



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 22, No. 26 June 26, 2003 Pages 1119-1166

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## State of Kansas

## Department of Wildlife and Parks

## Public Notice

The Kansas Department of Wildlife and Parks has reached agreement for the purchase of a tract of land in Cherokee County. The parcel consists of 21.34 acres in the SW/4 of NE/4 of S35-T34S-R25E, and 11 acres in the SE/4 of the NW/4 of S35-T34S-R25E, for a total of 32.34 acres. This tract was appraised at \$50,700, and will be purchased for \$50,700. This tract will be known as Shoal Creek and will remain on the county tax rolls.

J. Michael Hayden  
Secretary of Wildlife and Parks

Doc. No. 029499

## State of Kansas

## Board of Adult Care Home Administrators

## Notice of Meetings

The Complaint Investigatory Committee of the Board of Adult Care Home Administrators will meet at 11 a.m. Friday, September 5, in Classroom D of the Kansas National Education Association (KNEA) Building, 715 S.W. 10th Ave., Topeka. The regular quarterly meeting of the board will follow at 1:30 p.m. A public hearing regarding proposed regulation revisions will be held at 1 p.m., immediately preceding the 1:30 p.m. meeting. The public hearing notice is published in this same issue of the Kansas Register. For more information, call (785) 296-1281.

Marla Rhoden, Director  
Health Occupations Credentialing

Doc. No. 029500

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2377:

7/8/2003	06390	Painting Supplies (Brushes and Rollers)
7/8/2003	06400	Comprehensive Support for Zodiak Digital Production Switcher
7/9/2003	06391	Cleaning Chemicals, Supplies and Equipment
7/9/2003	06398	Furnish and Install Precast Building
7/16/2003	06412	Leasing Network Equipment, Network Bandwidth and Associated Network Services

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

The following bid documents may be obtained by calling (785) 296-8899:

7/15/2003	A-9635	Student Center Roof
7/22/2003	A-9582	New Maintenance Building
7/27/2003	A-9565	Pride of Kansas Renovation
7/29/2003	A-9566	Multipurpose Livestock Building

Stuart D. Leighty  
Director of Purchases

Doc. No. 029517

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## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled from July 1-11. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
July 1	519-S	1:30 p.m.	Confirmation Oversight Committee	Agenda not available.
July 10	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
July 11	123-S	9:00 a.m.	Joint Committee on State Building Construction	Agenda not available.

Jeff Russell  
Director of Legislative  
Administrative Services

Doc. No. 029518

## State of Kansas

## Animal Health Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Kansas Animal Health Department at 10 a.m. Tuesday, August 26, in the office of the Kansas Animal Health Department, 708 S.W. Jackson, Topeka, to consider the adoption of proposed regulations K.A.R. 9-22-4 and K.A.R. 9-22-5.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to George Teagarden, Livestock Commissioner, 708 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Brenda Schuette at (785) 296-2326. There is no designated handicapped parking on the block. The agency is located on Jackson Street and is handicap accessible.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained by contacting the Animal Health Department at the address above, (785) 296-2326. A summary of the proposed regulations and the economic impact follows:

**K.A.R. 9-22-4** creates an exception to the pound and shelter-licensing requirement for foster homes. It allows foster homes, which provide temporary care and housing for animals owned by a state-licensed pound and shelter, group home or rescue, to pay a reduced fee. The proposed amendment changes the definition of "adult" animal from weaned to four months of age. It also changes the definition of "temporary" from 180 days to 365 days.

**K.A.R. 9-22-5** creates an exception to the pound and shelter law, and the \$200 application fee. It establishes two pound and shelter subcategories called rescue home shelters and group home shelters. Currently, the regulation requires rescues to be an affiliate or agent of a national purebred organization for dogs and cats. The national organization's focus must be the specific breed of animal housed by the rescue. The national organization must have authority to set standards for the rescue home and the national organization must be 501(c)(3) of the Internal Revenue Code. The proposed amendment is being made at the request of some licensed rescues. The amendment redefines rescue as "an affiliate or agent of a national purebred organization or a corporation registered to do business in the state of Kansas with a focus on the specific type of purebred that will receive care and housing in the rescue home shelter." The regulation also changes the definition of "adult" from a weaned animal to a four-month-old animal, and the definition of "temporary" from 180 to 365 days.

There is no fiscal impact to consumers, licensees or the agency due to the regulations.

George Teagarden,  
Kansas Livestock Commissioner

Doc. No. 029509

State of Kansas

## Department on Aging

## Notice of Meeting

The Kansas Department on Aging will host an open meeting for members of the public and aging advocates at 9:30 a.m. Tuesday, July 15, in the KDOA offices, third floor conference room, 503 S. Kansas Ave., Topeka, to receive public input on two issues: (1) The FY 2005 KDOA budget priorities, and (2) the needs of Kansas elders, used to develop the Older Americans Act State Plan for Kansas.

Participants also may provide input via teleconference at several locations across the state at the addresses and phone numbers listed below.

Anyone wishing to provide testimony during the meeting must submit a written copy of the testimony at that time. Other interested parties may submit written comments through July 30 to the Secretary of Aging, New England Building, 503 S. Kansas Ave., Topeka, 66603.

Any individual with a disability may request accommodation in order to participate in the open meeting. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Michelle Sweeney at (785) 296-1299 or TDD (785) 291-3167. Handicapped parking is located on the east side of 503 S. Kansas Ave. The east entrance to the building is accessible to individuals with disabilities.

Questions may be directed to Michelle Sweeney. Public fee parking is available in the Bank of America Building across the street from the KDOA offices on Kansas Ave.

The following locations will provide a teleconference site where participants may be a part of the open meeting and give input to the department:

Kansas Department on Aging  
503 S. Kansas Ave., Topeka  
Contact: Sheli Sweeney, (785) 296-1299

North Central-Flint Hills Area Agency on Aging  
437 Houston St., Conference Room, Manhattan  
Contact: Julie Govert Walter, (785) 776-9294

Central Plains Area Agency on Aging  
635 N. Main, Wichita  
Contact: Stacy Nilles, (316) 660-4730

Southeast Kansas Area Agency on Aging  
1 W. Ash, Chanute  
Contact: Linda Meyer, (620) 431-2980

Southwest Kansas Area Agency on Aging  
240 San Jose Drive, Hennessey Hall, Dodge City  
Contact: David Geist, (620) 225-8230

South Central Kansas Area Agency on Aging  
304 S. Summit, Arkansas City  
Contact: Jodi Abbington, (620) 442-0268

Johnson County Area Agency on Aging  
11875 S. Sunset, Suite 200, Olathe  
Contact: Christy Flynn, (913) 894-8811

Pamela Johnson-Betts  
Secretary of Aging

Doc. No. 029508

State of Kansas

## Department of Revenue

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 2 p.m. Wednesday, September 3, in Room 481-W, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of proposed changes to the existing rules and regulations that support the Kansas retailers' sales tax act and the Kansas local retailers' sales tax. The changes include amendments to two sales tax regulations and one local sales tax regulation, and the revocation of five local sales tax regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed rules and regulations. All interested parties may submit written public comments on the proposed rules and regulations prior to the hearing to Tom Hatten, Attorney/Tax Specialist, Office of Policy and Research, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed 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 Tom Hatten at (785) 296-3081 or TTY (785) 296-6461. Handicapped parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The north, south and east entrances to the Docking Building are accessible.

The regulations are proposed for adoption on a permanent basis. A summary of the proposed rules and regulations and their economic impact follows:

**Revocation of K.A.R. 92-21-7. Place of sale.** K.A.R. 92-21-7 discusses the place of sale for local sales tax purposes under the prior origin-based sourcing rules. This regulation should be repealed because it conflicts with the new destination-based sourcing rules that are codified in 2003 House Bill 2005. Revocation of this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since HB 2005 is controlling.

**Revocation of K.A.R. 92-21-8. Delivery only—application of local sale tax.** K.A.R. 92-21-8 discusses "Delivery only—application of local sales tax" under the sales tax act's prior origin-based sourcing rules. This regulation should be repealed since it conflicts with the new destination-based sourcing rules codified in 2003 HB 2005. Revocation of this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since HB 2005 is controlling.

**Revocation of K.A.R. 92-21-10. Place of business—out-of-state retailers.** K.A.R. 92-21-10 discusses "Place of

business—out-of-state retailers” under the sales tax act’s prior origin-based sourcing rules. This regulation should be repealed since it conflicts with the new destination-based sourcing rules codified in 2003 HB 2005. Under the new law, out-of-state retailers with nexus are required to collect the local use tax in place at the ship-to destination. Revocation of this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since HB 2005 is controlling.

**Revocation of K.A.R. 92-21-16. Place of sale—isolated or occasional sale of motor vehicles or trailers.** K.A.R. 92-21-16 discusses “Place of sale—isolated or occasional sale of motor vehicles or trailers” under the sales tax act’s prior origin-based sourcing rules. This regulation should be repealed since it conflicts with the new destination-based sourcing rules codified in 2003 HB 2005. This regulation also is inconsistent with the local use tax on vehicles found at K.S.A. 12-198. Revocation of this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since HB 2005 is controlling.

**Revocation of K.A.R. 92-21-17. Application of local sales tax to leases and rentals; place of sale—leases and rentals.** K.A.R. 92-21-17 discusses “Application of local sales tax to leases and rentals; place of sale—leases and rentals” under the local sales tax act’s prior origin-based sourcing rules. This regulation should be repealed since it conflicts with the new destination-based sourcing rules codified in 2003 HB 2005. Revocation of this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since HB 2005 is controlling.

**Amendment of K.A.R. 92-21-14. Place of business—sales from vehicles.** K.A.R. 92-21-14 discusses “Place of business—sales from vehicle” under the sales tax act’s prior origin-based sourcing rules. This regulation needs to be amended since its last sentence conflicts with the new destination-based sourcing rules codified in 2003 HB 2005. Revocation of this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since HB 2005 is controlling.

**Amendment of K.A.R. 92-19-73. Membership fees and dues.** K.A.R. 92-19-73 discusses taxation of memberships and dues. The amendments are intended to clarify when payments that a member is required to make to retain membership in a club or organization are taxable as dues. The changes to this regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since it simply clarifies the existing regulation.

