assistance.

(f) Districts shall establish and apply applicant prioritization based on water quality benefit criteria for all state financially assisted on-site wastewater systems.

(g) Alternative systems, which include an on-site wastewater treatment system that is other than a conventional soil absorption field or pond and that is authorized by the local health official and the commission, shall be eligible for financial assistance if the least cost treatment system cost-share calculation is used.

(h) State financial assistance for an applicant for an on-site wastewater system shall not be available if the local health official reports the applicant to the county attorney for enforcement action under locally adopted ordinances. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective Dec. 27, 1999.)

11-7-13. Abandoned water well plugging. (a) Any individual plugging abandoned water wells and receiving state financial assistance shall follow KDHE requirements and procedures.

(b) Financial assistance for abandoned water well plugging shall not exceed \$500 for each well. However, an exception to the \$500 limit may be granted by the commission when circumstances warrant.

(c) The procedures and minimum standards for plugging abandoned wells outlined in Kansas state university cooperative extension publication "plugging abandoned wells," MF-935 (revised), as published January 1998, is hereby adopted by reference and shall be superseded only by more stringent local ordinances.

(d) All plugged abandoned wells shall be registered with the KDHE before financial assistance is paid. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective Dec. 27, 1999.)

11-7-14. Livestock waste control systems. (a) Only minimum pollution control measures shall be eligible for financial assistance.

(b) Expansion costs of a livestock waste control system requiring a design that accommodates more animal units than currently exist shall not be eligible for financial assistance unless the commission determines that an exception is warranted.

(c) Applicants relocating a confined feeding facility and receiving financial assistance shall be required to perform the following:

(1) Clean and properly dispose of waste from the existing facility;

(2) remove interior fencing and feeding facilities to render the site incapable of the confined feeding of animals; and

(3) plant vegetation at the abandoned facility that maximizes nutrient uptake as approved by the district.

(d) Financial assistance shall not be available for livestock waste control facilities over 999 animal units unless the commission determines that an exception is warranted.

(e) Sewage discharge from a home site shall not be deposited in a livestock waste facility of any type.

(f) A new livestock waste control facility that does not replace or modify an existing livestock waste control facility or confined feeding facility shall not be eligible for financial assistance.

(g) Partial payments shall not be available for livestock waste control systems, with the exception of grass seeding within the appropriate seeding dates.

(h) Only livestock waste systems approved by the KDHE and designed and certified as complete by a Kansas licensed professional engineer shall be eligible for state financial assistance. Exceptions may be granted by the commission for Kansas state university cooperative extension service designs approved by the KDHE for demonstration purposes.

(i) Confined animal feeding operators who incur court action for noncompliance with KDHE confined animal feeding operation regulations shall not be eligible for state financial assistance.

(j) The following minimum standards of design, construction, and operation of state financially assisted livestock waste management systems are hereby adopted by reference:

(1) "Animal and related waste control," K.A.R. 28-18-1 through 28-18-15 and 28-18a-1 through 28-18a-32, effective Jan. 15, 1999; and

(2) section IV of the "Kansas field office technical guide," as in effect on January 1, 1999, and the "agricultural waste management field handbook," as in effect April 1992, published by the United States department of agriculture, natural resources conservation service, formerly known as the soil conservation service. (Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective Dec. 27, 1999.)

11-7-15. Review and appeal. (a) An applicant or financial assistance recipient may appeal a decision by a conservation district by requesting a review of the decision.

(b) If not satisfied by the district review, this individual may appeal to the commission as follows:

(1) The request shall be submitted in writing to the commission within 30 days of the district's review.

(2) Oral testimony from this individual shall be accepted by the commission at a hearing during the next scheduled commission meeting, at which the district's decision shall be affirmed, modified, or reversed. (Authorized by K.S.A. 1998 Supp. 2-1904; implementing K.S.A. 1998 Supp. 2-1915; effective Dec. 27, 1999.)

Tracy D. Streeter
Executive Director

Doc. No. 024568

State of Kansas

Board of Pharmacy

Permanent Administrative
Regulations

Article 2.—DRUGSTORES

68-2-12a. Minimum requirements. (a) (1) Each registered pharmacy, other than a medical care facility, shall have a reference library, either immediately accessed by a computer or printed, that is updated at least annually and that includes the following but excludes the Internet:

(A) A current copy of the Kansas pharmacy practice act, the Kansas uniform controlled substances act, and the regulations under both acts;

(B) a drug information reference specifically drafted for patients, which may include the "professional's guide to patient drug facts," published by facts and comparisons, or "United States pharmacopeia dispensing information," volume II;

(C) one recognized reference in toxicology, pharmacology, and drug interactions; and

(D) one recognized reference in drug equivalencies.

(2) Each registered pharmacy, other than a medical care facility, shall have a medical dictionary.

(b) Each registered pharmacy shall also have in its possession the equipment and supplies necessary to compound, dispense, label, administer, and distribute drugs. The equipment shall be in good repair and shall be available in sufficient quantities to meet the needs of the practice of pharmacy conducted there. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1998 Supp. 65-1642; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended April 30, 1990; amended March 20, 1995; amended Dec. 27, 1999.)

68-2-20. Pharmacist's function in filling a prescription. (a) Those judgmental functions that constitute the filling or refilling of a prescription shall be performed by a licensed pharmacist only and shall consist of the following steps:

(1) Read and interpret the prescription of the prescriber;

(2) limit any filling or refilling of a prescription to one year from the date of origin, except as provided by K.S.A. 65-1637, and amendments thereto;

(3) verify the compounding, counting, and measuring of ingredients and document the accuracy of the prescription;

(4) identify, in the pharmacy record, the pharmacist who verifies the accuracy of the completed prescription;

(5) personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills in accordance with subsection (b);

(6) ensure the proper selection of the prescription medications, devices, or suppliers as authorized by law;

(7) when supervising a pharmacy technician, delegate only nonjudgmental duties associated with the preparation of medications and conduct in-process and final checks;

(8) prohibit all other pharmacy personnel from performing those judgmental functions restricted to the pharmacist; and

(9) interpret and verify patient medication records and perform drug regimen reviews.

(b) In order to comply with paragraph (a)(5), the pharmacist or pharmacy student under the pharmacist's supervision shall perform the following:

(1) personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills;

(2) provide the verbal counseling required by this regulation in person, whenever practical, or by the utilization of a telephone service available to the patient or patient's agent. Any pharmacist may authorize an exception to the verbal counseling requirement on a case-by-case basis for refills, maintenance medications, or continuous medications for the same patient;

(3) when appropriate, provide alternative forms of patient information to supplement verbal patient counseling. These supplemental forms of patient information may include written information, leaflets, pictogram labels, video programs, and auxiliary labels on the prescription vials. However, the supplemental forms of patient information shall not be used as a substitute for the verbal counseling required by this regulation;

(4) encourage proper patient drug utilization and medication administration. The pharmacist shall counsel the patient or patient's agent on those elements that, in the pharmacist's professional judgment, are significant for the patient. These elements may include the following:

(A) The name and a description of the prescribed medication or device;

(B) the dosage form, dosage, route of administration, and duration of therapy;

(C) special directions and precautions for preparation, administration, and use by the patient;

(D) common side effects, adverse effects or interactions, or therapeutic contraindications that may be encountered; the action required if these effects, interactions, or contraindications occur; and any activities or substances to be avoided while using the medication;

(E) techniques for self-monitoring drug therapy;

(F) proper storage requirements; and

(G) action to be taken in the event of a missed dose; and

(5) expressly notify the patient or the patient's agent if a brand exchange has been exercised.

(c) Nothing in this regulation shall be construed to require a pharmacist to provide the required patient counseling when either of the following occurs:

(1) The patient or the patient's agent refuses counseling.

(2) The pharmacist, based upon professional judgment, determines that the counseling may be detrimental to the patient's care or to the relationship between the patient and the patient's prescriber. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1998 Supp. 65-1637; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988; amended

(continued)

Nov. 30, 1992; amended March 20, 1995; amended Aug. 14, 1998; amended Dec. 27, 1999.)

68-2-22. Electronic prescription transmission. (a)

A prescription drug order transmitted electronically shall be issued for a legitimate medical purpose by a prescriber acting within the course of legitimate professional practice.

(b) All prescription drug orders communicated by way of electronic transmission shall fulfill these requirements:

(1) Be transmitted to a pharmacist in a licensed pharmacy of the patient's choice, exactly as transmitted by the prescriber, with no intervening person or entity having access to the prescription drug order;

(2) identify the transmitter's phone number for verbal confirmation, the time and date of transmission, and the identity of the pharmacy intended to receive the transmission, as well as any other information required by federal and state laws and regulations;

(3) be transmitted by an authorized prescriber or the prescriber's designated agent; and

(4) be deemed the original prescription drug order, if it meets the requirements of this regulation.

(c) The prescriber may authorize an agent to communicate a prescription drug order orally or electronically to a pharmacist in a licensed pharmacy, if the identity of the transmitting agent is included in the order.

(d) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order communicated by way of electronic transmission, consistent with existing federal and state laws and regulations.

(e) All electronic equipment for receipt of prescription drug orders communicated by way of electronic transmission shall be maintained so as to ensure against unauthorized access.

(f) Persons other than those bound by a confidentiality agreement shall not have access to pharmacy records containing confidential information or personally identifiable information concerning the pharmacy's patients.

(g) If communicated by electronic transmission, the prescription drug order shall be maintained in hard copy for the time required by existing federal and state laws and regulations, whichever is longer.

(h) A prescription drug order, including that for any controlled substance listed in Schedules III, IV, and V, and in certain situations, that for any controlled substance listed in Schedule II, may be communicated by way of electronic transmission, if all requirements of K.A.R. 60-20-10a are met.

(i) After the pharmacist views the prescription drug order, this order shall be immediately reduced to a hard copy and shall contain all information required by federal and state laws and regulations. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1998 Supp. 65-1642; effective Feb. 5, 1999; amended Dec. 27, 1999.)

Article 7.—MISCELLANEOUS PROVISIONS

68-7-11. Medical care facility pharmacy. The scope of pharmaceutical services within a medical care facility pharmacy shall conform to the following subsections in this regulation:

(a) The pharmacist-in-charge shall be responsible for developing programs and supervising all personnel in the distribution and control of drugs and all pharmaceutical services in the medical care facility.

(b) The pharmacist-in-charge shall develop a policy and procedure manual governing the storage, control, and distribution of drugs within the medical care facility. The pharmacist-in-charge shall submit the policy and procedure manual for approval to the pharmacy and therapeutics committee or an equivalent committee governing the security, control, and distribution of drugs within the facility.

(c) The pharmacist-in-charge shall be responsible for the maintenance of all emergency medication kits.

(d) The pharmacist-in-charge shall be responsible for developing procedures for distribution and control of drugs within the medical care facility when a pharmacist is not on the premises. These procedures shall be consistent with the following requirements:

(1) Inpatient service. Drugs may be obtained upon a prescriber's medication order for administration to the inpatient by a designated registered professional nurse or nurses with approval and supervision of the pharmacist-in-charge. Adequate records of these withdrawals shall be maintained.