**Amendment to K.A.R. 92-19-81. Abatement of final tax liabilities.** K.A.R. 92-19-81 discusses “Abatement of final tax liabilities” under the retailers’ sales tax act. The incorrect citation of K.A.R. 92-12-66 is being amended to correctly cite K.A.R. 92-12-66a. The changes to this regulation have no economic impact on Kansas retailers, government agencies or units, or the general public.

Copies of the regulations and their economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research, 2nd Floor,

Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588.

Joan Wagnon  
Secretary of Revenue

Doc. No. 029496

## State of Kansas

### Department of Administration Division of Facilities Management

#### Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for a new District Six crew/paint storage building in Garden City for the Kansas Department of Transportation.

The new facility will be a building with approximately 15,500 square feet. The new facility will be located on existing land in the east portion of the district complex. The facility will be comprised of office space, commodity storage, equipment storage and a carpentry shop. The district crews utilizing the facility include paint striping, bridge, pugmill and special maintenance, and the district refrigeration/air conditioning technician and district superintendent. There are 15 full-time and two temporary positions assigned to these crews.

The facility will provide approximately 1,650-sq. ft. of office space; 1,200-sq. ft. of covered storage for paint crew supplies; carpentry shop space; and 12,650-sq. ft. equipment storage space. The facility will be equipped with an overhead crane and four overhead doors. Covered storage will be provided for motorized equipment units, ranging from the paint striper to numerous smaller pieces of specialized equipment.

The total budget for this project is \$1,084,000, with a construction budget of \$916,780.

For information concerning the scope of services, contact Jaci Vogel, Assistant Chief of Construction/Maintenance, (785) 296-3576.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. In addition to the seven submitted copies, an optional CD with your proposal in PDF format would be appreciated. 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 Phyllis Fast, Division of Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals not complying with the guidelines will be returned without consideration. Please include an e-mail address in proposal.

Expressions of interest and the SF 255 submittals should be received by Phyllis Fast before 5 p.m. July 11.

Stuart D. Leighty, Director  
Division of Facilities Management

Doc. No. 029514

State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) for fiscal years 2003-2005 by adding the following project:

## Project C-4020-01

## Statewide Pin and Hanger Bridge Inspection.

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude July 18.

Deb Miller  
Secretary of Transportation

Doc. No. 029491

State of Kansas

## Department of Transportation

## Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction at site at 11 a.m. Friday, August 1, the following improvements located in Butler County, Kansas, described as follows:

Tr. 15 — 560 N.W. 34th St., El Dorado, Kansas: 1,470 sq. ft. house with 3 bedrooms, 2 baths on walkout basement w/3-car attached garage and raised wood deck.

Inspection of Property: 11 a.m. to 1 p.m. Friday, July 25, and 30 minutes prior to the sale.

Performance Bonds: House—\$4,000, posted by cashier's check the day of the sale.

Terms of Sale: Cashier's check for the purchase price must be paid on the day of the sale, payable to the Kansas Department of Transportation. The successful bidder will receive a bill of sale upon payment. The successful bidder will be required to remove the structure from the right of way on or before November 1, 2003.

The seller reserves the right to reject any and all bids and is not responsible for accidents.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin. For additional terms or information, contact the Bureau of Right of Way at 1-877-461-6817.

Deb Miller  
Secretary of Transportation

Doc. No. 029494

State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. July 16 and then publicly opened:

## District One — Northeast

**Brown**—20-7 K-9392-01 — K-20, from the junction of U.S. 73 east to the Brown-Doniphan county line, 5.5 miles, crack repair. (State Funds)

**Doniphan**—120-22 K-9368-01 — K-120, from the junction of K-20, north to the south city limits of Highland, 8.9 miles, crack repair. (State Funds)

**Doniphan**—20-22 K-9391-01 — K-20, from the Brown-Doniphan county line, east to the junction of K-7, 15.4 miles, crack repair. (State Funds)

**Johnson**—435-46 K-8711-01 — I-435 over Santa Fe Trail Drive & the Burlington Northern Railroad, bridge repair. (State Funds)

**Johnson**—69-46 K-9134-01 — Eight U.S. 69 bridges in the City of Overland Park, bridge repair. (State Funds)

**Lyon**—99-56 K-9141-01 — K-99, Allen Creek bridge, bridge repair. (State Funds)

**Lyon**—130-56 K-9142-01 — K-130, Plum Creek bridge, 3.3 miles south of the junction of I-35, bridge repair. (State Funds)

**Shawnee**—89 C-2873-01 — Wanamaker Road over Wakarusa, 0.4 mile, grading, bridge and surfacing. (Federal Funds)

**Shawnee**—89 C-3931-01 — Northwest Hoch Road over Big Soldier Creek, 0.5 mile, grading, bridge and surfacing. (Federal Funds)

**Shawnee**—470-89 K-9076-01 — Interstate 470/Huntoon Road/Arvon Road intersection in Topeka, ramp improvement. (State Funds)

## District Two — Northcentral

**Dickinson**—70-21 K-9348-01 — Interstate 70 exits 275 and 277, overlay. (State Funds)

**Saline**—85 K-8310-01 — Interstate 70 exits 244 and 249, lighting. (State Funds)

## District Three — Northwest

**Logan**—55 C-3836-01 — Center Avenue from Front Street to 8th Street in Oakley, 0.5 mile, surfacing. (Federal Funds)

**Norton**—69 C-3715-01 — County road 1.5 miles north and 2.7 miles east of Clayton, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Norton**—69 C-3848-01 — County road 0.3 mile north and 1.3 miles east of Almena, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

**Osborne**—281-71 K-6825-01 — U.S. 281, South Fork Solomon river bridge, 20.3 miles north of the Russell-Osborne county line, bridge replacement. (Federal Funds)

**Osborne**—71 C-3716-01 — County road 9.2 miles south and 2.9 miles east of Covert, 0.2 mile, grading and bridge. (Federal Funds)

**Rawlins**—77 C-3719-01 — County road 0.4 mile west of Herndon, 0.2 mile, grading and bridge. (Federal Funds)

**Sheridan**—90 C-3882-01 — County road 2 miles south and 6 miles west of Hoxie, 0.1 mile, grading and bridge. (Federal Funds)

**District Four — Southeast**

**Anderson**—2 C-3666-01 — County road 3 miles east and 2.6 miles north of Glenlock, 0.5 mile, grading and bridge. (Federal Funds)

**Coffey**—35-16 K-6792-01 — Interstate 35 approximately 0.7 mile west of U.S. 75 northeast to the Coffey-Osage county line, 1.8 miles, pavement reconstruction. (Federal Funds)

**Cherokee**—7-11 K-7718-01 — K-7 and Bethlehem Road intersection in Columbus, 0.2 mile, intersection improvement. (State Funds)

**Labette**—50 C-3792-01 — County road 2 miles south and 3 miles west of Parsons, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Labette**—50 C-3793-01 — County road 3 miles north and 0.9 mile west of Angola, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Osage**—35-70 K-6793-01 — Interstate 35, from the Coffey-Osage county line east to approximately 0.4 mile east of the east junction of K-31, 6.5 miles, pavement reconstruction. (Federal Funds)

**District Five — Southcentral**

**Barber**—160-4 K-9298-01 — U.S. 160, from the east city limits of Medicine Lodge, east to the Barber-Harper county line, 13.2 miles, seal. (State Funds)

**Barber**—2-4 K-8012-01 — Railroad Avenue and 4th Street intersection with Main Street (K-2) in Kiowa, intersection improvement. (State Funds)

**Edwards**—50-24 K-7179-01 — Intersection of U.S. 50 and U.S. 183 at Kinsley, 0.1 mile, intersection improvement. (State Funds)

**Sedgwick**—135-87 K-6780-01 — I-135, 0.5 mile north of 85th Street north to the Sedgwick-Harvey county line, 4.6 miles, pavement reconstruction. (Federal Funds)

**Sedgwick**—254-87 K-9171-01 — K-254 bridge over 53rd Street, bridge overlay. (State Funds)

**District Six — Southwest**

**Kearny**—50-47 K-9325-01 — U.S. 50, from the east city limits of Lakin east to the Kearney-Finney county line, 9.5 miles, seal. (State Funds)

**Seward**—54-88 K-9332-01 — U.S. 54, from the east city limits of Liberal east to the Cimarron River bridge, 11.3 miles, seal. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience.

Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

Deb Miller  
Secretary of Transportation

Doc. No. 029481

(Published in the Kansas Register June 26, 2003.)

**Summary Notice of Sale  
City of Salina, Kansas**

**\$3,800,000\***

**General Obligation Temporary Notes  
Series 2003-1**

**\$1,200,000\***

**General Obligation Temporary Notes  
Series 2003-2**

**\$4,350,000\***

**General Obligation Internal Improvement Bonds  
Series 2003-A**

**(General obligations payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$3,800,000\* of General Obligation Temporary Notes, Series 2003-1, and \$1,200,000\* of General Obligation Temporary Notes, Series 2003-2 (the Series 2003-1 Notes and the Series 2003-2 Notes are collectively referred to herein as the notes), and \$4,350,000\* of General Obligation Internal Improvement Bonds, Series 2003-A, of the City of Salina, Kansas, will be received (1) in the case of sealed and facsimile bids, by the city clerk at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 1 p.m. for the notes and until 2 p.m. for the bonds on Monday, July 7, 2003, at which time such bids will be publicly read. No bid will be considered of

(continued)

(a) less than 99.50 percent of the principal amount of the Series 2003-1 Notes and accrued interest to the date of delivery, (b) less than 99.25 percent of the principal amount of the Series 2003-2 Notes and accrued interest to the date of delivery, and (c) less than 100.00 percent of the principal amount of the bonds and accrued interest to the date of delivery.

**Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The Series 2003-1 Notes will be dated July 15, 2003, and will become due August 1, 2004. The Series 2003-2 Notes will be dated July 15, 2003, and will become due July 1, 2007. The notes will bear interest from the dated date at a rate to be determined when the notes are sold. The interest on the Series 2003-1 Notes will be payable at maturity August 1, 2004. The interest on the Series 2003-2 Notes will be payable semiannually on January 1 and July 1, beginning January 1, 2004. The Kansas State Treasurer, Topeka, Kansas, will be the note paying agent and note registrar for the notes.

**Bonds Details**

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000, or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated July 15, 2003, and will become due annually on October 1 in the years as follows:

Principal Amount *	Maturity October 1
\$325,000	2004
325,000	2005
325,000	2006
325,000	2007
325,000	2008
320,000	2009
320,000	2010
320,000	2011
320,000	2012
320,000	2013
225,000	2014
225,000	2015
225,000	2016
225,000	2017
225,000	2018

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2004. The Kansas

State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

**Redemption Prior to Maturity**

The Series 2003-1 Notes will not be subject to optional redemption prior to maturity. The Series 2003-2 Notes will be subject to optional redemption prior to maturity and the bonds will be subject to mandatory and optional redemption prior to maturity, all as provided in the notice of sale and preliminary official statement.

**Good Faith Deposit**

A good faith deposit is not required for bids on the notes. Each bid for the bonds must be accompanied by a good faith deposit in the form of a certified or cashier's check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds, payable to the order of the city.

**Delivery**

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about July 29, 2003.

**Assessed Valuation and Bonded Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations is \$363,100,444. The total general obligation indebtedness of the city as of the date of the notes and bonds, including the notes and bonds being sold but excluding the temporary notes to be retired with the proceeds of the notes and bonds, is \$42,759,377.

**Approval of Bonds**

The notes and bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds/notes will be furnished and paid for by the city, will accompany the notes and bonds, and will be delivered to the successful bidder when the notes/bonds are delivered.

**Additional Information**

Additional copies of this notice of sale, official bid forms or further information may be obtained from the undersigned or from George K. Baum & Company, Twelve Wyandotte Plaza, Kansas City, MO 64105, (816) 474-1100, the city's financial advisor.

Dated June 2, 2003.

City of Salina, Kansas  
 Lisa Ann Nicola  
 City Clerk  
 City/County Building  
 Room 206  
 300 W. Ash  
 Salina, KS 67402-0736  
 (785) 309-5735  
 Fax (785) 309-5738

\* Preliminary, subject to change.  
 Doc. No. 029506



**State of Kansas  
State Corporation Commission  
Notice of Motor Carrier Applications**

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Director of Transportation, at the address above within 10 days of the date of publication of this notice.

**Applications for Certificate of Public Service:**

- Bar H Trucking, Inc.**, 1767 140th St., Marion, KS 66861; MC ID No. 160129; William Barker, Attorney; General commodities (except household goods and hazardous materials)
- Beyer Motor Company, Inc.**, 510 Main St., Gridley, KS 66852; MC ID No. 115282; Wrecked, disabled, repossessed and replacement vehicles
- Kenneth B. and Kim L. Carter, dba Ken Carter Trucking**, 909 Kennedy, Norton, KS 67654; MC ID No. 160131; General commodities (except household goods and hazardous materials)
- Leona M. Costello, dba LC Company**, 1000 N. Ash, Nowata, OK 74048; MC ID No. 160128; Salt water and fresh water
- Scott G. Foss, dba Foss Trucking**, 401 8th St. North, Maddock, ND 58348; MC ID No. 160136; General commodities (except household goods and hazardous materials)
- Green-Glo Turf Maintenance, Inc., dba The Sod Shop**, 3601 N. Hillside, Wichita, KS 67219; MC ID No. 161641; General commodities (except household goods and hazardous materials)
- Michael F. Hekele**, 1184 N.E. 90th Ave., Claffin, KS 67525; MC ID No. 160123; General commodities (except household goods and hazardous materials)
- Hogan & Hart Truck Line, Inc.**, 3756 S.W. Hunter Road, Towanda, KS 67144; MC ID No. 160135; Joseph Weiler, Attorney; General commodities (except household goods and hazardous materials)
- Verne Honeywell, dba Verne Honeywell Trucking**, 502 E. 2nd, Shelton, NE 68876; MC ID No. 160130; General commodities (except household goods and hazardous materials)
- Leavenworth County Cooperative Association, dba Leavenworth County Coop**, 1205 N. Main, Lansing, KS 66043; MC ID No. 113093; General commodities (except household goods and hazardous materials)
- Santiago Martinez, dba Martinez Trucking**, 2108 A St., Garden City, KS 67846; MC ID No. 160127; General commodities (except household goods and hazardous materials)
- Patrick L. Meggison, dba Meggison Trucking**, 15967 S. Stanley Road, Overbrook, KS 66524; MC ID No. 160134; General commodities (except household goods and hazardous materials)
- Ray I. Messick, dba RPM Trucking**, 253 N. Oak, Garnett, KS 66032; MC ID No. 162714; General commodities (except household goods and hazardous materials)
- Bret Noel, dba B & C Transport**, 301 Water St., Portis, KS 67474; MC ID No. 160126; General commodities (except household goods and hazardous materials)
- Dustin J. Schlegel, dba Schlegel Transport**, 2001 Sioux Dr., Garden City, KS 67846; MC ID No. 260218; General commodities (except household goods and hazardous materials)

- Stapleton Trucking, Inc.**, 1313 Wyoming St., Sabetha, KS 66534; MC ID No. 160132; Milk
- T Sammons L.L.C., dba R & S Transportation**, 951 Wildcat Run, Gardner, KS 66030; MC ID No. 160133; General commodities (except household goods and hazardous materials)
- Tower Wholesale & Leasing, Inc., dba Winchester Truck & Van**, 315 E. Wichita Ave., Russell, KS 67665; MC ID No. 160137; Wrecked, disabled, repossessed and replacement vehicles
- Eileen Wilhite, dba J & E Alfalfa**, 407 W. 16th, Larned, KS 67550; MC ID No. 121422; General commodities (except household goods and hazardous materials)

**Application for Transfer of Certificate of Public Service:**

- Michael Kidd, dba Kidd's Towing & Recovery**, 4870 Merriam Drive, Overland Park, KS 66203, MC ID No. 161078, to: Robin Dale Kidd, dba Kidd's Towing & Recovery, 4870 Merriam Drive, Overland Park, KS 66203; Wrecked, disabled, repossessed and replacement vehicles

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 029515

**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. July 15 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

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

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

**Applications for Abandonment of Certificate of Public Service:**

- Richard Stone, dba Stone Trucking**, 11456 134 Road, Bucklin, KS 67834-8825; MC ID No. 152141
- Terry L. Thiesing**, 16905 Queen Road, Erie, KS 66733-9633; MC ID No. 105825

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 029516

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-03-152

Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Dennis Funk 1944 Limestone Road Hillsboro, KS 67063	Dennis Funk 1944 Limestone Road Hillsboro, KS 67063	Neosho River Basin
Legal Description SW/4 of Section 31, T19S, R03E, Marion County		
Kansas Permit No. A-NEMN-S011		

This is an application for a permit renewal, modification and new construction at an existing swine facility. The operation was previously described as a farrow to finish operation for 450 head of swine greater than 55 pounds [180 animal units (a.u.)] and 100 head of nursery pigs (10 a.u.) with the piglets not described in the previous permit, for a total of 550 head (190 a.u.) of swine, plus pigs on sows. The operation is now operating as an iso-wean to finish operation. There was a hoop added during the previous permit to reduce the use of the open lots. The hoop unit is utilized by 200 head of finishers. The operation now has a maximum capacity for 400 head of swine weighing greater than 55 pounds [160 animal units (a.u.)], and 200 head of swine weighing less than 55 pounds (20 a.u.), for a total of 600 head (180 a.u.) of swine. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-03-153/162

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Blue Hills Dairy Route 1, Box 17 Tipton, KS 67485	SE/4 of Section 27, T09S, R11W, Osborne County	Solomon River Basin
Kansas Permit No. A-SOOB-M002		

This is a permit renewal for an existing facility for an expansion in head capacity from 60 head (84 animal units) to 75 head (105 animal units) of mature dairy cattle with no change in the waste control system.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Name and Address of Applicant	Legal Description	Receiving Water
Circle K Farms c/o Larry D. King 6850 S.E. 10th Baxter Springs, KS 66713	SE/4 of Section 18, T34S, R24E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F005

This is a permit renewal for an existing facility for a maximum of 33,000 head (594 animal units) of turkeys.

Solid waste will be stockpiled for subsequent application to agricultural land for beneficial use. Solids storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Heritage Feeders, L.P. - Larned P.O. Box 134 Larned, KS 67550	E/2 of Section 21, T22S, R16W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-C001 Federal Permit No. KS0037575

This is a renewal permit and expansion for an existing facility increasing the pen density from 30,000 head (30,000 animal units) to 33,000 head (33,000 animal units) of beef cattle weighing greater than 700 pounds.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on lagoons 3, 4, 5, 6, 7 and 8. Permeability tests shall be completed within one year of the effective date of the permit.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

The plan prepared by KLA Environmental Services, Inc., titled Dust Control Plan for Pawnee Beefbuilders, Inc., shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Keast Brothers Farms Route 3, Box 119 Larned, KS 67550	S/2 of Section 29, T21S, R17W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-B009

This is a new permit for an existing facility for 900 head (900 animal units) of beef cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on the earthen wastewater retention structure. Permeability tests shall be completed within 12 months of the effective date of the permit.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
RDC Feeders, Inc. 331 County Road F Brewster, KS 67732	SW/4 of Section 04, & NW/4 of Section 09, T10S, R36W, Thomas County	Saline River Basin

Kansas Permit No. A-SATH-C002 Federal Permit No. KS0093220

This is an application for a permit renewal and modification at an existing facility. The facility is expanding its runoff control area from 23.08 acres to 87.47 acres for 7,500 head (7,500 animal units) of beef cattle weighing greater than 700 pounds.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Name and Address of Applicant	Legal Description	Receiving Water
Scanlan Farms, Inc. Daniel Scanlan 2410 Indy Road Abilene, KS 67410	SW/4 of Section 02, T13S, R02E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-M012

This is a permit renewal for an existing facility for a maximum of 90 head [126 animal units (a.u.)] of dairy cows, 2 dry cows (2 a.u.) and 50 calves (25 a.u.), for a total of 142 head (153 a.u.) of dairy cattle. The dry cows and calves were not counted on the previous permit.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Showalter and Sons Route 1, Box 9 Alexander, KS 67513	SE/4 of Section 22, T18S, R20W, Rush County	Upper Arkansas River Basin

Kansas Permit No. A-UARH-B001

This is a permit renewal for an existing facility for 800 head (800 animal units) of beef cattle weighing more than 700 pounds.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Within 12 months of the effective date of the permit, staff gauges shall be installed in each outdoor retention structure.