(2) Emergency outpatient service.

(A) An interim supply of prepackaged drugs shall be supplied to an outpatient only by a designated registered professional nurse or nurses pursuant to a prescriber's medication order when a pharmacist is not on the premises and a prescription cannot be filled. The interim supply shall be labelled with the following information:

(i) The name, address, and telephone number of the medical care facility;

(ii) the full name of the patient;

(iii) adequate directions for use of the drug;

(iv) the name of the practitioner and either the physician's assistant (PA) or the advanced registered nurse practitioner (ARNP);

(v) the date and an identifying number;

(vi) the brand name or corresponding generic name, quantity, and strength of drug;

(vii) auxiliary labels, if needed; and

(viii) the expiration date of the drug or device dispensed, if applicable.

(B) The interim supply shall be limited in quantity to an amount sufficient to supply the outpatient's needs until a prescription can be filled. Adequate records of the distribution of the interim supply shall be maintained and shall include the following information:

(i) The original or a copy of the prescriber's order, or if an oral order, a written record prepared by a designated registered professional nurse or nurses that reduces the oral order to writing. The written record shall be signed by the designated registered professional nurse or nurses and the prescriber; and

(ii) the name of the patient; the date supplied; the drug or device, strength, and quantity distributed; directions for use; the prescriber's name; and, if appropriate, the DEA number.

(3) The designated registered professional nurse or nurses may enter the medical care facility pharmacy and

remove properly labeled pharmacy stock containers, commercially labeled packages, or properly labeled pre-packaged units of drugs. The registered professional nurse shall not transfer medication from one container to another for future use, but may transfer a single dose from a stock container for immediate administration to the ultimate user.

(e) The pharmacist-in-charge of the medical care facility pharmacy shall maintain documentation of at least quarterly checks of drug records and conditions of drug storage, in all locations within the facility, including nursing stations, emergency rooms, outpatient departments, and operating suites.

(f) The pharmacist-in-charge shall participate with the pharmacy and therapeutics committee or an equivalent committee in formulating broad professional policies regarding the evaluation, appraisal, selection, procurement, storage, distribution, use, and safety procedures for drugs within the medical care facility.

(g) The pharmacist-in-charge shall be responsible for establishing a drug recall procedure that can be effectively implemented.

(h) The pharmacist-in-charge shall be responsible for developing written procedures for maintaining records of drug distribution, prepackaging, and bulk compounding. Prepackaged drugs shall include the name of the drug, strength, quantity, lot number, and expiration date. Prepackaged drugs shall be packaged in suitable containers and shall be subject to all other provisions of the Kansas state board of pharmacy regulations under the uniform controlled substances act of the state of Kansas and under the pharmacy act of the state of Kansas. Before releasing any drugs from the pharmacy, the pharmacist shall verify the accuracy of all prepackaging and the compounding of topical and oral drugs.

(i) The pharmacist-in-charge shall assure that the medical care facility maintains adequate drug information references commensurate with services offered and a current copy of the Kansas pharmacy act, the Kansas uniform controlled substances act, and current regulations under both acts.

(j) The pharmacist-in-charge shall be responsible for pharmacist supervision of all pharmacy technicians and for confining their activities to those functions permitted by the pharmacy practice act. Records shall be maintained describing the following:

(1) The training and related education for nondiscretionary tasks performed by pharmacy technicians; and

(2) written procedures designating the person or persons functioning as pharmacy technicians, describing the functions of the pharmacy technicians, and documenting the procedural steps taken by the pharmacist-in-charge to limit the functions of pharmacy technicians to nondiscretionary tasks.

(k) The pharmacist-in-charge shall be responsible for establishing policies and procedures for the mixing or preparation of parenteral admixtures. Whenever drugs are added to intravenous solutions, distinctive supplemental labels shall be affixed that indicate the name and amount of the drug added, the date and the time of addition, and the name or initials of the person who prepared the admixture. The pharmacist-in-charge shall

comply with all requirements of K.A.R. 68-13-1. Before the parenteral admixture is released from the pharmacy, the pharmacist shall verify the accuracy of all parenteral admixtures prepared by pharmacy technicians.

(l) The pharmacist shall interpret the prescriber's original order, or a direct copy of it, before the drug is distributed and shall verify that the medication order is filled in strict conformity with the direction of the prescriber. This requirement shall not preclude orders transmitted by the prescriber through electronic transmission. Variations in this procedure with "after-the-fact" review of the prescriber's original order shall be consistent with medical care facility procedures established by the pharmacist-in-charge. Each medication order shall be reviewed by a pharmacist within seven days of the date it was written.

(m) Pharmacy services to outpatients during pharmacy hours shall be in accordance with K.A.R. 68-1-1 et seq., K.S.A. 65-1625 et seq., and K.S.A. 65-4101 et seq., and amendments thereto, governing community pharmacy practice.

(n) The pharmacist-in-charge shall be responsible for the security of the pharmacy, including the drug distribution systems and personnel.

(1) When a pharmacist is on the premises but not in the pharmacy, a pharmacy technician may be in the pharmacy. A pharmacy technician shall not distribute any drug out of the pharmacy when a pharmacist is not physically in the pharmacy unless authorized by the pharmacist.

(2) When a pharmacist is not on the premises, no one shall be permitted in the pharmacy except the designated registered professional nurse or nurses: (Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1648, K.S.A. 1998 Supp. 65-1642, and 65-1626; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988; amended May 1, 1989; amended Dec. 27, 1999.)

68-7-12. Responsibility of pharmacist-in-charge in other than a medical care facility pharmacy. Each pharmacist-in-charge for premises having a pharmacy registration, other than a medical care facility pharmacy, shall be responsible for the following functions.

(a) Each pharmacist-in-charge shall develop, supervise, and coordinate all pharmaceutical services carried on within the pharmacy.

(b) Each pharmacist-in-charge shall be personally available to the extent required to insure comprehensive pharmaceutical services within the pharmacy and to develop a staff of additional licensed pharmacists and supportive personnel as necessary to serve the needs of the pharmacy.

(1) Subject to the provisions of K.A.R. 68-1-1 et seq. regarding the filling of a prescription, the pharmacist-in-charge shall carry out these duties:

(A) Be responsible for staff pharmacists' supervision of all personnel; and

(B) confine the activities of pharmacy technicians and supportive personnel to nonjudgmental functions.

(2) Each pharmacist-in-charge shall maintain records in the pharmacy describing the training and education

(continued)

regarding work functions performed by all pharmacy personnel. Each pharmacist-in-charge shall maintain in the pharmacy written procedures that address the following areas:

(A) Designate the person or persons functioning as pharmacy technicians and supportive personnel;

(B) describe the functions of all personnel; and

(C) document the procedural steps taken by the pharmacist-in-charge to limit the functions of all personnel to their respective pharmacy work functions.

(c) Each pharmacist-in-charge shall develop written policies and procedures for the pharmacy in order to insure adequate accountability and control of drugs in compliance with state and federal law and rules and regulations.

(d) Each pharmacist-in-charge shall develop written policies and procedures for the pharmacy to document any incident that may occur as a result of an alleged or real error in filling or dispensing a prescription or medication order.

(1) Each pharmacist or pharmacy staff member shall inform the pharmacist-in-charge of the alleged or real error and shall promptly document in writing all pertinent information relating to the alleged or real incident. The pharmacist-in-charge shall be responsible for the written report and shall document all relevant information. The report shall be signed by all involved personnel as soon as possible after discovery of the incident. The report shall be kept on the premises at the pharmacy and shall be available for inspection by the board or one or more agents of the board for purposes of subsequent remedial measures. The report shall contain the following information:

(A) The complainant's name, address, age, and phone number, if available;

(B) the name of each licensee involved and each licensee's registration number;

(C) the date of the incident and the date of the report;

(D) a description of the incident giving rise to the complaint;

(E) the prescriber's name and whether or not the prescriber was contacted; and

(F) a description of the actions taken and preventive steps to prevent a recurrence.

(2) Records related to the report shall be confidential, shall not be made available to the public, and shall be maintained for purposes of subsequent remedial measures. Each report shall be kept for five years at the pharmacy.

(3) Disciplinary proceedings may be initiated by the board against any licensee who fails to make the required report and against any registrant or licensee who fails to provide the report to the board or its agent or agents when requested in writing.

(e) Each pharmacist-in-charge shall determine the specifications of all drugs procured by the pharmacy.

(f) Each pharmacist-in-charge shall develop written procedures for maintaining records of the pharmacy's dispensing, prepackaging, and bulk compounding actions and shall assure that prepackaged medication is packaged in suitable containers and properly labeled. In

accordance with K.A.R. 68-7-16, each label for prepackaged medication shall include the following information:

(1) The brand or corresponding generic name of the drug;

(2) the strength and quantity;

(3) the lot number and date prepackaged;

(4) the name of the manufacturer or distributor of the medication or an easily identified abbreviation;

(5) the name or initials of the individual performing the prepackaging; and

(6) the expiration date.

(g) Each pharmacist-in-charge shall maintain a drug information reference library in accordance with K.A.R. 68-2-12a.

(h) Each pharmacist-in-charge shall supervise all pharmacist personnel, to insure full compliance with the pharmacy act of the state of Kansas and applicable regulations, the uniform controlled substances act of the state of Kansas and applicable regulations, and federal drug laws and applicable regulations. (Authorized by K.S.A. 65-1630 and K.S.A. 1998 Supp. 65-1643, as amended by L. 1999, Ch. 149, Sec. 8; implementing K.S.A. 1998 Supp. 65-1626(f), as amended by L. 1999, Ch. 149, Sec. 6, and K.S.A. 1998 Supp. 65-1637; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1989; amended Nov. 30, 1992; amended Feb. 27, 1998; amended Dec. 27, 1999.)

Article 20.—CONTROLLED SUBSTANCES

68-20-10. Requirements of registration. (a) Persons required to register. Every person who manufactures, distributes, or dispenses any controlled substances within this state, or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance in this state shall obtain annually a registration unless exempted by law or pursuant to subsections (d) through (g) of this regulation. Only persons actually engaged in these activities in this state shall be required to obtain a registration.

(b) Separate registration for independent activities.

(1) The following six groups of activities shall be deemed to be independent of each other:

(A) Manufacturing controlled substances;

(B) distributing controlled substances;

(C) dispensing, conducting research, other than research described in paragraph (b)(1)(D), with, and conducting instructional activities with, controlled substances listed in schedules II through V;

(D) conducting research with narcotic drugs listed in schedules II through V for the purpose of continuing the dependence on these drugs of a narcotic drug-dependent person in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program pursuant to a notice of claimed investigational exemption for a new drug approved by the food and drug administration;

(E) conducting research and instructional activities with controlled substances listed in schedule I; and

(F) conducting chemical analysis with controlled substances listed in any schedule.