Within 12 months of the effective date of the permit, the permittee or its consultant shall conduct permeability tests on the existing wastewater retention structures.

Within 12 months of the effective date of the permit, the permittee or its consultant shall perform a study of the storage capacity of each existing earthen retention structure and the volume of runoff from all contributing areas, by retention structure, resulting from a 25-year, 24-hour storm event and submit a written report of the study findings to KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Barry Urban Route 1, Box 118 Bison, KS 67520	S/2 of Section 03, T16S, R17W, Rush County	Smoky Hill River Basin

Kansas Permit No. A-SHRH-H001 Federal Permit No. KS0093378

This is a permit renewal for an existing facility for 3,840 head (1,563 animal units) of swine weighing greater than 55 pounds each.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Bleumer Farms, Inc. 14909 6 Road Ingalls, KS 67853	E/2 of Section 11, T26S, R30W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-B002

This is a new permit for an existing facility for 600 head (600 animal units) plus an expansion of two pens for 200 head (200 animal units), for a total of 800 head (800 animal units) of beef cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on the earthen retention structure(s). Permeability tests shall be completed within 12 months of permit issuance.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The approved manure/waste management plan shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
D & S Hog Farm Gary Duerkson 2209 Chisholm Trail Lehigh, KS 67073	SE/4 of Section 16, T19S, R01E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-S010

This is a permit renewal and expansion for an existing operation. There were two hoops added during the previous permit to replace the majority of the open lots. The two hoop units are utilized by 200 head of finishers and 100 head of gestating sows. The previous permit did not list swine less than 55 pounds and was issued for 1,025 head (410 a.u.) of swine greater than 55 pounds. The new permit will be for 990 head (396 a.u.) of swine greater than 55 pounds and will include 400 head (40 a.u.) of swine weighing less than 55 pounds, for a total of 1,390 head (436 a.u.) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

**Public Notice No. KS-03-063**

Name and Address of Applicant	Waterway	Type of Discharge
Director of Public Works Allen County Courthouse 1 N. Washington Iola, KS 66749	Elm Creek via Unnamed Tributary via Roadside Ditch	Pit Dewatering & Stormwater Runoff

Facility Name: Allen County Quarry

Kansas Permit No. I-NE39-PO01 Federal Permit No. KS0082473

Legal: SE¼, NE¼, S2, T25S, R19E, Allen County

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a seasonal limestone quarry and crushing operation with no washing. The wastewater discharged from this facility consists of stormwater runoff and pit dewatering. The proposed permit includes generic water quality language to protect waters of the state. 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.

(continued)

**Public Notice No. KS-ND-03-014**

<b>Name and Address of Applicant</b>	<b>Legal Location</b>	<b>Type of Discharge</b>
Airgas-Mid South, Inc. P.O. Box 1152 Tulsa, OK 74101	SE¼, NW¼, S9, T27S, R1E, Sedgwick County	Nonoverflow
Kansas Permit No. I-AR94-NP20		

Facility Name: Industrial Gases of Wichita, Inc.

Facility Location: 550 E. 17th St., Wichita, KS 67214

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily lime sludge. This facility primarily manufactures and re-packages acetylene gas and industrial welding grade gases for industrial purposes.

Lime sludge is formed as a byproduct from the acetylene production process. Process wastewater from three air scrubbers and the lime sludge are stored in three earthen lagoons on the plant site. The lime sludge is periodically removed and sold as a road construction material. Stormwater from the plant grounds flows through a sedimentation pit to an oil/water separator to the municipal separate storm sewer. All other wastewater is discharged to the city sanitary sewer system. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit.

**Notice of Intent to Terminate**

Pursuant to the requirements of K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued documents:

<b>Name and Address of Applicant</b>	<b>Legal Location</b>	<b>Document No.</b>
Clemence Feedlot Lawrence Clemence Trust No. 1 c/o Jon Clemence 2903 17th Ave. Lindsborg, KS 67456	E½, S22, T13S, R1E, Dickinson County	Certificate No. A-SHDK-CA01
Facility Location: Abilene, Kansas		

Description: The Kansas Department of Health and Environment issued Kansas Agricultural and Related Waste Certification of Compliance A-SHDK-CA01 to Clemence Feedlot, Lawrence Clemence Trust No. 1, Route 4, P.O. Box 90, Abilene, KS 67410, to operate a confined livestock feeding operation for approximately 6,000 head of cattle at the East of Section 22, Township 13S, Range 1E of Dickinson County, Kansas, within the Smoky Hill River Basin. Federal law requires all confined feeding operations confining over 1,000 head of cattle to obtain a federal permit and to install adequate pollution control structures to control runoff of wastewater from the facility. The current certificate is not a federal permit, does not require runoff controls, and therefore does not comply with federal law.

<b>Name and Address of Applicant</b>	<b>Legal Location</b>	<b>Document No.</b>
Everett Miller Miller Enterprises, Inc. P.O. Box 642 Garden City, KS 67846	SE¼, S26, T24S, R32W, Finney County	Kansas Permit No. C-UA14-NO01
Facility Name: Garden City Mobile Home Park		

Description: The Kansas Department of Health and Environment issued Kansas Water Pollution Control Permit No. C-UA14-NO01 to Everett Miller, dba Miller Enterprises, Inc., effective December 1, 2001, and expiring November 30, 2006, to operate a two-cell wastewater stabilization lagoon system. Supplemental conditions in the permit require county approvals and compliance with county planning documents to construct the lagoon facility, and proper abandonment of the facility when sewage service to the Garden City collection system becomes available. The permitted wastewater treatment facility has not been constructed. Since issuance of this permit, sewage service for the Garden City Mobile Home Park to the Garden City collection system has become available via the Finney County Sewer District

No. 1 collection system. Kansas law also requires payment of an annual permit fee. The permittee has not paid the annual permit fee for the 2002-2003 time period. Therefore, KDHE is terminating the permit to operate the lagoon system for failure to pay the annual permit fee. Furthermore, because of the availability of service to a centralized collection system, KDHE will not approve plans to construct the lagoon system; therefore, the operating permit is no longer needed.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist 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, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before July 26 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-03-152/162, KS-03-063, KS-ND-03-014) 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, (620) 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,  
(620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029511

**State of Kansas**  
**Department of Health**  
**and Environment**  
**Request for Comments**

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas' Department of Air Quality are soliciting comments regarding a proposed air quality construction permit. Griffin Wheel Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install two graphite machining mills and establish a phenol emission limitation. Emissions of particulate matter and phenol were evaluated during the permit review process.

Griffin Wheel Company owns and operates the stationary source located at 7111 Griffin Road, Kansas City, Kansas, at which the graphite machining mills are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the Department of Air Quality, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office; or P. Moses Coss, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to P. Moses Coss, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision written comments must be received by the close of business July 28.

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, KDHE, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, not later than the close of business July 28 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029513

**State of Kansas**

**Department of Health**  
**and Environment**

**Notice of Intent to Terminate**  
**Certificate/Permit**

Pursuant to the requirements of K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued documents:

Name and Address of Applicant	Legal Location	Document No.
Clemence Feedlot Lawrence Clemence Trust No. 1 c/o Jon Clemence 2903 17th Ave. Lindsborg, KS 67456	E½, S22, T13S, R1E, Dickinson County	Certificate No. A-SHDK-CA01

Facility Location: Abilene, Kansas

Description: The Kansas Department of Health and Environment issued Kansas Agricultural and Related Waste Certification of Compliance A-SHDK-CA01 to Clemence Feedlot, Lawrence Clemence Trust No. 1, Route 4, P.O. Box 90, Abilene, KS 67410, to operate a confined livestock feeding operation for approximately 6,000 head of cattle at the East 1/2 of Section 22, Township 13S, Range 1E of Dickinson County, Kansas, within the Smoky Hill River Basin. Federal law requires all confined feeding operations confining over 1,000 head of cattle to obtain a federal permit and to install adequate pollution control structures to control runoff of wastewater from the facility. The current certificate is not a federal permit, does not require runoff controls, and therefore does not comply with federal law.

Name and Address of Applicant	Legal Location	Document No.
Everett Miller Miller Enterprises, Inc. P.O. Box 642 Garden City, KS 67846	SE¼, S26, T24S, R32W, Finney County	Kansas Permit No. C-UA14-NO01

Facility Name: Garden City Mobile Home Park

Description: The Kansas Department of Health and Environment issued Kansas Water Pollution Control Permit No. C-UA14-NO01 to Everett Miller, dba Miller Enterprises, Inc., effective December 1, 2001, and expiring November 30, 2006, to operate a two-cell wastewater stabilization lagoon system. Supplemental conditions in the permit require county approvals and compliance with county planning documents to construct the lagoon facility, and proper abandonment of the facility when sewage service to the Garden City collection system becomes available. The permitted wastewater treatment facility has not been constructed. Since issuance of this permit, sewage service for the Garden City Mobile Home Park to the Garden City collection system has become available via the Finney County Sewer District No. 1 collection system. Kansas law also requires payment of an annual permit fee. The permittee has not paid the annual permit fee for the 2002-2003 time period. Therefore, KDHE is terminating the permit to operate the lagoon system for failure to pay the annual permit fee. Furthermore, because of the availability of service to a centralized collection system, KDHE will not approve plans to construct the lagoon system; therefore, the operating permit is no longer needed.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029512

## 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. Northern Natural Gas Company 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.

Northern Natural Gas Company, Liberal, owns and operates Finney County #1 Natural Gas Compressor Station located at Section 9, Township 23 South, Range 34 West, Finney County.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Tibisay Marin, (785) 296-4875, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Tibisay Marin, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 28.

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 July 28 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, 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 to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

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, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029501.

## 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. STOUTCO, Inc. 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.