(2) Every person who engages in more than one group of independent activities shall obtain a separate registration for each group of activities, except as provided in this subsection (b). Any person, when registered to engage in the group of activities described in each paragraph in this subsection, shall be authorized to engage in the coincident activities described in that paragraph without obtaining a registration to engage in such coincident activities if, unless specifically exempted, the person complies with all requirements and duties prescribed by law for the following persons registered to engage in the coincident activities:

(A) A person registered to manufacture any controlled substance or basic class of controlled substance shall be authorized to distribute that substance or class, but no other substance or class that the person is not registered to manufacture.

(B) A person registered to manufacture any controlled substance listed in schedules II through V shall be authorized to conduct chemical analysis and preclinical research, including quality control analysis, with narcotic and nonnarcotic controlled substances listed in those schedules in which the person is authorized to manufacture.

(C) A person registered to conduct research with a basic class of controlled substances listed in schedule I shall be authorized to manufacture this class if and to the extent that the manufacture is set forth in the research protocol filed with the application for registration and to distribute this class to other persons registered to conduct research with this class or to conduct chemical analysis.

(D) A person registered to conduct chemical analysis with controlled substances shall be authorized to perform the following:

(i) Manufacture and import these substances for analytical or instructional purposes;

(ii) distribute these substances to other persons registered to conduct chemical analysis or instructional activities, to persons registered or authorized to conduct research with these substances, and to persons exempted from registration pursuant to subsection (c);

(iii) export these substances to persons in other countries performing chemical analysis or enforcing laws relating to controlled substances or drugs in those countries; and

(iv) conduct instructional activities with controlled substances.

(E) A person registered or authorized to conduct research, other than the research described in paragraph (b)(2)(C), with controlled substances listed in schedules II through V shall be authorized to perform the following:

(i) Conduct chemical analysis with controlled substances listed in those schedules in which the person is authorized to conduct research to manufacture is set forth in a statement filed with the application for registration;

(ii) distribute these substances to other persons registered or authorized to conduct chemical analysis, instructional activities, or research with these substances and to persons exempted from registration pursuant to subsection (c); and

(iii) conduct instructional activities with controlled substances.

(F) A person registered to dispense under the pharmacy act, or to conduct research, other than research described in paragraph (b)(2)(D), with controlled substances listed in schedules II through V shall be authorized to dispense and to conduct research and to conduct instructional research with those substances.

(3) A single registration to engage in any group of independent activities may include one or more controlled substances listed in the schedules authorized in that group of independent activities. A person registered to conduct research with controlled substances listed in schedule I may conduct research with any substance listed in schedule I for which the person has filed and had approved a research protocol.

(c) Separate registrations for separate locations.

(1) A separate registration shall be required for each principal place of business or professional practice at one general physical location where controlled substances are manufactured, distributed, or dispensed by a person.

(2) The following locations shall be deemed not to be places where controlled substances are manufactured, distributed, or dispensed:

(A) A warehouse where controlled substances are stored by or on behalf of a registered person, unless these substances are distributed directly from the warehouse to registered locations other than the registered location from which the substances were delivered or to persons not required to register by virtue of the pharmacy act, K.S.A. 65-4116 and amendments thereto;

(B) an office used by agents of a registrant where sales of controlled substances are solicited, made, or supervised but which neither contains these substances, other than substances for display purposes only, nor serves as a distribution point for filling sales orders; and

(C) an office used by a practitioner or mid-level practitioner who is registered at another location where controlled substances are prescribed but neither administered nor otherwise dispensed as a regular part of the professional practice of the practitioner or mid-level practitioner at this office, and where no supplies of controlled substances are maintained.

(d) Exemption of agents and employees; affiliated practitioners.

(1) Practitioners, mid-level practitioners, pharmacists, and other persons required to register under this act shall not be exempt from registration because of their status as an agent or employee of a person who is already registered to engage in any group of independent activities. The requirements of registration, however, shall be waived for any agent or employee of a person who is registered to engage in any group of independent activities, if the agent or employee is acting in the usual course of his business or employment.

(2) A practitioner who is an intern, resident, or foreign physician or medical graduate may dispense and prescribe controlled substances under the registration of the hospital or other institution that is registered and by whom the person is employed if all of the following conditions are met:

(A) The practitioner is authorized or permitted to do so by the laws of the state of Kansas.

(continued)

(B) The dispensing or prescribing is done in the usual course of the practitioner's professional practice.

(C) The hospital or other institution by whom the person is employed has determined that the practitioner is permitted to dispense or prescribe drugs by the state of Kansas.

(D) The practitioner is acting only within the scope of employment in the hospital or institution.

(E) The hospital or other institution authorizes the intern, resident, or foreign physician or medical graduate to dispense or prescribe under the hospital registration and designates a specific internal registration code number for each intern, resident, or foreign physician or medical graduate so authorized. The code number shall consist of numbers, letters, or a combination of both and shall be a suffix to the institution's drug enforcement administration registration number, preceded by a hyphen.

(F) A current list of internal codes and the corresponding practitioners is kept by the hospital or other institution, and an updated copy is on file with the state board of pharmacy of the state of Kansas for the purposes of verifying the authority of the prescribing practitioner.

(e) Exemption of certain military and other personnel.

(1) The requirement of registration shall be waived for any official of the U.S. army, navy, marine corps, air force, coast guard, or public health service who is authorized to prescribe, dispense, or administer, but not to procure or purchase, controlled substances in the course of official duties. These officials shall follow the procedures set forth in K.A.R. 68-20-18, 68-20-19, 68-20-20, and 68-20-21, but shall state the branch of service or agency and the service identification number of the issuing official in lieu of the registration number required on prescription forms. The service identification number for a public health service employee is the person's social security identification number.

(2) If any official exempted by this subsection also engages as a private individual in any activity or group of activities for which registration is required, the official shall obtain a registration for these private activities.

(f) Exemption of law enforcement officials.

(1) The requirement of registration shall be waived for the following persons in the circumstances described in this subsection:

(A) Any officer or employee of the bureau, any officer of the U.S. bureau of customs, any officer or employee of the United States food and drug administration, and any other federal officer who is lawfully engaged in the enforcement of any federal law relating to controlled substances, drugs, or customs, and is duly authorized to possess controlled substances in the course of official duties; and

(B) any officer or employee of the state of Kansas, or any political subdivision or agency thereof, who is engaged in the enforcement of Kansas law or local law relating to controlled substances and is duly authorized to possess controlled substances in the course of official duties.

(2) Any official exempted by this subsection may, when acting in the course of official duties, possess any controlled substance and distribute any such substance to

any other official who is also exempted by this subsection and acting in the course of official duties.

(3) Any official exempted by this subsection may procure any controlled substance in the course of an inspection, in accordance with the controlled substances act, K.S.A. 65-4131(c) and amendments thereto, or in the course of any criminal investigation involving the person from whom the substance was procured.

(4) In order to enable law enforcement agency laboratories to obtain and transfer controlled substances for use as standards in chemical analysis, these laboratories shall obtain annually a registration to conduct chemical analysis. These laboratories shall be exempted from payment of a fee for registration. Laboratory personnel, when acting in the scope of their official duties, shall be deemed to be officials exempted by this subsection and within the activities described in the controlled substances act, K.S.A. 65-4115 and amendments thereto. For purposes of this subsection, laboratory activities shall not include field or other preliminary chemical tests by officials exempted by this subsection.

(g) Exemption of civil defense officials.

(1) The requirement of registration shall be waived for any official of a civil defense or disaster relief organization who, in the course of official duties, is authorized to perform either of the following:

(A) Maintain, and distribute for maintenance, controlled substances held for emergency use; or

(B) procure controlled substances for the purposes of maintaining supplies for emergency use, if all procurement is from the U.S. general services administration and in accordance with the rules of the U.S. office of emergency preparedness.

(2) The requirement of registration shall be waived for any official of a civil defense or disaster relief organization during a state of emergency or disaster within the official's jurisdiction proclaimed by the president or by a concurrent resolution of the congress, which official, in the course of official duties during this emergency or disaster, is authorized to perform either of the following:

(A) Dispense controlled substances; or

(B) procure or distribute controlled substances, if all procurement is on a special "civil defense emergency order form," as described in this subsection.

(3) Civil defense emergency order forms shall be furnished by the U.S. office of emergency preparedness and shall contain the name of the civil defense or disaster relief organization. These forms may be used and shall be valid only during a state of emergency disaster proclaimed by the president or by a concurrent resolution of the congress for the area in which the organization using the forms has civil defense or disaster relief jurisdiction, who shall state the position and the nature and legal designation of the emergency or disaster. These forms may be filled by any person registered under the controlled substances act. The organization shall, upon the execution of a civil defense emergency order form, be deemed to be registered under the controlled substances act for purposes of record keeping pursuant to K.A.R. 68-20-16. (Authorized by K.S.A. 65-4116, as amended by L. 1999, Ch. 149, Sec. 9; implementing K.S.A. 65-4116, as amended by

L. 1999, Ch. 149, Sec. 9, 65-4131; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended Dec. 27, 1999.)

68-20-10a. Electronic prescription transmission of controlled substances. (a) A prescription drug order transmitted electronically shall be issued for a legitimate medical purpose by a prescriber acting within the course of legitimate professional practice.

(b) All prescription drug orders communicated by way of electronic transmission shall fulfill all the requirements of K.A.R. 68-2-22.

(c) If communicated by electronic transmission, the prescription drug order shall be maintained in hard copy for the time required by existing federal and state laws and regulations.

(d) A prescription drug order, including that for any controlled substance listed in schedules III, IV, and V, and in certain situations, that for any controlled substance listed in schedule II, may be communicated by electronic transmission.

(e) The electronic transmission of a prescription drug order for any schedule II controlled substance shall conform to these requirements:

(1) A prescription drug order for any schedule II controlled substance may be communicated by the prescriber or that prescriber's designated agent by way of electronic transmission, if the original, written, signed prescription drug order is presented to the pharmacist for review before the actual dispensing of the controlled substance, except as noted in this subsection.

(2) A prescription drug order for any schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be communicated by the prescriber or that prescriber's designated agent to the pharmacy by way of electronic transmission. The hard copy of this electronic transmission shall serve as the original, written prescription drug order for purposes of this subsection, and it shall be maintained as such.

(3) A prescription drug order for any schedule II controlled substance for a resident of a long-term care facility (LTCF) may be communicated by the prescriber or that prescriber's designated agent by way of electronic transmission. The hard copy of this electronic transmission shall serve as the original, written prescription drug order for purposes of this subsection, and it shall be maintained as such.

(4) A prescription drug order for any schedule II controlled substance for a patient released by a registered institution to a home hospice setting that continues to provide daily skilled nursing care to the home hospice setting may be transmitted by the prescriber or that prescriber's designated agent by way of electronic transmission to the dispensing pharmacy. The hard copy of this electronic transmission shall serve as the original, written prescription drug order for purposes of this subsection, and it shall be maintained as such.

(5) In the case of an emergency situation, a prescription drug order for any schedule II controlled substance may be communicated by the prescriber by way of electronic transmission, if these conditions are met:

(A) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period. Dispensing beyond the emergency period shall be pursuant to a written prescription drug order signed by the prescriber.

(B) After the pharmacist views the prescription drug order, this order shall be immediately reduced to a hard copy and shall contain all information required by federal and state laws and regulations.

(C) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order communicated by way of electronic transmission, consistent with existing federal and state laws and regulations.

(D) (i) Within seven days after authorizing an emergency prescription drug order, the prescriber shall cause a written prescription drug order for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to all other federal and state laws and regulations, the prescription drug order shall have written on its face "authorization for emergency dispensing" and the date of the transmitted prescription drug order.

(ii) The written prescription drug order shall be delivered to the pharmacist in person within seven days of authorization, or if delivered by mail, it shall be post-marked within the seven-day period.

(iii) Upon receipt, the dispensing pharmacist shall attach this written prescription drug order to the hard copy of the electronically transmitted prescription drug order. The pharmacist shall notify the nearest office of the U.S. drug enforcement administration (DEA) if the prescriber fails to deliver a written prescription drug order. (Authorized by and implementing K.S.A. 65-1630, K.S.A. 1998 Supp. 65-1642, K.S.A. 1998 Supp. 65-4102 and K.S.A. 65-4123, as amended by L. 1999, Ch. 115, Sec. 15; effective Feb. 5, 1999; amended Dec. 27, 1999.)

68-20-15a. Security requirements. (a) General security requirements. Each applicant and registrant shall provide effective controls and procedures to guard against theft and diversion of controlled substances in conformance with the security requirements of federal law, including the requirements of 21 CFR 1301.71 as in effect on April 1, 1999, which are hereby adopted by reference.

(b) Physical security controls for nonpractitioners shall comply with the requirements of 21 CFR 1301.72 and 1301.73 as in effect on April 1, 1999, which are hereby adopted by reference.

(c) Other security controls for nonpractitioners.

(1) Good faith inquiry. Before distributing a controlled substance to any person whom the registrant does not know to be registered to possess a controlled substance, each registrant shall make a good faith inquiry with the board to determine that the person is registered to possess a controlled substance.

(2) Suspicious orders. Each registrant shall design an operative system to disclose to the registrant any suspicious orders of controlled substances. Each registrant shall inform the board of suspicious orders when discov-

(continued)

ered. Suspicious orders shall include orders of unusual size, orders deviating from a normal pattern, and orders of unusual frequency.

(3) A controlled substance listed in schedules II through V shall not be distributed on a gratuitous basis by a manufacturer or distributor to a practitioner, mid-level practitioner, pharmacist, or any other person.

(d) Physical security controls for prescribers. Each prescriber shall provide effective controls and procedures to guard against theft and diversion of controlled substances in conformance with the security requirements of federal law, including the requirements of 21 CFR 1301.75 and 1301.76 as in effect on April 1, 1999, which are hereby adopted by reference.

(e) Other security controls for prescribers.

(1) In order to minimize the opportunities for diversion of controlled substances, each prescriber shall provide effective physical security, shall initiate additional procedures to reduce access by unauthorized personnel, and shall provide an alarm system if necessary.

(2) Minimum security standards for prescribers as set forth in this article shall be considered as guidelines to be used in evaluating security. Additional security controls and operating procedures may be required by the board to prevent diversion of controlled substances. (Authorized by K.S.A. 1998 Supp. 65-4102; implementing K.S.A. 65-4117; effective May 1, 1983; amended May 1, 1988; amended Sept. 9, 1991; amended March 20, 1995; amended Aug. 1, 1997; amended Feb. 5, 1999; amended Dec. 27, 1999.)

68-20-16. Records and inventories of registrants.

(a) Each registrant shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of 21 CFR 1304.04 as in effect on April 1, 1999, which is hereby adopted by reference, and shall be kept on file for a period of not less than five years.

(b) Schedule V preparations. All registrants handling Schedule V preparations shall be subjected to the same inventory and record-keeping requirements set forth in subsection (a) above. In addition, an inventory of Schedule V items shall be taken in conjunction with the required inventory requirements relating to Schedules II, III, and IV. (Authorized by and implementing K.S.A. 65-4121; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1989; amended July 31, 1998; amended Dec. 27, 1999.)

68-20-17. Order forms. Every licensee shall transfer controlled substances in conformance with the requirements of section 308 of the federal controlled substances act (21 USC 828) as in effect the first day of the seventh calendar month that begins after the day immediately preceding October 27, 1970, and 21 CFR part 1305 as in effect on April 1, 1999, which are hereby adopted by reference. All transfers of schedule I and II controlled substances shall require the use of a drug enforcement agency (DEA) 222 form issued by the United States attorney general. (Authorized by K.S.A. 1998 Supp. 65-4102; implementing K.S.A. 1998 Supp. 65-4102 and K.S.A. 65-4122; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1987; amended Feb. 5, 1999; amended Dec. 27, 1999.)

68-20-18. Information concerning prescriptions.

(a) Persons entitled to issue prescriptions. A prescription for a controlled substance may be issued only by a practitioner or mid-level practitioner who meets the following conditions:

(1) Is legally authorized to prescribe controlled substances in Kansas or any other competent jurisdiction; and

(2) is either registered or exempted from registration under K.S.A. 65-4116(d) and amendments thereto.

(b) Purpose of issue of prescription.

(1) To be effective, a prescription for a controlled substance shall be issued for a legitimate medical purpose by a practitioner or mid-level practitioner acting in the usual course of professional practice. The responsibility for the proper prescribing and dispensing of controlled substances shall rest with the prescriber, but a corresponding responsibility shall rest with the pharmacist who fills the prescription. The person filling an unlawful prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of the controlled substance act, K.S.A. 65-4101, et. seq. and amendments thereto.

(2) A prescription shall not be issued in order for a practitioner or mid-level practitioner to obtain controlled substances for supplying that individual or any other prescriber for the purpose of general dispensing to patients.

(3) A prescription shall not be issued for the dispensing of narcotic drugs listed in any schedule to a narcotic drug-dependent person for the purpose of continuing dependence upon these drugs, except in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program.

(c) Manner of issuance of prescriptions.

(1) Controlled substance prescriptions in schedules II through V shall not be issued on a prescription blank that is preprinted with the name of a propriety preparation or with the strength, quantity, or directions.

(2) All written prescriptions for controlled substances shall meet the following requirements:

(A) Be dated and manually signed on the day issued;

(B) bear the following information:

(i) The full name, address, and registration number of the practitioner or mid-level practitioner;

(ii) the name and address of the patient; and

(iii) the drug name, strength, dosage form, quantity prescribed, and directions for use; and

(C) be written with ink, indelible pencil, or typewriter.

(3) A practitioner or mid-level practitioner shall manually sign a prescription in the same manner as that individual would sign a check or legal document.

(4) The prescriptions may be prepared by a secretary or agent for the signature of a practitioner or mid-level practitioner, but the prescriber shall be responsible if the prescription does not conform in all essential respects to the state and federal law and regulations. A corresponding liability shall rest upon the pharmacist who fills a prescription that is not prepared in the form prescribed by this regulation.

(5) An intern, resident, foreign physician, or foreign medical graduate exempted from registration under K.S.A. 65-4116(d), and amendments thereto, shall include

on all prescriptions issued the registration number of the hospital or other institution and the special internal code number assigned to the intern, resident, foreign physician, or foreign medical graduate by the hospital or other institution as provided in K.A.R. 68-20-10. This requirement shall be in lieu of the registration number of the practitioner required by this subsection. Each prescription shall have the name of the intern, resident, foreign physician or foreign medical graduate stamped or printed on it, as well as the signature of the physician.

(6) An official exempted from registration under K.A.R. 68-20-10 shall include on all prescriptions issued the official's branch of service or agency and the service identification number. This requirement shall be in lieu of the registration number of the practitioner otherwise required by this subsection. The service identification number for a public health service employee shall be that individual's social security identification number. Each prescription shall have the name of the officer stamped or printed on it, as well as the signature of the officer.

(d) Manner of issuance of prescriptions by facsimile.

(1) Controlled substance prescriptions in schedules III through V may be transmitted by telephone by a prescriber or designated agent to a pharmacy for a patient of the prescriber. The transmitted telephone prescription may be by oral, facsimile, or electronic transmission. Prescription orders shall be reduced to hard copy by the pharmacist and, if telephoned by other than the prescriber, shall bear the name of the person so transmitting or telephoning the prescription.

(2) Controlled substance prescriptions in schedule II may be transmitted by facsimile or electronic transmission from the prescriber to a pharmacy. However, when the prescription is actually dispensed, the original written prescription that is manually signed by the prescriber shall be presented, verified against the facsimile or electronic transmission, and retained for filing. Exceptions to this subsection shall be in compliance with K.A.R. 68-20-10a.

(e) Persons entitled to fill prescriptions.

(1) A prescription for controlled substances shall be filled only by the following:

(A) A pharmacist acting in the usual course of professional practice in a registered pharmacy, hospital drug room, or other registered place of employment; or

(B) A pharmacist intern acting under the immediate personal direction and supervision of a licensed pharmacist.

(2) For the purposes of this regulation, an intern shall mean a prospective candidate for examination as a licensed pharmacist who is qualified to receive, and is obtaining, pharmaceutical experience as defined in K.A.R. 68-5-1.

(3) A medical care facility or other institution registered with the board shall administer or dispense directly a controlled substance listed in schedules III and IV and legend V only pursuant to a written prescription signed by the prescriber or to an order of medication made by a prescriber that is dispensed for immediate administration to the ultimate user. (Authorized by K.S.A. 1998 Supp. 65-4102; implementing K.S.A. 65-4123, as amended by L. 1999, Ch. 115, Sec. 15; effective, E-72-24, Aug. 25, 1972;

effective Jan. 1, 1973; amended May 1, 1988; amended Sept. 9, 1991; amended March 29, 1993; amended March 20, 1995; amended Dec. 27, 1999.)

68-20-19. Controlled substances listed in schedule II. (a) Requirements of prescription.

(1) A pharmacist shall dispense a controlled substance listed in schedule II, which is a prescription drug as determined under these regulations, only pursuant to a written prescription signed by the prescribing practitioner, except as provided in paragraph (4) of this subsection.

(2) Any written prescriptions signed by the prescribing practitioner falling under the above provisions of paragraph (1) shall not be filled if submitted more than six months after the original date appearing on the written prescription.

(3) A prescriber may administer a controlled substance listed in schedule II in the course of professional practice without a prescription, subject to K.A.R. 68-20-18.

(4) (A) In the case of an emergency situation, as defined by paragraph (5) of this subsection, a pharmacist may dispense a controlled substance listed in schedule II upon receiving authorization of a prescriber, if all of the following conditions are met:

(i) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period. Dispensing beyond the emergency period shall be pursuant to a written prescription signed by the prescriber.