STOUTCO, Inc., Bristol, Indiana, owns and operates a trash container manufacturing facility located at 3800 W. Highway 75, Independence, 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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact William Stone, (785) 296-6427, at the KDHE central office; or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William Stone, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 28.

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 July 28 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, 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 to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

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, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029505

#### 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. Northern Natural Gas Company 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.

Northern Natural Gas Company, Liberal, owns and operates Finney County #3 Natural Gas Compressor Station located at Section 1, Township 23 South, Range 32 West, Finney County.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Tibisay Marin, (785) 296-4875, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Tibisay Marin, KDHE, Bureau of Air

and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 28.

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 July 28 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, 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 to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

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, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029502

#### 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. Hutchinson Energy Center 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.

Hutchinson Energy Center, Topeka, owns and operates a fossil fuel fired power plant located at 3200 E. 30th St., Hutchinson, Reno County.

(continued)

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 1300 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Xiao Wu, (785) 296-1615, at the KDHE central office; or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Xiao Wu, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 28.

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 July 28 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, 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 to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

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, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029510

State of Kansas

## Department of Health and Environment

### Request for Comments

The Kansas Special Supplemental Nutrition Program for Women, Infants and Children (WIC) invites comments from the general public concerning proposed modifications to the policies and procedures under which WIC operates. The proposed modifications affect the evaluation and selection criteria for potential WIC vendors and the application period during which all vendors may apply to participate as WIC vendors. Currently, only full-line grocery stores and retail pharmacies may become participating WIC vendors. Currently, potential new vendors may apply only during the month of May, once every three years, depending on geographic location.

The modified policies and procedures will read as follows (underlined items reflect the proposed modifications):

#### Vendor Selection and Evaluation Criteria

Vendors must be either a full-line retail grocery store, a retail pharmacy, or a so-called "WIC Only" store. Full-line retail grocery stores are defined as businesses that regularly stock the following staple food items: fresh or frozen, uncooked meats and poultry (prepackaged luncheon meats and prepared foods do not qualify); fresh produce such as raw fruits and vegetables; canned and frozen vegetables; dairy products; cereals and breadstuffs; and infant formula. A retail pharmacy is defined as a business licensed to operate as a pharmacy in the State of Kansas. WIC Only stores are defined as businesses which stock only Kansas WIC approved foods. No other products of any kind are allowed. WIC Only stores accept only WIC food instruments and no cash transactions of any kind are allowed.

#### New Vendor Applications

Nonparticipating retail grocers or pharmacies located in the State of Kansas can submit an application to become a WIC vendor at any time during the year.

Public comments on the above proposed modifications may be sent to the attention of David Thomason, Director, KDHE Nutrition and WIC Services Section, 1000 S.W. Jackson, Suite 220, Topeka, 66612-1274. Comments also may be faxed to (785) 296-1326 or e-mailed to dthomaso@kdhe.state.ks.us. Comments must be received not later than July 15. All comments become a matter of public record.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029495



State of Kansas

**Department of Health  
and Environment**

**Notice of Hearing on Proposed  
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Environment, Bureau of Water, will conduct a public hearing at 7 p.m. Thursday, August 28, in the second floor auditorium at Memorial Hall, 120 S.W. 10th Ave., Topeka, to consider the proposed revisions to the Kansas surface water quality standards, K.A.R. 28-16-28b and K.A.R. 28-16-28e. An informational session regarding the proposed revisions will be held prior to the hearing beginning at 6 p.m.

During the 2003 Session of the Kansas Legislature, Substitute for Senate Substitute for House Bill 2219 was passed. The bill, which modified portions of the Kansas Surface Water Quality Standards (KSWQS), became effective May 1, 2003. One part of the bill required KDHE to propose regulations setting risk-based numeric criteria for recreational water uses defined in the bill on or before July 1, 2003. These proposed regulations are intended to meet the requirements of the bill. In addition to the legislative requirements, the proposed amendments address format changes required by the Kansas Department of Administration. A short summary of the pertinent proposed amendments follows:

**K.A.R. 28-16-28b** is the definition section of the surface water quality standards. The definition for Kansas implementation procedures for surface water quality standards has been revised to reflect the new date for the implementation procedures to reflect the changes brought about by HB 2219.

**K.A.R. 28-16-28e** is the surface water quality criteria section of the surface water quality standards. Changes to this section include: changing the indicator organism for bacteria criteria from fecal coliform to *E. coli*, and establishing numeric criteria for *E. coli*.

The economic impact associated with these regulations is expected to be borne by KDHE. The department has estimated an initial capital investment of approximately \$10,000, and an annual cost of approximately \$200,000 will be incurred to monitor bacteria.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Bret Holman, Kansas Department of Health and Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearings, as well as to submit their written comments at that time. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation.

Copies of the proposed amendments and the economic impact and environmental benefit statements may be obtained by contacting Amy Williams, Bureau of Water, at

(785) 296-5506. Questions pertaining to these proposed amendments should be directed to Bret Holman, (785) 296-5508. The draft regulations are available on KDHE's homepage at [www.kdhe.state.ks.us/water](http://www.kdhe.state.ks.us/water) in a PDF format. The draft regulations also are available via e-mail in a PDF format. E-mail requests should be sent to: [bholman@kdhe.state.ks.us](mailto:bholman@kdhe.state.ks.us).

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Amy Williams, (785) 296-5506.

Roderick Bremby  
Secretary of Health  
and Environment

Doc. No. 029497

State of Kansas

**Department of Health  
and Environment**

**Notice of Hearing on Proposed  
Administrative Regulations**

The Kansas Department of Health and Environment will conduct a public hearing at 1 p.m. Friday, September 5, in Classroom D of the Kansas National Education Association (KNEA) Building, 715 S.W. 10th Ave., Topeka, to consider proposed amendments to adult care home administrators' regulations K.A.R. 28-38-18 and 28-38-19.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Marla Rhoden, Director of Health Occupations Credentialing, Curtis State Office Building, 1000 S.W. Jackson, Suite 330, Topeka, 66612-1365. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

A complete copy of the regulations and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Health Occupations Credentialing, at the address above. Questions pertaining to the proposed regulations should be directed to Marla Rhoden at (785) 296-1281.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Marla Rhoden.

A summary of the proposed regulations and the economic impact follows:

**K.A.R. 28-38-18.** Updates statutory citation; minor language clarification.

(continued)

**K.A.R. 28-38-19.** Updates statutory citation; minor language clarification; limits practicum to not more than three settings.

Economic Impact: Minimal. There are no proposed increases to licensure fees nor are there any increases to required continuing education, so there are no additional costs projected for licensure.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029498

## State of Kansas

### Office of the Governor

#### Notice of Available Grant Funding

Grant funds are available from the Governor's Discretionary Portion of the Federal Safe and Drug-Free Schools and Communities Act for federal year October 1, 2003 through September 30, 2004. The purpose of the Governor's Discretionary Portion of the Federal Safe and Drug-Free Schools and Communities Act (SDFSCA) is to support programs that prevent violence in and around schools; prevent the illegal use of alcohol, tobacco and drugs; involve parents and communities; and are coordinated with related federal, state, school and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement.

Priority will be given to programs and activities that prevent illegal drug use and violence for:

1. Children and youth who are not normally served by the state educational agencies or local educational agencies; or

2. Populations that need special services or additional resources, such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and suspended or expelled students.

Special consideration will be given to applicants that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

Grant applications can be obtained by contacting the Office of the Governor, Federal Grants Program, Suite 252-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612-1597, (785) 291-3205. Applications also may be accessed via the Internet at [www.ksgovernor.org](http://www.ksgovernor.org). The link to the Federal Grants Program is located under Policies and Initiatives. This is to obtain a printed copy only. Applications cannot be submitted online.

All grant applications are to be postmarked by Monday, July 28. No applications will be accepted after this date.

Juliene Maska  
Federal Grants Program Administrator

Doc. No. 029492

## State of Kansas

### Social and Rehabilitation Services Department on Aging

#### Notice of Final Nursing Facility Medicaid Rates for State Fiscal Years 2003 and 2004;

#### Methodology for Calculating Final Rates, and Rate Justifications;

#### Response to Written Comments; and

#### Notice of Intent to Amend the Medicaid State Plan;

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the Medicaid nursing facility services payment program on behalf of the Secretary of Social and Rehabilitation Services. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) and the Secretary of the Kansas Department on Aging (KDOA) are publishing the final Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal years 2003 and 2004, the methodology underlying the establishment of the final nursing facility rates, and the justifications for those final rates. SRS and KDOA also are providing notice of the state's intent to submit amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before June 30, 2003.

#### I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facilities.

In general, the state uses a prospective, cost-based, facility-specific rate-setting methodology to calculate nursing facility Medicaid per diem rates, including the rates listed in this notice. The state's rate-setting methodology is contained primarily in the following described documents and authorities and in the exhibits, attachments, regulations or other authorities referenced in them:

A. The following portions of the Kansas Medicaid State Plan maintained by SRS:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
  2. Attachment 4.19D, Part I, Subpart D; and
  3. Attachment 4.19D, Part I, Subpart E; and
- B. SRS regulations set out in K.A.R. Article 30-10.

The text of those portions of the Medicaid State Plan identified above in sections IA.1-3, but not the documents, authorities and the materials incorporated into them by reference, are reprinted in this notice. Those Medicaid State Plan provisions set out in this notice appear in the versions that the state currently intends to submit to CMS on or before June 30, 2003. The Medicaid State Plan amendments that the state ultimately submits to CMS may differ from the versions contained in this notice.

Copies of the documents and authorities containing the state's rate-setting methodology are available upon writ-

ten request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state will charge a fee for copies. Written requests for copies should be sent to:

Secretary of Aging  
New England Building, 2nd Floor  
503 S. Kansas Ave.  
Topeka, KS 66603-3404  
Fax (785) 296-0767

**A.1 Attachment 4.19D, Part I, Subpart C, Exhibit C-1:  
Methods and Standards for Establishing  
Payment Rates for Nursing Facilities**

Under the Medicaid program the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The narrative explanation of the nursing facility (NF) reimbursement formula is divided into 12 sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Index Rate Adjustments, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, Retroactive Rate Adjustments, and Comparable Private Pay Rates.