(ii) The prescription shall be immediately reduced to a hard copy by the pharmacist and shall contain all information required under K.A.R. 68-20-18(c) except for the signature of the prescriber.

(iii) If the prescriber is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the authorization came from the prescriber, which may include a call back to the prescriber, using the prescriber's phone number as listed in the telephone directory or other good faith efforts to insure the prescriber's identity, or both.

(iv) Within seven days after authorizing an emergency prescription drug order, the prescriber shall cause a written prescription drug order for the emergency quantity prescribed to be delivered to the dispensing pharmacist.

(B) In addition to conforming to the requirements of K.A.R. 68-20-18(c), the prescription drug order shall have written on its face "Authorization for Emergency Dispensing" and the date of the prescription drug order.

(C) The written prescription drug order shall be delivered to the pharmacist in person within seven days of authorization or, if delivered by mail, it shall be postmarked within the seven-day period.

(D) Upon receipt, the dispensing pharmacist shall attach this written prescription drug order to the pharmacist's record of the emergency prescription drug order.

(E) The pharmacist shall notify the nearest office of the U.S. drug enforcement administration (DEA) if the prescribing practitioner fails to deliver a written prescription drug order to the pharmacist; failure of the pharmacist to do so shall void the authority conferred by this paragraph to dispense without a written prescription of a prescriber.

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(5) For the purposes of authorizing a prescription of any controlled substance listed in schedule II of the federal or state uniform controlled substances act, the term "emergency situation" means those situations in which the prescriber determines the following:

(A) That immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

(B) that no appropriate alternative treatment is available, including administration of a drug that is not a controlled substance under schedule II of the act; and

(C) that it is not reasonably possible for the prescriber to provide a written prescription to be presented, before dispensing, to the pharmacist dispensing the substance.

(b) A medical care facility or other institution registered with the board shall administer or dispense a controlled substance listed in schedule II only pursuant to a written prescription signed by the prescriber or to an order for medication made by a prescriber that is dispensed for immediate administration to the ultimate user.

(c) Partial filling of prescriptions. The partial filling of a prescription for any controlled substance listed in schedule II shall be permissible, only as provided in this subsection.

(1) Whenever the pharmacist is unable to supply the full quantity called for in a written or emergency prescription and the pharmacist makes a notation of the quantity supplied on the face of the written prescription or written record of the emergency prescription, the pharmacist shall perform the following:

(A) Fill the remaining portion of the prescription within 72 hours of the first partial filling or, if the remaining portion cannot be filled within the 72-hour period, the pharmacist shall notify the prescriber of the situation; and

(B) supply no further quantity beyond 72 hours without a new prescription.

(2) Whenever written, prescriptions for schedule II controlled substances for patients in a long-term care facility (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities, including individual dosage units, as provided in this subsection. The pharmacist shall record on the prescription whether the patient is "terminally ill" or an "LTCF patient."

(A) For each partial filling, the dispensing pharmacist shall record on the back of the prescription, or on another appropriate, uniformly maintained, and readily retrievable record, the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist.

(B) The total quantity of schedule II controlled substances dispensed in all partial fillings shall not exceed the total quantity prescribed.

(C) These schedule II prescriptions shall be valid for a period not to exceed 60 days from the issue date unless terminated sooner by the discontinuance of medication.

(d) Labeling of substances. The pharmacist filling a written or emergency prescription for a controlled substance listed in schedule II shall affix a label to the package showing the following information:

- (1) The date the prescription was filled;
- (2) the name, address, and telephone number of the pharmacy dispensing the prescription;
- (3) the serial number of the prescription;

(4) the full name of the patient;

(5) the name of the practitioner and either the physician's assistant (PA) or the advanced registered nurse practitioner (ARNP);

(6) the directions for use and cautionary statements, if any, contained in the prescription or required by law;

(7) the brand name or corresponding generic name of the prescription medication;

(8) the manufacturer or distributor of the prescription medication, or an easily identified abbreviation of the manufacturer's or distributor's name;

(9) the expiration date of the prescription medication dispensed, if applicable.

(e) Filing of prescriptions.

(1) All written prescriptions and written records of emergency prescriptions shall be kept in accordance with K.A.R. 68-20-16.

(2) All written or emergency prescriptions for a controlled substance listed in schedule II shall be cancelled on the face of the prescription with the name of the pharmacist filling that prescription.

(3) All written or emergency prescriptions for controlled substances listed in schedule II and filled by a pharmacy intern shall be cancelled on the face of the prescription with the names of the pharmacy intern and preceptor authorizing the filling of that prescription. (Authorized by and implementing K.S.A. 1998 Supp. 65-4102 and K.S.A. 65-4123, as amended by L. 1999, Ch. 115, Sec. 15; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended Sept. 9, 1991; amended March 29, 1993; amended March 20, 1995; amended Feb. 5, 1999; amended Dec. 27, 1999.)

68-20-21. Controlled substances listed in schedule V. Requirements of prescriptions.

(a) A pharmacist may dispense a controlled substance listed in schedule V pursuant to a prescription as required for controlled substances listed in schedules III and IV in K.A.R. 68-20-20 in this article. A prescription for a controlled substance listed in schedule V may be refilled only as expressly authorized by the prescriber on the prescription; if no such authorization is given, the prescription shall not be refilled. A pharmacist dispensing this substance pursuant to a prescription shall label the substance in accordance with subsection (d) of K.A.R. 68-20-20 in this article and file the prescription in accordance with K.A.R. 68-20-16 in this article.

(b) A prescriber may administer a controlled substance listed in schedule V in the course of professional practice without a prescription, subject to subsection (e) of K.A.R. 68-20-18 in this article.

(c) A hospital or other institution registered with the board may administer or dispense any controlled substance listed in schedule V only pursuant to a written prescription signed by the prescriber or to an order for medication made by a prescriber that is dispensed for immediate administration to the ultimate user. (Authorized by K.S.A. 1998 Supp. 65-4113; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended Dec. 27, 1999.)

Larry Froelich
Executive Director

Doc. No. 024573

State of Kansas

Department of Education

Permanent Administrative
Regulations

Article 13.—SCHOOL BUS TRANSPORTATION

36-13-20. This regulation shall be revoked on June 30, 2000. (Authorized by K.S.A. 1977 Supp. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; revoked June 30, 2000.)

36-13-30. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective May 1, 1983; amended May 1, 1984; amended June 15, 1992; revoked June 30, 2000.)

36-13-31. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended June 15, 1992; revoked June 30, 2000.)

36-13-32. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended June 15, 1992; revoked June 30, 2000.)

36-13-33. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended June 15, 1992; revoked June 30, 2000.)

36-13-34. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended June 15, 1992; revoked June 30, 2000.)

36-13-35. This regulation shall be revoked on June 30, 2000. (Authorized by K.S.A. 1977 Supp. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; revoked June 30, 2000.)

36-13-37. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective May 1, 1979; amended June 15, 1992; revoked June 30, 2000.)

36-13-38. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective June 15, 1992; revoked June 30, 2000.)

36-13-39. This regulation shall be revoked on June 30, 2000. (Authorized by and implementing K.S.A. 8-2009; effective June 15, 1992; revoked June 30, 2000.)

Article 38.—SCHOOL BUS TRANSPORTATION

91-38-1. Definitions. (a) "Activity bus" means any over-the-road, commercial-type bus utilized by a governing body to transport students to and from school activities as authorized by K.S.A. 72-8301 (c)(3), and amendments thereto.

(b) "Bus" means any motor vehicle, as defined in K.S.A. 8-126 and amendments thereto, that is designed

for transporting more than 14 passengers in addition to the driver.

(c) "Driver-trainer" means any person who is assigned by a transportation supervisor to provide instruction and training to other school transportation providers, including knowledge of vehicles used to provide student transportation, safe driving practices, emergency procedures, and passenger control. The driver-trainer shall maintain current licensure to operate the largest vehicle about which the driver-trainer is to provide instruction and shall have experience as a school bus driver.

(d) "Governing body" means the local board of education or other entity having authority over a school district.

(e) "Multipurpose passenger vehicle" means a motor vehicle, as defined in K.S.A. 8-126 and amendments thereto, that is designed to transport 10 or fewer persons, including the driver, and that is constructed on a truck chassis.

(f) "School bus" means any bus designed primarily for the transportation of students or school personnel either to or from school or to or from school-related functions or activities. A school bus may be owned by a school district or a private company. The term shall include any van or other vehicle rated by the manufacturer, or having a door label, as a bus.

(g) "School bus driver" means any person employed by a school district or school bus contractor to drive a school bus or activity bus.

(h) "School district" means any unified school district or private school.

(i) "School passenger vehicle" means any passenger car or multipurpose passenger vehicle that is owned or leased by a school district or private individual and is used regularly to provide student transportation on behalf of a school district.

(j) "School passenger vehicle driver" means any person employed by a school district primarily to provide transportation for students in a school passenger vehicle.

(k) "School transportation provider" means either a school bus driver or a school passenger vehicle driver.

(l) "School vehicle" means any activity bus, school bus, or school passenger vehicle.

(m) "Short-term leased vehicles" means any school vehicle that is leased by a school district for a period of 30 or fewer days.

(n) "Substitute driver" means any person who is not assigned to a regular route but is employed to serve as a school transportation provider when necessary due to driver absences or emergencies.

(o) "Transportation supervisor" means a person designated by a governing body to be responsible for transportation activities within a school district.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-2. General limitations and requirements. (a) No governing body shall have a school bus in service after July 1, 1992, unless the school bus was manufactured after April 1, 1977, and either is no more than 20 years

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old or has been modified to meet current standards. Each school bus shall meet the standards specified by law and this article.

(b) The owner's name shall be displayed on each side of any school bus.

(c) Activity buses shall not be utilized to provide student transportation to and from school.

(d) Each school bus, activity bus, and school passenger vehicle shall be equipped with a two-way communication system.

(e) (1) All school buses shall contain the following emergency supplies:

(A) At least one 2A-10BC fire extinguisher;

(B) at least one readily identifiable first aid kit in a removable, waterproof, and dustproof container;

(C) at least one body fluid clean-up kit, containing the following:

(i) A surgical mask;

(ii) rubber gloves;

(iii) sterile wipes;

(iv) a fluid absorbent;

(v) absorbent towels or cloths; and

(vi) cleaning solution with at least 10 percent bleach content; and

(D) a minimum of three reflectorized triangle warning devices, securely stored but in an accessible location.

(2) The first aid kit, body fluid clean-up kit, and fire extinguisher shall be mounted in full view of, and readily accessible to, the driver.

(f) Each governing body shall assure that occupant restraint systems are provided for, and utilized by, all occupants of school passenger vehicles. When providing transportation for infants and preschool children, age- and size-appropriate child safety restraining systems shall be utilized, in accordance with the provisions of K.S.A. 8-1344, and amendments thereto.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-2009, 8-2009a; effective July 1, 2000.)

91-38-3. School transportation supervisor; duties and responsibilities. (a) (1) Appointment. Each governing body shall designate an employee to be the transportation supervisor.