**1) Cost Reports**

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 30-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers accounting records.

All cost reports are desk reviewed by agency auditors. Adjustments are made, when necessary, to the reported costs in arriving at the allowable historic costs for the rate computations.

**Calendar Year End Cost Reports:**

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in K.A.R. 30-10-17.

When a non-arms length change of provider takes place or an owner of the real estate assumes the operations from a lessee, the facility will be treated as an on-going operation. In this situation, the related provider or owner shall be required to file the calendar year end cost report. The new operator or owner is responsible for obtaining the cost report information from the prior operator for the months during the calendar year in which the new operator was not involved in running the facility. The cost report information from the old and new operators shall be combined to prepare a 12-month calendar year end cost report.

**Projected Cost Reports:**

The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 30-10-17.

**2) Rate Determination**

**Rates for Existing Nursing Facilities**

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base year cost data submitted by the provider. The base year utilized for cost information will be reestablished at least once every seven years. The current base year is 2001.

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in K.A.R. 30-10-18.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. The allowable historic per diem cost may be adjusted by an inflation factor. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

The inflated allowable historic per diem cost for each cost center is then compared to the cost center upper payment limit. The allowable per diem rate is the lesser of the inflated allowable historic per diem cost in each cost center or the cost center upper payment limit. Each cost center has a separate upper payment limit. If each cost center upper payment limit is exceeded, the allowable per diem rate is the sum of the three cost center upper payment limits. There is also a separate upper payment limit for owner, related party, administrator, and co-administrator compensation. The upper payment limits will be explained in more detail in a separate section.

The case mix of the residents adjusts the Direct Health Care cost center. The reasoning behind a case mix payment system is that the characteristics of the residents in a facility rather than the characteristics of the facility should determine the payment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor and the real and personal property fee. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The add-ons plus the allowable per diem rate equal the total per diem rate.

**Rates for New Construction and New Facilities**

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program, shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17.

(continued)

Rates for Facilities Recognized as a Change of Provider

The payment rate for the first 24 months of operation shall be based on the base year historical cost data of the previous owner or provider. If base year data is not available the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the most recent calendar year submitted by the new provider.

Rates for Facilities Reentering the Program

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the last historic cost report filed with the agency.

**3) Quarterly Case Mix Index Calculation**

Providers are required to submit to the agency the uniform assessment instrument, which is the Minimum Data Set (MDS), for each resident in the facility. The MDS assessments are maintained in a computer database.

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model is used as the resident classification system to determine all case mix indices, using data from the MDS submitted by each facility. Standard Version 5.12b case mix indices developed by the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the state.

Each resident in the facility on the first day of each calendar quarter with a completed and submitted assessment shall be assigned a RUG-III 34 group calculated on the resident's most current assessment available on the first day of each calendar quarter. This RUG-III group shall be translated to the appropriate CMI. From the individual resident case mix indices, three average case mix indices for each Medicaid nursing facility shall be determined four times per year based on the assessment information available on the first day of each calendar quarter.

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents where Medicaid is known to be a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is the simple average, carried to four decimal places, of all indices for residents where neither Medicaid nor Medicare were known to be the per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. Case mix indices for ventilator-dependent residents for whom additional reimbursement has been determined shall be excluded from the average CMI calculations.

The resident listing cut off for calculating the average CMIs will be the first day of the quarter before the rate is effective. The following are the dates for the resident listings and the quarter in which the average Medicaid CMIs will be used in the quarterly rate-setting process:

<u>Rate Effective Date:</u>	<u>Cut Off Date:</u>
July 1	April 1
October 1	July 1
January 1	October 1
April 1	January 1

The resident listings will be mailed to providers prior to the dates the quarterly case mix adjusted rates are determined. This will allow the providers time to review the resident listings and make corrections before they are notified of new rates. The cut off schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database. The rate for June 30, 2003, will be based on a CMI cutoff date of April 1, 2003.

**4) Resident Days**

The allowable historic per diem costs for the Direct Health Care cost center and for food and utilities in the Indirect Health Care cost center are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period. The allowable historic per diem cost for the Operating and Indirect Health Care Cost Centers less food and utilities is subject to an 85% minimum occupancy rule. The greater of the actual resident days for the cost report period or the 85% minimum occupancy based on the number of licensed bed days during the cost report period is used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food and utilities. All licensed beds are required to be certified to participate in the Medicaid program.

There are two exceptions to the 85% minimum occupancy rule. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previous provider. If the 85% minimum occupancy rule was applied to the previous provider's rate, it is also applied when the rate is assigned to the new provider. However, when the new provider files a historic cost report for any part of the first 12 months of operation, the rate determined from the cost report will be based on actual days and not be subject to the 85% minimum occupancy rule for the months in the first year of operation. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

**5) Inflation Factors**

Inflation will be applied to the allowable reported costs from the calendar year end 2001 cost reports for rates effective June 30, 2003. The inflation will be based on the Data Resources, Inc.-WEFA, National Skilled Nursing Fa-

cility Market Basket Without Capital Index (DRI Index). The inflation will be applied from the midpoint of the cost report period to December 31, 2002. No additional inflation will be applied to the rates effective July 1, 2003.

The DRI Indexes listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

The inflation factor will not be applied to the following costs:

- 1) Owner/Related Party Compensation
- 2) Interest Expense
- 3) Real and Personal Property Taxes

#### 6) Upper Payment Limits

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and personal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a State Plan amendment.

#### Owner/Related Party/Administrator/Co-Administrator Limits:

Since salaries and other compensation of owners are not subject to the usual market constraints, specific limits are placed on the amounts reported. First, amounts paid to non-working owners and directors are not an allowable cost. Second, owners and related parties who perform resident related services are limited to a salary chart based on the Kansas Civil Service classifications and wages for comparable positions. Owners and related parties who provide resident related services on less than a full-time basis have their compensation limited by the percent of their total work time to a standard work week. A standard work week is defined as 40 hours. The owners and related parties must be professionally qualified to perform services which require licensure or certification.

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

The Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the base year historic cost reports in the database from all active nursing facility providers. The salary information is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months. The

Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

The Schedule C is used to set the per diem limitation for all non-owner administrator and co-administrator salaries and owner/related party compensation in excess of the civil service based salary limitation schedule. The per diem limit for a 50-bed or larger home is set at the 90th percentile on all salaries reported for non-owner administrators and co-administrators. A limitation table is then established for facilities with less than 50 beds. This table begins with a reasonable salary per diem for an administrator of a 15-bed or less facility. A linear relationship is then established between the compensation of the administrator of the 15-bed facility and the compensation of the administrator of a 50-bed facility. The linear relationship determines the per diem limit for the facilities between 15 and 50 beds.

The per diem limits apply to the non-owner administrators and co-administrators and the compensation paid to owners and related parties who perform an administrative function or consultant type of service. The per diem limit also applies to the salaries in excess of the civil service based salary chart in other cost centers that are transferred to the operating cost center.

#### Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit will be 105% of the median determined from a total resident day-weighted array of the inflated property fees in effect as of June 1, 2003.

#### Cost Center Upper Payment Limits

The Schedule B computer run is an array of all per diem costs for each of the three cost centers—Operating, Indirect Health Care and Direct Health Care. The schedule includes the base year cost data from all active nursing facility providers. Projected cost reports are excluded from the database.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines will be adjusted for historical and forecasted inflation, where appropriate. This will bring the costs reported by the providers to a common point in time for comparisons. The historic inflation will be based on the DRI Index for the cost center limits effective June 30, 2003. This historic inflation factor will adjust costs from the midpoint of each providers cost report period to December 31, 2002 for the Schedule B processing.

Certain costs are exempt from the inflation application when setting the upper payment limits. They include owner/related party compensation, interest expense, and real and personal property taxes.

(continued)

The final results of the Schedule B run are the median compilations. These compilations are needed for setting the upper payment limit for each cost center. The median for each cost center is weighted based on total resident days. The upper payment limits will be set using the following:

Operating	110% of the median
Indirect Health Care	115% of the median
Direct Health Care	120% of the median

#### Direct Health Care Cost Center Limit:

The Kansas reimbursement methodology has a component for a case mix payment adjustment. The Direct Health Care cost center rate component and upper payment limit are adjusted by the facility average CMI.

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of quarterly facility-wide average case mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the financial and statistical reporting period. For example, a 01/01/20XX-12/31/20XX financial and statistical reporting period would use the facility-wide average case mix indices for quarters beginning 04/01/XX, 07/01/XX, 10/01/XX and 01/01/XY. The statewide average CMI is the resident day-weighted average, carried to four decimals, of the facility cost report period case mix indices for all Medicaid facilities calculated effective each payment rate period.

The statewide average CMI and facility cost report period CMI are used to set the upper payment limit for the Direct Health Care cost center. The limit is based on all facilities with a historic cost report in the database. There are three steps in establishing the base upper payment limit.

The first step is to normalize each facility's Direct Health Care inflated per diem cost to the statewide average CMI. The following will describe the normalization process. A facility has an average inflated per diem cost of \$60(A) and a facility cost report period CMI of 1.4000(B). The statewide average CMI is .9500(C). First, divide the statewide average CMI (C) by the facility cost report period CMI (B) ( $.9500/1.4000=.68$ ). Second, the quotient is then multiplied by the average inflated per diem cost (A) to determine the normalized inflated cost at the statewide average CMI ( $\$60 \times .68 = \$40.80$ ). Normalizing each facility's cost to the statewide average CMI ensures a level comparison of direct health care costs can be made when setting the upper payment limit.

The second step is to array the normalized inflated costs, based on the statewide average CMI, to determine the median. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are 8 million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$45 and the upper payment limit is based on 120% of the median, then the upper payment limit for the statewide average CMI would be \$54 ( $D=120\% \times \$45$ ).