(2) General responsibilities.

(A) The transportation supervisor shall be ultimately responsible for supervision and maintenance of the school's transportation system.

(B) The transportation supervisor shall act as liaison between the school district and any contracted transportation service.

(b) School transportation routes and stops.

(1) The transportation supervisor shall be responsible for establishing all regular transportation routes and stops for the loading and unloading of students along those routes. The supervisor shall keep a current map on file for each regular transportation route, with all stops noted and a current map of the school district showing each attendance center.

(2) The transportation supervisor shall not establish stops on any interstate highway, state toll road, or other limited-access highway.

(3) The transportation supervisor shall give special consideration to road conditions and safety concerns when planning the regular transportation routes. If a safety hazard is encountered, appropriate authorities shall be contacted about eliminating or correcting the hazard, if possible.

(4) Each driver shall report to the transportation supervisor any condition encountered by the driver on a transportation route that appears to pose a safety hazard.

(5) If visibility is less than 500 feet when approaching an established school bus stop from any direction, the transportation supervisor shall contact state, county, or township road authorities and request that warning signs be posted for the school bus stop. Whenever practicable, stops shall be established only at points where visibility is at least 500 feet for all motorists.

(c) Driver training meetings.

(1) On and after July 1, 2000, each transportation supervisor shall conduct at least 10 safety meetings per year for all school transportation providers.

(2) Attendance at each meeting shall be documented with a sign-in sheet or similar document. The record of attendance and the agenda shall be retained by the supervisor for at least two years.

(3) Safety meeting topics shall include school transportation safety concerns from drivers regarding route safety, changes in laws or regulations, and other safety issues as determined appropriate by the transportation supervisor.

(4) Safety meetings may be videotaped so that drivers who are unable to attend a particular meeting may view the program at another time.

(5) Newly hired drivers shall be required to attend only those meetings held following their employment.

(d) Records retention.

(1) The transportation supervisor shall be responsible for maintenance and repair records for all school buses, activity buses, and school passenger vehicles used for student transportation, except short-term leased vehicles. These records shall include information on scheduled maintenance, lubrication records, repair orders, and other maintenance.

(2) The maintenance record for each vehicle shall be kept as long as the school owns or leases the vehicle, and for at least two years following disposition of the vehicle.

(3) Maintenance records shall be available for inspection by the Kansas highway patrol, other law enforcement agencies, and Kansas state department of education officials.

(e) Students with special needs. Each board shall notify the transportation supervisor of any student with special health care concerns or special needs for transportation. The supervisor shall ensure that drivers, substitute drivers, and attendants are informed of these needs and receive any training that is necessary to safely transport the student or to accommodate the student's special needs.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-4. Compliance with chassis and body construction standards. (a) Except as otherwise provided in

subsection (c) of this regulation, a governing body shall not allow students to be transported on any school bus acquired or leased after the effective date of this regulation until the governing body has on file a verified statement, as prescribed by the state board, from the seller or lessor of the school bus attesting that the school bus meets the following requirements:

(1) The school bus chassis and body construction standards promulgated by the United States department of transportation that apply to the particular bus; and

(2) the bus chassis and body construction standards, including standards for specially equipped school buses, if applicable, prescribed in the national standards for school transportation.

(b) A governing body shall not alter, change, or otherwise modify any school bus used to transport students in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with standards applicable to it under K.S.A. 1998 Supp. 8-2009a and amendments thereto.

(c) If a governing body is acquiring a school bus from another governing body, the governing body acquiring the school bus shall obtain the following statements from the governing body that is disposing of the school bus:

(1) The verified statement obtained by the governing body under subsection (a) of this regulation; and

(2) a verified statement from the governing body that is disposing of the school bus attesting to the fact that the governing body has not altered, changed, or otherwise modified the school bus in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with the standards applicable to it under K.S.A. 1998 Supp. 8-2009a and amendments thereto.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-2009, 8-2009a; effective July 1, 2000.)

91-38-5. Annual inspection of school vehicles. (a) Each school bus, activity bus, or school vehicle, except short-term leased vehicles, shall be inspected annually by the Kansas highway patrol. This annual inspection shall be conducted between July 1 and September 30.

(b) The Kansas highway patrol shall inspect the following equipment and mechanical systems on each school bus:

(1) The light system, including alternately flashing signal lamps, back-up lights, clearance lamps, headlights, identification lights, interior lights, stop lights, tail lights and turn signals;

(2) stop arm;

(3) exhaust system;

(4) fuel system;

(5) tires and wheels;

(6) mirrors;

(7) reflectors;

(8) lettering;

(9) service door and step well;

(10) emergency doors and exits;

(11) brake system, including the parking brake;

(12) steering system;

(13) horn;

(14) windshield wipers and washer;

(15) sun visors;

(16) heater and defroster;

(17) presence of items required by K.A.R. 91-38-2; and

(18) any other item or items specified by the state board.

(c) Vehicles purchased at any time following a school's or contractor's initial inspection rotation shall pass an inspection before being used for the transportation of students. No vehicle may be used for student transportation until this inspection procedure has been completed. Upon successful completion of the inspection process, a school vehicle inspection sticker issued by the Kansas highway patrol shall be placed on the vehicle's windshield in a location that will not impair the driver's vision.

(d) (1) If any vehicle fails the inspection by the Kansas highway patrol, that vehicle shall not be used for student transportation until all defects have been corrected and the Kansas highway patrol has approved the vehicle.

(2) If repairs or other corrections are required for a vehicle to pass the inspection and these repairs or corrections are completed within 10 days after the initial inspection, then only the defective items shall be reexamined by the Kansas highway patrol. If the repairs or corrections are not made within 10 days following the initial inspection, the vehicle shall be completely reinspected.

(e) The Kansas highway patrol, at any time, may conduct spot inspections of any school vehicle used for student transportation.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-6. School transportation driver qualifications. (a) Driver's licensing and age requirements. Each person employed by a school district or by a school bus contractor who, at any time, will provide student transportation, shall be licensed in accordance with the provisions of K.S.A. 8-234b and amendments thereto, or the appropriate licensing statutes of the person's state of residence. Each person also shall meet the requirements listed below:

(1) Each driver of a school bus or activity bus with a gross weight of over 26,000 pounds shall maintain a commercial class A or B driver's license, with passenger endorsement.

(2) Each driver of a school bus or activity bus with a gross weight of 26,000 pounds or less, and designed for transporting 16 passengers or more, shall maintain a commercial class A, B, or C driver's license, with passenger endorsement.

(3) Each driver of a school passenger vehicle or a school bus or activity bus with a gross weight of 26,000 pounds or less, and designed to transport fewer than 16 passengers, shall maintain an appropriate noncommercial operator's license.

(4) Each driver's license shall be valid within the driver's state of residence.

(continued)

(5) Any driver of an activity bus shall be 21 years of age or older.

(b) Criminal and driving record.

(1) Each prospective school transportation provider or other school employee who may transport students shall be required to sign a statement indicating whether that individual has been convicted within the past 10 years in any state or federal court of any felony involving another person or any crime involving a child. A person who has been convicted of such a crime within the past 10 years shall not be employed, re-employed, or retained as an employee to provide student transportation.

(2) Each prospective driver shall be required to sign a statement indicating whether that individual has been convicted in any state of any major traffic violations indicated in subsection (c) of this subsection.

(3) For purposes of this regulation, a conviction means entering a plea of guilty or nolo contendere, a finding of guilty by a court or jury, or forfeiture of bond.

(4) Each prospective school transportation provider shall give written authorization to the prospective employer to obtain the applicant's driving record through a local law enforcement agency or the Kansas department of revenue, division of vehicles, in accordance with K.S.A. 74-2012 and amendments thereto. The authorization also shall allow the prospective employer to obtain the applicant's driving record in states other than Kansas through a local law enforcement agency or the appropriate agency of the other state.

(c) Disqualification from employment.

(1) Except as otherwise provided in paragraph (2) of this subsection, a governing body shall not employ or retain to transport students, any person who discloses or whose driving record indicates that the person has been convicted of any of the following major traffic violations:

(A) Hit-and-run driving;

(B) driving while under the influence of alcohol or drugs;

(C) vehicular homicide;

(D) reckless driving; or

(E) any offense for which the driver's license was suspended or revoked pursuant to K.S.A. 8-254 and 8-255 and amendments thereto.

(2) A governing body may waive the disqualification for employment by a unanimous vote of the full membership of the governing body.

(d) Driver experience and training requirements.

(1) Each driver who operates a school vehicle to transport students shall have not less than one year's experience in operating a motor vehicle.

(2) (A) School bus drivers shall be provided a minimum of 12 hours of bus driver training. The first six hours of training shall be completed without student passengers, but the remaining hours may be completed with student passengers, if the driver-trainer is on the bus. All driver training shall be supervised by the assigned driver-trainer.

(B) Except as otherwise provided in paragraph (C) of this subsection, each school transportation provider shall complete a first aid and cardiopulmonary resuscitation (CPR) course, approved by the state department of education, before the first day the driver is allowed to trans-

port students. Each driver completing any training session shall obtain a wallet card or other certificate attesting to that individual's completion of the training program.

(C) A school transportation provider who is certified as an emergency medical service provider shall not be required to complete first aid and CPR training, if the emergency medical certification is maintained in valid status. As used in this paragraph, "emergency medical service provider" means first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or mobile intensive care technician.

(e) (1) Each school transportation provider shall successfully complete a vehicle accident prevention course approved by the state department of education, before the first day the driver transports students. The driver shall obtain a completion certificate or wallet card as evidence that the course requirements have been met.

(2) After completion of the initial accident prevention course, a driver may maintain certification by either of the following:

(A) Completion of an accident prevention course at least every three years; or

(B) annual attendance at a workshop provided for school transportation personnel by the state department of education.

(3) The transportation supervisor shall maintain documentation of driver training for school transportation providers for the duration of the driver's employment, and a minimum of two years thereafter.

(f) Substitute and emergency school transportation providers.

(1) Substitute school transportation providers shall meet the requirements in this regulation, but they may be allowed up to 30 days following employment to complete the first aid, CPR, and accident prevention course training requirements.

(2) Any person who holds a valid commercial driver's license may operate a school bus in an emergency situation. For purposes of this paragraph, an "emergency situation" means a situation in which no qualified driver or substitute driver is available. A specific driver shall not drive as an emergency driver for more than five days during a school year.

(g) Physical examination and health requirements.

(1) The physical qualification requirements for school transportation providers in Kansas shall be those in 49 C.F.R. 391.41, as in effect on October 1, 1998, which is adopted by reference. The physical examination form that is prescribed by the federal highway administration, office of motor carriers, and that is available from the state department of education shall be utilized to document the results of each examination.

(2) The physical examination shall be certified by a person licensed to practice medicine and surgery, and shall be required according to the following schedule:

(A) Before beginning employment as a school transportation provider;

(B) at least every two years from the date of the initial physical examination; and

(C) at any time requested by the driver's employer, the school transportation supervisor, or the state department of education.

(3) A properly certified physical examination report required under this subsection shall constitute the certification of health required by K.S.A. 72-5213 and amendments thereto.

(4) Each governing body shall keep on file a current physical examination report for each school transportation provider. If a provider leaves employment for any reason, the person's last physical examination report shall be kept for two years after the person leaves.

(h) Waiver of physical requirements.

(1) (A) Any person failing to meet the requirements of subsection (g) may be permitted to be a school transportation provider for a particular school district, if a waiver is granted by the governing board of that school district under this subsection. A waiver shall meet the following requirements:

(i) The person seeking the waiver, the transportation supervisor for the school district, and the contract manager, if applicable, shall submit a joint application for a waiver to the local board of education.

(ii) Each application shall be accompanied by reports from two physicians, licensed to practice medicine and surgery, indicating their opinions regarding the person's ability to safely operate a school bus.

(iii) The application shall contain a description of the type and size of the vehicle to be driven and any special equipment required to accommodate the driver to safely operate the vehicle, the general area and type of roads to be traveled, distances and time period contemplated, and the experience of the person in driving vehicles of the type to be driven.

(B) An application for a waiver shall be granted only by unanimous approval of the governing board.

(2) Restrictions of the waiver as approved by the governing body.

(A) A waiver as described in paragraph (1) of this subsection shall not be granted for a period longer than two years, but may be renewed by following the procedures in paragraph (1) of this subsection.

(B) While on duty, the driver shall keep in the driver's possession the original document granting the waiver or a legible copy of it.

(C) Each governing body shall retain the original document granting the waiver or a legible copy of the waiver in the driver's personnel file for as long as the driver is employed and for a period of not less than two years following termination of the driver's employment.

(D) A waiver may be revoked, for cause, by the governing body. Before revocation, the governing body shall perform the following:

(i) Suspend the driver from service;

(ii) provide notice of the proposed revocation to the driver, including the reason or reasons for the proposed revocation; and

(iii) allow the driver a reasonable opportunity to show cause, if any, why the revocation should not occur.

(i) Alcohol and drug testing requirements. Each governing body may develop a policy to include all drivers of any school motor vehicles in the alcohol and drug testing program required for drivers holding commercial driver's licenses.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-7. Driver's duties and responsibilities. (a)

Each school transportation provider shall inspect a school vehicle before its use to ascertain that it is in a safe condition and equipped as required by law, and that all required equipment is in working order. The school transportation provider shall document each inspection.

(b) If any defect is discovered, students shall not be transported in the vehicle until the defect is corrected.

(c) Documentation of the inspections of each school vehicle shall be kept on file for a minimum of one year following the vehicle inspection.

(d) A school transportation provider shall not drive a school vehicle for more than 10 consecutive hours or for more than a total of 10 hours in any 15-hour period.

(e) Each school transportation provider shall ensure that all doors are closed before the vehicle is put into motion and remain closed while the vehicle is moving.

(f) Each school transportation provider shall ensure that openings for the service door, emergency exits, and aisles are kept clear of any obstructions.

(g) If the school transportation provider leaves the driver's seat, the parking brake shall be set, the motor turned off, and the keys removed, but drivers of specially equipped buses may leave the motor running to operate a power lift after setting the parking brake.

(h) If a school vehicle is refueled during any trip when passengers are being transported, the school transportation provider shall unload all passengers from the vehicle and turn off the vehicle's motor before beginning refueling procedures. Fuel shall not be transported in any manner, except in the vehicle's fuel tank.

(i) Each school transportation provider shall perform a walk-through inspection of any school bus or activity bus, and a visual check of a school passenger vehicle, following completion of any trip, to ensure that all passengers have disembarked.

(j) A driver of a school bus or activity bus shall not tow any trailer or other vehicle with the bus.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-8. Loading and unloading procedures. (a)

On routes.

(1) Each school bus driver shall activate the alternately flashing warning lights as required by K.S.A. 8-1556 and amendments thereto, at any time that the loading or unloading of students occurs on the traveled portion of any roadway.

(2) Each governing body shall adopt procedures for the loading and unloading of students, consistent with the requirements of this article. The procedures shall include the following:

(A) Each school bus driver shall load and unload students off the roadway whenever adequate space is provided, unless parking the bus off the roadway would threaten the safety or stability of the bus or safety of the students.

(continued)

(B) Each school bus driver shall direct students who cross the roadway when loading or unloading from a school bus to cross only in front of the bus. The driver shall ensure that all traffic has stopped and shall instruct students to wait for a signal from the driver before crossing the roadway.

(C) Students shall not be required to cross any divided highway, as defined in K.S.A. 8-1414 and amendments thereto, in order to board the bus or to reach the students' destination upon unloading from the bus.

(D) When the loading or unloading of students takes place on a roadway, the bus shall stop in the far right-hand lane of the roadway.

(E) Each driver shall ensure that all students who have unloaded from the bus have moved a safe distance away from the bus before the driver moves the bus.

(b) At school.

(1) Whenever possible, each governing body shall provide bus parking so that the loading or unloading of students is conducted in an area away from vehicular traffic and off the roadway.

(2) Before each school's dismissal time, and where adequate space is available, the bus drivers shall park the buses in single file.

(3) If the loading or unloading of students is conducted on the traveled portion of a roadway, each bus driver shall park the bus on the side of the roadway nearest to the school, with the entry door opening away from the traveled portion of the roadway. Buses shall be parked adjacent to curbing, if present. If there is no curbing, the buses shall be parked as far to the right of the roadway as possible without threatening the stability of the bus.

(4) Each board shall ensure that there is adult supervision during loading and unloading procedures at each school building, except at buildings utilized exclusively for senior high school students.

(c) On activity trips.

(1) Whenever possible, each bus driver shall park the bus so that the loading or unloading of students takes place in an area away from other vehicular traffic.

(2) The transportation supervisor shall designate, in advance, stops for the loading and unloading of buses along each activity trip route.

(d) In school passenger vehicles. Each driver of a school passenger vehicle shall park the vehicle in a location so that students are loaded or unloaded in an area off the roadway.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-1556, 8-2009; effective July 1, 2000.)

91-38-9. Emergency procedures. (a) Each governing body shall adopt procedures to be followed by school transportation providers if confronted with an emergency situation when on the road.

(b) Each governing body shall ensure that students who are regularly transported to and from school in a school bus receive instruction, at least once each semester, about practices and procedures to follow if an emergency occurs while being transported.

(c) Each governing body shall ensure that emergency evacuation drills are conducted at least once each semes-

ter. Each emergency evacuation drill shall be supervised by the transportation supervisor or the supervisor's designee.

(d) The transportation supervisor shall prepare documentation of each emergency evacuation drill, including the date of the drill, number of student participants, and the names of the supervising personnel. This documentation shall be kept on file for at least two years from the date of the drill.

(e) Before each activity trip, the driver shall provide an explanation of the location and operation of the emergency exits of the bus.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-10. Use of urban mass transportation buses.

(a) A governing body may contract with the operator of a mass transportation system to provide school transportation for its students. Any contract for this transportation shall include the information specified below in subsection (b).

(b) The operator shall keep and provide the following information to the governing body, upon request:

(1) Documentation of vehicle lubrication, maintenance, and repair as set forth in K.A.R. 91-38-3(d);

(2) documentation that any vehicle used to transport students contains the emergency equipment required in K.A.R. 91-38-2(e); and

(3) documentation that each driver used to provide student transportation meets the qualification set forth in K.A.R. 91-38-6.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

Andy Tompkins
Commissioner of Education

Doc. No. 024572

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-99-189
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Brookover Feed Yard P.O. Box 917 Garden City, KS 67846	SE/4 of Section 32, S/2 of Section 33 & SW/4 of Section 34, T23S, R33W & All of Section 1, NE/4 of Section 2, T24S, R33W, Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-C013 Federal Permit No. KS-0115011

This is a re-notification of a revised permit for an expansion of an existing facility for 83,000 head (83,000 animal units) of cattle. This facility is expanding from 40,000 head (40,000 animal units)

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 for approval within 12 months following the permit issuance. The results of a permeability test on the retention structures and lagoons shall be submitted to KDHE.

Public Notice No. KS-99-197/199

Name and Address of Applicant	Waterway	Type of Discharge
Quenemo, City of 1098 E. Maple P.O. Box 90 Quenemo, KS 66528	Marais des Cygnes River	Treated Domestic Wastewater

Kansas Permit No. M-MC39-0001 Federal Permit No. KS0046035
Legal: SW 1/4, S10, T17S, R17E, Osage Co.

Facility Description: The proposed action is to reissue an existing permit for 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. A schedule of compliance is included in the permit requiring the facility to complete construction of the proposed lagoon by June of 2000. 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
Kemar, Inc. Route 4, Box 215A Fort Scott, KS 66701	West Fork Drywood Creek via Unnamed Tributary	Treated Domestic Wastewater

Facility Name: The Branding Iron
Kansas Permit No. C-MC11-0002 Federal Permit No. KS0092754

Legal: SW 1/4, S5, T27S, R25E, Bourbon Co.

Facility Description: The proposed action is to reissue an existing permit for 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 once annually. A schedule of compliance also is included in this permit requiring this facility to hire a KDHE-certified operator and make necessary changes to the plant to achieve compliance with the 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
KDHE—BER Forbes Field, Bldg. 740 Topeka, KS 66620	Wildcat Creek via Stormwater Culvert	Treated Groundwater

Facility Name: Alvin Deine's Site

Kansas Permit No. I-KS62-PO01 Federal Permit No. KS0090182
Legal: SE 1/4, S1, T9S, R5E, Riley Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating contaminated groundwater. Hydrocarbon-contaminated groundwater is pumped from an interceptor trench at the Alvin Deine's site, Riley, Kansas, and passed through an activated carbon unit before discharge to Wildcat Creek via an unnamed tributary. The proposed permit includes limits for benzene, toluene, ethyl benzene, xylene, lead, and pH. Monitoring for flow will be required daily. 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 water quality based.

Public Notice No. KS-ND-99-028/30

Name and Address of Applicant	Legal Location	Type of Discharge
Emmett, City of City Hall Box 27 Emmett, KS 66422	NE 1/4, S34, T8S, R12E, Pottawatomie Co.	Nonoverflowing

Kansas Permit No. M-KS16-NO01
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Ralph Luther 515 E. Walnut Salina, KS 67401	S 1/2, S8, T14S, R4W, Saline Co.	Nonoverflowing

Facility Name: Ralph Luther MHP
Kansas Permit No. C-SA20-NO01

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Vernon and Caroline Petefish P.O. Box 721 Lyndon, KS 66451	SW 1/4, S19, T16S, R16E, Osage Co.	Nonoverflowing

Facility Name: Crossroads RV Park
Kansas Permit No. C-MC21-NO01

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

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 at-
(continued)

tention 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 January 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-189, KS-99-197/199, KS-ND-99-028/030) 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, is 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 facilities and for 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 permit(s), 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 offices of the Kansas Department of Health and Environment, Bureau of Water.