Once the base limit for the Direct Health Care cost center is established at the statewide average CMI, the base limit is adjusted by each facility's cost report period CMI to determine a facility specific Direct Health Care cost center upper payment limit. The following will describe the facility specific upper payment limit process. A facility has an average facility cost report period CMI of 1.4000(A). The statewide average CMI is .9500(B). First, divide the facility cost report period average CMI (A) by the statewide average CMI (B) ( $1.4000/.9500=1.47$ ). Second, the statewide average CMI limit D (\$54) is multiplied by the quotient to determine the upper payment limit for the facility ( $\$54 \times 1.47 = \$79.38$ ). In the example above, the facility inflated Direct Health Care cost was \$60, which is less than the upper payment limit of \$79.38 for a facility average CMI of 1.4000.

#### **7) Quarterly Case Mix Rate Adjustment**

The allowance for the Direct Health Care cost component will be based on the average Medicaid CMI in the facility. The first step in calculating the allowance is to determine the lower of the inflated Direct Health Care cost or the facility's specific Direct Health Care upper payment limit. Using the example in the Upper Payment Limit section, the Direct Health Care cost of \$60 was less than the upper payment limit of \$79.38 for an average CMI of 1.4000.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The Medicaid CMI is divided by the facility cost report period CMI. Using the example above, if the Medicaid average CMI is 1.6000, it is divided by 1.4000 to arrive at a quotient of 1.1400 ( $1.6000/1.4000$ ). The lower of the inflated per diem cost or the facility specific Direct Health Care upper payment limit is multiplied by the quotient to determine the Medicaid acuity adjusted allowable Direct Health Care cost. In the example, the allowable Medicaid acuity adjusted Direct Health Care cost will be \$68.40 ( $\$60 \times 1.1400$ ).

For illustrative purposes, if the facility-specific upper payment limit had been \$55 for an average CMI of 1.4000, the Medicaid rate would have been calculated using the upper payment limit since it was lower than the cost of \$60. In this situation, the allowable Medicaid acuity adjusted cost would be \$62.70 ( $1.1400 \times \$55$ ).

The Direct Health Care component of the Medicaid rate is adjusted quarterly for changes in the Medicaid CMI. Using the first example above, if the average Medicaid CMI increases from 1.6000 to 1.7000 the following quarter, the allowance for the Direct Health Care cost would increase from \$68.40 to \$72.60. The first step is to divide the new average Medicaid CMI by the facility cost report period CMI established for the rate year (July 1 through June 30) to determine the new quotient ( $1.7000/1.4000=1.2100$ ). The lower of the facility specific Direct Health Care upper payment limit or the inflated Direct

Health Care per diem cost is multiplied by the new quotient to determine the Medicaid allowance ( $1.21 \times \$60 = \$72.60$ ).

Conversely, if the average Medicaid CMI decreases from 1.6000 to 1.5000 the following quarter, the allowance for the Direct Health Care cost would decrease from \$68.40 to \$64.20. Again, the first step is to divide the new average Medicaid CMI by the facility cost report period CMI established for the rate year (July 1 through June 30) to determine the new quotient ( $1.5000/1.4000 = 1.0700$ ). The lower of the facility specific Direct Health Care upper payment limit or the inflated Direct Health Care per diem cost is multiplied by the new quotient to determine the Medicaid allowance ( $1.0700 \times \$60 = \$64.20$ ).

**8) Real and Personal Property Fee**

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor.

All providers received a new property fee, effective July 1, 2002. The first step in determining a new facility-specific property fee was to sum the property allowance and value factor. The second step was to apply an annual inflation factor to the new property fee, consisting of the combined property allowance and value factor. The third step was to compare the inflated property fee to the upper payment limit established for the property fee. The provider received the lower of the facility-specific inflated property fee or the upper payment limit. Additional inflation will be applied to the property fee effective June 30, 2003.

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in Exhibit A-14 (K.A.R. 30-10-25).

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for

homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in Exhibit A-14 (K.A.R. 30-10-25). The rebased property fee is subject to the upper payment limit.

**9) Incentive Factor**

The incentive factor is a per diem add-on ranging from zero to fifty cents. It is based on the per diem cost of the Operating cost center less the real and personal property taxes expense line. The per diem allowance for this cost center less property taxes is determined before the owner/related party/administrator/co-administrator limitation is applied.

The incentive is designed to encourage economy and efficiency in the operating cost center. Property taxes are excluded. There is an inverse relationship between the incentive factor and the per diem cost used to determine it. The higher the per diem cost, the lower the incentive factor.

The Schedule E is an array of the per diem costs used to determine the incentive factor. The schedule includes costs from the base year historical cost report for all active providers. No projected cost reports are included. The 85% occupancy rule is applied in determining the per diem costs. The costs are not adjusted for inflation.

The Schedule E summarizes all expense lines from the Operating cost center, less property taxes. The ownership costs are excluded from the array so that both older facilities (with relatively lower ownership costs) and newer facilities (with relatively higher ownership costs) can benefit from the incentive factor through efficient operations.

The total per diem costs for the operating cost center, less property taxes, are arrayed and percentiles established. These percentiles then become the basis for establishing the per diem cost ranges used to determine each provider's efficiency factor, consistent with agency policy. The ranges are defined as follows:

<u>Providers Percentile Ranking</u>	<u>Incentive Factor Per Diem</u>
-0- to 30th Percentile	\$.50
31st to 55th Percentile	.40
56th to 75th Percentile	.30
76th to 100th Percentile	-0-

**10) Rate Effective Date**

Rate effective dates are determined in accordance with K.A.R. 30-10-19. The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

**11) Retroactive Rate Adjustments**

Retroactive adjustments, as in a retrospective system, are made for the following three conditions:

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

If a projected cost report is approved to determine an interim rate, a settlement is also made after a historic cost report is filed for the same period.

And last, when a new provider, through an arms-length transaction that was recognized prior to June 30,

*(continued)*

2003, is reimbursed the rate of the prior provider and files a historic cost report for the first 12 months of operation, a rate adjustment is made beginning with the first day after the cost report period. For example, if the first historic cost report is filed for the 12 month period ended June 30, but the rate from the cost report is not entered into the payment system until October 1, then there will be a retroactive rate adjustment from July 1 through September 30. New providers recognized effective June 30, 2003 or after will be paid a rate determined from the previous provider's cost report data for the first 24 months of operation.

All settlements are subject to upper payment limits. A provider is considered to be in projection status if they are operating on a projected rate and they are subject to the retroactive rate adjustment.

## 12) Comparable Private Pay Rates

The last factor considered in determining a provider's Medicaid per diem payment rate is their private pay rate. Providers are reimbursed the lower of the calculated Medicaid rate or their private pay rate. The agency maintains a registry of private pay rates. It is the responsibility of the providers to send in private pay rate updates so that the registry is updated. When new Medicaid rates are determined, if the private pay rate reflected in the registry is lower, then the provider is held to that private pay rate until the provider sends notification that it has a higher private pay rate.

### Case Mix Adjustments to Private Pay Rates:

Private pay rates submitted to the agency are adjusted up if a provider's average private pay/other CMI is lower than its Medicaid average CMI. This is accomplished by multiplying the provider's average private pay rate in the private pay registry by the ratio of their Medicaid average CMI to their average private pay/other CMI. This ensures that providers' Medicaid rates are not limited to a lower private pay rate that may be attributed to the lower acuity of the private pay residents. There is no adjustment to private pay rates if the facility's Medicaid average CMI is less than its average private pay/other CMI. There is also no adjustment to private pay rates if the facility's total Medicaid rate is less than its average private pay rate.

### A.2 Attachment 4.19D, Part I, Subpart D:

#### **Therapeutic Mental Health Treatment Pass-Through for Special Level of Care Facilities**

This provision allows for the pass-through of therapeutic mental health treatment expenses to nursing facilities for mental health that meet certain criteria.

#### **Criteria for Determining Eligible Providers**

Only special level of care facilities classified as nursing facilities for mental health are eligible for this pass-through. A nursing facility for mental health is defined as:

1. A nursing facility licensed by the State of Kansas; and
2. Certified to participate in Medicaid by the Department of Social and Rehabilitation Services that, pursuant to 42CFR 435.1009, the Center for Medicare

and Medicaid identifies as an institution for mental disease.

A nursing facility for mental health will be eligible for the increased rate if:

1. Its established rate using the base year methodology is less than the rate it received during the preceding year, and
2. It demonstrates it is providing specific additional amounts of mental health treatment services above the amount provided during the base year.

### **Determination of Pass-Through Amount for Eligible Providers**

The per diem rate for a nursing facility for mental health may be increased from the established rate based on documented additional costs associated with providing therapeutic mental health treatment services above the amount provided in the base year which are not otherwise covered by the established rate. The increased amount provided the eligible nursing facility for mental health will be the per diem amount that the facility can document is attributable to increased therapeutic mental health treatment. The increased amount shall not exceed the difference between the allowable per diem costs on the most recent cost report and the base year cost report before inflation. Only costs from indirect and direct health care cost centers shall be included in the per diem calculations. No per diem increases shall be based on increased administrative, property, or plant operating costs. All per diem amounts used in the determination of the pass-through add-on shall be calculated by dividing the expenses reported on the cost report by the actual residents days provided during the cost report period.

### **A.2 Attachment 4.19D, Part I, Subpart E: Rates When Two or More Nursing Facilities Merge Under One License**

The Kansas Department of Health and Environment (KDHE) instituted a policy wherein if two nursing facilities meet certain policy criteria, KDHE will issue one license for two facilities. Subpart E will explain the methods and standards for establishing payment rates when two or more facilities are merged under one license.

### **Cost Reports**

Providers who have participated in the Medicaid program for 12 months or longer as of December 31 are required to file a calendar year Nursing Facility Financial and Statistical Report (cost report). For facilities that merge under one license, the provider will file one cost report for the facilities for the complete calendar year following the merger and all subsequent calendar years while the facilities remain merged under one license for any portion of the calendar year. The calendar year end cost report will be for 12 months. The cost report will consist of the individual operations of each facility for any part of the calendar year that they operate under separate licenses and the combined operations during any part of the year that they operate under one license. The number of beds, resident days, Medicaid days, and Medicare days will be the total for the facilities merged under one license. All changes in the number of beds during the calendar year will need to be reflected for the merged facilities.