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

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. BOC Gases has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

BOC Gases, Murray Hill, New Jersey, owns and operates a helium purification, liquefaction and distribution facility located at West Highway 4, S26-T17S-R16W, Otis, Kansas.

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 Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (785) 296-1615, at the KDHE central office, or Rick Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David A. Peter, 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 not later than the close of business January 24.

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 January 24 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, EPA, Region VII, Air Permitting and Compli-

ance Branch, 901 N. 5th, Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024584

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has drafted a permit for the Resource Management Company, Inc. waste tire processing facility, to be located in the Southeast ¼, Section 19, Township 18S, Range 23W, Ness County, at North Highway 283, Ness City. KDHE is providing public notice of its intent to issue a waste tire processing facility permit to Resource Management Company, Inc., which recently made submittals that place its waste tire processing facility in compliance with state regulations for waste tire processing facilities. KDHE has drafted a permit to reflect these submittals.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review from December 10-January 10, during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Permits Section
Bureau of Waste Management
Forbes Field, Building 740
Topeka, 66620
Contact: Ken Powell
(785) 296-1121

Ness County Clerk
202 W. Sycamore
Ness City, 67560
Contact: Ramona Meis, Clerk
(785) 798-2401

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than January 10 to Ken Powell (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024591

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 1998 Supp. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$4,961,524.84 in the underground petroleum storage tank release trust fund and \$2,245,472.07 in the aboveground petroleum storage tank release trust fund at November 30, 1999.

Daniel R. Stanley
Secretary of Administration

Doc. No. 024580

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900, S.W. Jackson, Topeka, 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:

December 20, 1999

00854

Department of Administration Central Motor Pool—
Daily passenger van rental

December 22, 1999

00865

Fort Hays State University—Vending machine
services

January 5, 2000

A-8938

Kansas State Fair—Grandstand roof repair

A-8939

Fort Hays State University—Reroof, Witt and
Grounds Buildings

A-8941

Fort Hays State University—Stone restoration,
Sheridan Hall

Request for Proposals

December 20, 1999

00768

Fire reporting software system for the Kansas State
Fire Marshal

December 21, 1999

00767

Furnish and install campus television system for the
Kansas Veterans' Home

John T. Houlihan
Director of Purchases

Doc. No. 024588

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 1999 Supplement to the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 1-1-5 to 1-18-1a.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-20-11 to 4-21-6.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 7-31-1 through 7-40-1.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 9-20-4 to 9-29-6.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 11-9-1 through 11-9-10.

AGENCY 17: STATE BANK COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 17-24-1 to 17-24-2.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 22-19-1 to 22-19-4a.

AGENCY 25: DEPARTMENT OF AGRICULTURE (KANSAS STATE GRAIN INSPECTION)

Table with 3 columns: Reg. No., Action, Register. Lists regulation 25-5-1.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 26-1-2 to 26-1-9.

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

Table with 3 columns: Reg. No., Action, Register. Lists regulation 27-2-1.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 28-1-6 to 28-36-29.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 28-36-101 through 28-72-22.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 30-2-12 to 30-2-16.

30-4-64	Amended	V. 18, p. 1722
30-6-59	Revoked	V. 18, p. 895
30-6-86	Amended	V. 18, p. 895
30-6-103	Amended	V. 18, p. 896
30-14-30	Amended	V. 18, p. 896

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-26	Amended	V. 18, p. 1058
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
40-4-35	Amended	V. 18, p. 1148

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended	V. 18, p. 390

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-1	Amended	V. 18, p. 1597
45-9-2	Amended	V. 18, p. 1597
45-9-3	Amended	V. 18, p. 1598
45-9-4	New (T)	V. 18, p. 1034
45-9-4	New	V. 18, p. 1599

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

Reg. No.	Action	Register
51-9-7	Amended	V. 18, p. 1170

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
60-7-101	Amended	V. 18, p. 52
60-16-101	Amended	V. 18, p. 1558
60-16-102	Amended	V. 18, p. 1558
60-16-104	Amended	V. 18, p. 1559

AGENCY 63: BOARD OF MORTUARY ARTS

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-10	Amended	V. 18, p. 1727
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 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-22	New	V. 18, p. 81
68-3-5	New	V. 18, p. 1309
68-3-6	New	V. 18, p. 1309
68-5-15	New	V. 18, p. 993
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
68-15-2	New	V. 18, p. 1309
68-15-4	New	V. 18, p. 1309
68-20-10a	New	V. 18, p. 81
68-20-15a	Amended	V. 18, p. 82
68-20-17	Amended	V. 18, p. 83
68-20-19	Amended	V. 18, p. 83

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-3-7	New	V. 18, p. 104
71-6-1	through	
71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-10	Amended	V. 18, p. 1238
74-5-103	Amended	V. 18, p. 1238

74-5-104	Amended	V. 18, p. 1238
74-5-202	Amended	V. 18, p. 1239
74-5-203	Amended	V. 18, p. 1239
74-5-406	Amended	V. 18, p. 1240
74-11-6	Amended	V. 18, p. 1240
74-12-1	Amended	V. 18, p. 1221

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-1-1	Amended	V. 18, p. 1230
80-1-2	Amended	V. 18, p. 1230
80-1-3	Amended	V. 18, p. 1230
80-1-4	Revoked	V. 18, p. 1230
80-1-5	Amended	V. 18, p. 1230
80-1-6	Amended	V. 18, p. 1231
80-1-9	Amended	V. 18, p. 1231
80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233
80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234
80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-2	through	
80-53-6	Revoked	V. 18, p. 1237
80-54-1	through	
80-54-4	Revoked	V. 18, p. 1237
80-55-1	through	
80-55-4	Revoked	V. 18, p. 1237
80-55-8	Amended	V. 18, p. 1237

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232

82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-900	through	
82-3-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 18, p. 1391
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended (T)	V. 18, p. 1747
100-11-5	Revoked	V. 18, p. 1230
100-24-3	New	V. 18, p. 483

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-5-7a	Amended	V. 18, p. 1520

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142
105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4	through	
105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 18, p. 1650
109-5-1	Amended	V. 18, p. 1653

(continued)

109-5-2	Amended	V. 18, p. 1654
109-5-3	Amended	V. 18, p. 1654
109-5-4	Amended	V. 18, p. 1655
109-6-2	Amended	V. 18, p. 1655
109-9-1	Amended	V. 18, p. 1656
109-9-2	Revoked	V. 18, p. 1656
109-4-4	Amended	V. 18, p. 1656
109-9-5	Revoked	V. 18, p. 1657
109-10-1	Amended	V. 18, p. 1657
109-10-2	Amended	V. 18, p. 1658
109-10-6	New	V. 18, p. 1660
109-11-1	Amended	V. 18, p. 1662
109-11-2	Revoked	V. 18, p. 1662
109-11-3	Amended	V. 18, p. 1662
109-11-4	Amended	V. 18, p. 1663
109-11-5	Amended	V. 18, p. 1664
109-11-6	Amended	V. 18, p. 1664
109-12-1	Revoked	V. 18, p. 1665
109-12-2	Revoked	V. 18, p. 1665
109-13-1	Amended	V. 18, p. 1666
109-13-3	Revoked	V. 18, p. 1666

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392

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. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 451
111-2-4	Amended	V. 18, p. 1133
111-2-30	Amended	V. 18, p. 1133
111-2-43	through	
111-2-65	Revoked	V. 18, p. 330
111-2-67	through	
111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
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	through	
111-2-93	New	V. 18, p. 451-453
111-2-94	New	V. 18, p. 1560
111-2-95	New	V. 18, p. 1561

111-2-96	New	V. 18, p. 1695
111-3-1	Amended	V. 18, p. 956
111-3-12	Amended	V. 18, p. 1521
111-3-14	Amended	V. 18, p. 957
111-3-21	Amended	V. 18, p. 958
111-3-22	Amended	V. 18, p. 958
111-4-607	Amended	V. 18, p. 1522
111-4-610	Amended	V. 18, p. 1522
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	through	
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
111-4-1473	Amended	V. 18, p. 1305
111-4-1481	Amended	V. 18, p. 1305
111-4-1485	Amended	V. 18, p. 1306
111-4-1486	through	
111-4-1500	New	V. 18, p. 1133-1137
111-4-1501	through	
111-4-1508	New	V. 18, p. 1306-1308
111-4-1509	through	
111-4-1533	New	V. 18, p. 1523-1528
111-4-1534	through	
111-4-1560	New	V. 18, p. 1561-1568
111-4-1561	through	
111-4-1590	New	V. 18, p. 1695-1703
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-6-5	Amended	V. 18, p. 1529
111-7-66	Amended	V. 18, p. 1137
111-7-76	Amended	V. 18, p. 1137
111-7-77	Amended	V. 18, p. 1137
111-7-78	Amended	V. 18, p. 1138

111-7-78a	New	V. 18, p. 1138
111-7-80	Amended	V. 18, p. 1529
111-7-80a	New	V. 18, p. 1139
111-7-81	Amended	V. 18, p. 1140
111-7-82	Amended	V. 18, p. 1141
111-7-83	Amended	V. 18, p. 1141
111-7-134	Amended	V. 18, p. 336
111-7-141	New	V. 18, p. 1568
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
111-9-106	Amended	V. 18, p. 1308

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-6-4a	New	V. 18, p. 1458
112-10-6	Amended	V. 18, p. 954

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-5-2	Amended	V. 18, p. 1723
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334
115-8-6	Amended	V. 18, p. 1724
115-11-2	Amended	V. 18, p. 484
115-15-1	Amended	V. 18, p. 1724
115-15-2	Amended	V. 18, p. 1725
115-16-4	Amended	V. 18, p. 780
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-30-10	Amended	V. 18, p. 781

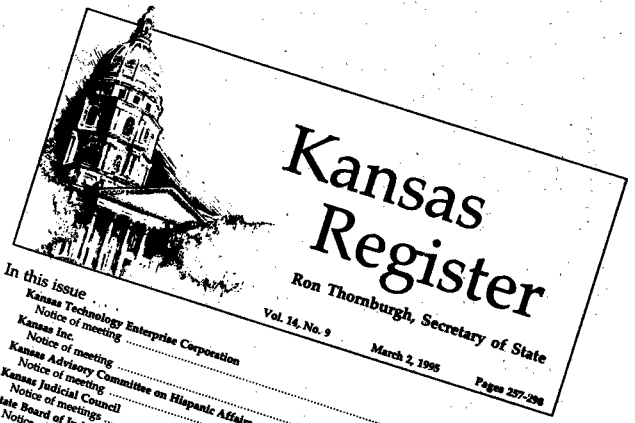
AGENCY 117: REAL ESTATE APPRAISAL BOARD

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
117-6-1	Amended	V. 18, p. 955
117-8-1	Amended	V. 18, p. 995

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-1	through	
118-4-4	New	V. 18, p. 672, 673

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