The working trial balances for the merged facilities will need to be combined to fill out the schedules in the cost report. Schedule A, Expense Statement, shall reflect the total staff hours and the total direct and indirect expenditures for the merged facilities. The total revenue and related revenue offsets in Schedule G, Revenue Statement, shall be the total for the merged facilities. For part of the calendar year, the working trial balance may reflect the independent operations for each facility and then following the merger the working trial balance may be consolidated. The working trial balances shall reconcile to the applicable cost report schedules. A schedule that lists all general ledger accounts grouped by cost report line number shall be submitted with the combined cost report.

**Rate Determination**

Medicaid rates for Kansas NFs and NFs-MH are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base year cost data submitted by the provider. When multiple facilities are joined on one license, the reimbursement rates for each facility will be determined in accordance with the methodology found in Subpart C and as though the facilities remained as separate providers. The only time a new rate will be determined from a combined cost report is when a base year is established that occurs during or after the calendar year that the merger occurred.

**Resident Days Used in Denominator**

The allowable historic per diem costs for the Direct Health Care cost center and food and utilities in the Indirect Health Care cost center is determined by dividing the allowable resident related expenses by the actual resident days during the cost report period. The allowable historic per diem cost for the Operating cost center and Indirect Health Care cost center less food and utilities is subject to an 85% minimum occupancy rule. The greater of the actual resident days reported for the merged facilities or days calculated at the 85% minimum occupancy will be used in the denominator of the rate calculation. If the 85% occupancy rule does not apply during the first 12 months of operation of a facility, then actual days will be used for that facility for the period that the rule does not apply. If only one of the facilities did not have the 85% occupancy rule applied then the provider will need to report the number of beds and resident days separate for that facility so that the available bed days for the merged facilities can be determined.

**Real and Personal Property Fee (Property Fee) for Merged Facilities**

A combined Real and Personal Property Fee will be determined for facilities merged under one license only when a base year is established that occurs during or after the calendar year that the merger occurred. The property fee for two or more facilities that are merged under one license will be based on the day-weighted average property fee for the merged facility. The cost report used to determine the current rates would be used for the resident days for the day weighting.

For example, Facility A has a property fee of \$4.00 per day and 10,000 resident days and Facility B has a property fee of \$5.00 per day and 15,000 resident days. The day-

weighted average property fee will be  $\$4.60 (\$4 \times 10,000 \text{ days} + \$5 \times 15,000 = \$115,000/25,000 \text{ total days} = \$4.60)$ . There will no longer be a value factor in the merged property fees.

**Resident Assessments and Case Mix Index**

The resident assessment database, based on the minimum data set (MDS), for the facilities merged under one license will be combined beginning with the first quarter after the merger. The facilities will continue to receive separate rates until after the common calendar year cost report is received for a July 1 rate. However, the case mix index will be the same for the facilities when determining rates after the MDS data base for each facility are merged in the first quarter after the facilities are under a combined license.

**Rates for Facilities Under One License if They Later Decide to Go Back to Separate Licenses**

Cost Reports and Rates

If two or more facilities merge under one license and later decide to go back to individual licenses, they will file separate calendar year cost reports for the complete calendar year following the year in which they separate. Rates for each facility will be determined from base year cost report data whether that report is a combined report or not.

Real and Personal Property Fees

If two or more facilities that are merged under one license later decide to split and have individual licenses within five (5) years, the old property fees will be re-assigned to the individual facilities. The additional allowance for a property fee rebasing after the property fees were combined would be added to the individual property allowances after the facilities split. The two facilities used in the combining of property fees above had a property fee of \$4.60. As an example, if a property fee rebasing took place later that added \$.50, the property fee will be \$5.10. If Facilities A and B split before five years, the property fee for Facility A will be \$4.50 ( $\$4.00 + \$.50$ ) and the property fee for Facility B will be \$5.50 ( $\$5.00 + \$.50$ ).

If the facilities decide to split and go back to individual licenses after five years, each facility will continue to have the same property fee as determined when they merged.

**Resident Assessments and Case Mix Index**

If the merged facilities later decide to split into separate licenses, the MDS database will be maintained for the individual facilities beginning the first quarter after the facilities have separate licenses.

**II. Final Medicaid Per Diem Rates for Kansas Nursing Facilities**

**A. Cost Center Limitations:** The state establishes the following cost center limitations which are used in setting rates effective June 30, 2003.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$20.32
Indirect Health Care	115% of the Median Cost	\$33.35
Direct Health Care	120% of the Median Cost	\$61.78
Real and Personal Property Fee	105% of the Median Fee	\$6.11

(continued)

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 0.9197, which is the statewide average.

**B. Case Mix Index.** These final rates are based upon each nursing facility's Medicaid average CMI calculated with a cutoff date of April 1, 2003, using the July 1, 2003 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its final per diem rate.

**C. Final Nursing Facility Per Diem Rates and CMI.**

Facility Name	City	Daily Rate	Medicaid CMI
Infinia at Abilene, Inc.	Abilene	105.12	0.8538
Village Manor	Abilene	92.27	0.8714
Alma Manor	Alma	114.23	0.8436
Andover Health Care Center	Andover	94.12	0.9291
Anthony Community Care Center	Anthony	103.24	0.9038
Medicalodge East Healthcare Center	Arkansas City	112.65	0.9126
Medicalodge North-of Arkansas City	Arkansas City	121.90	1.0384
Arkansas City Presbyterian Manor	Arkansas City	108.47	0.9600
infinia at Arma	Arma	105.15	0.8819
Ashland Health Center - LTCU	Ashland	108.30	0.8376
Atchison Hospital SNF	Atchison	112.77	1.0291
Medicalodge of Atchison	Atchison	103.04	0.8250
Atchison Senior Village	Atchison	97.99	0.8941
Dooley Center	Atchison	106.29	0.7363
Attica Long Term Care	Attica	97.42	0.8782
Atwood Good Samaritan Center	Atwood	103.24	0.9053
Lake Point Nursing Center	Augusta	98.09	0.9809
Baldwin Care Center	Baldwin City	96.11	0.8594
Spring Valley Care Center	Baxter Springs	106.84	0.8305
Quaker Hill Manor	Baxter Springs	79.27	0.9345
Great Plains of Republic County, Inc.	Belleville	120.84	0.9933
Belleville Health Care Center	Belleville	87.20	0.8311
Great Plains of Mitchell County, Inc.	Beloit	120.09	0.9850
Hilltop Lodge Nursing Home	Beloit	101.02	0.8860
Centers for LTC of Bonner Springs	Bonner Springs	105.46	0.8829
Hill Top House	Bucklin	101.26	0.9077
Buhler Sunshine Home, Inc.	Buhler	110.93	1.0003
Life Care Center of Burlington	Burlington	103.01	0.8254
Caney Nursing Center	Caney	84.98	0.9477
Shiloh Manor of Canton, Inc.	Canton	101.72	0.9233
Cedar Vale Nursing Center	Cedarvale	73.99	0.8095
Eastridge Nursing Home	Centralia	95.15	0.7775
Heritage Health Care Center	Chanute	87.04	0.9621
Chanute Health Care Center	Chanute	106.52	0.9280
Applewood Rehabilitation	Chanute	65.43	0.7209
Chapman Valley Manor	Chapman	84.65	0.8525
Cheney Golden Age Home Inc.	Cheney	99.98	0.9579
Cherryvale Care Center	Cherryvale	95.89	0.8647
Chetopa Manor	Chetopa	75.42	0.9069
The Shepherd's Center	Cimarron	88.95	0.9720
Medicalodge of Clay Center	Clay Center	101.17	0.8196
Clay Center Presbyterian Manor	Clay Center	119.61	0.9667
Clearwater Ret. Community, Inc.	Clearwater	103.60	0.9217
Community Care Inc.	Clifton	70.83	0.9800
Park Villa Nursing Home	Clyde	89.08	0.9910
Coffeyville Regional Medical Center	Coffeyville	167.60	1.6050
Windsor Place	Coffeyville	95.32	0.9074
Medicalodge East of Coffeyville	Coffeyville	102.51	1.0491
Lantern Park Manor	Colby	92.69	0.9904
Citizens Medical Center	Colby	114.17	0.9479
Pioneer lodge	Coldwater	93.32	0.9350
Medicalodge of Columbus	Columbus	109.29	0.9928
Colwich Health Center	Colwich	103.19	0.8997
Mt Joseph Senior Community, Inc.	Concordia	102.17	0.9600
Sunset Nursing Center	Concordia	99.32	0.9089
Spring View Manor	Conway Springs	84.20	0.8931
Chase County Nursing Home	Cottonwood Falls	91.49	0.9458
Council Grove Healthcare Center	Council Grove	91.67	0.8972
Hilltop Manor	Cunningham	84.48	0.9262
Westview Manor, Inc.	Derby	96.28	0.9305
Grouse Valley Manor	Dexter	87.87	0.8364
Lane County Hospital - LTCU	Dighton	120.95	0.9740
Trinity Manor	Dodge City	108.72	0.9412
Dodge City Good Samaritan Center	Dodge City	106.86	0.9491
Manor of the Plains	Dodge City	104.02	0.7888
Medicalodge of Douglass	Douglass	123.07	0.9580

Facility Name	City	Daily Rate	Medicaid CMI
Downs Nursing Center	Downs	84.06	0.8839
Country Care Home	Easton	92.41	0.9114
Parkway Care Home	Edwardsville	93.83	0.8978
Edwardsville Convalescent Center	Edwardsville	115.01	0.9193
Edwardsville Manor	Edwardsville	79.65	0.7657
Lakepoint Nursing Center-El Dorado	El Dorado	96.69	1.0054
Beverly Health & Rehab-El Dorado	El Dorado	88.01	0.9017
Morton County Hospital	Elkhart	107.95	1.0836
Woodhaven Care Center	Ellinwood	95.36	0.9388
Ellis Good Samaritan Center	Ellis	101.28	0.8793
Ellsworth Good Samaritan Ret. Village	Ellsworth	106.80	0.9192
Emporia Presbyterian Manor	Emporia	111.78	0.8489
Holiday Resort	Emporia	97.88	0.8288
Vintage Manor	Emporia	95.84	0.8561
Emporia Rehabilitation Center	Emporia	82.93	0.9711
Enterprise Estates Nursing Center, Inc.	Enterprise	83.66	0.9957
Heritage Village-Eskridge	Eskridge	78.29	0.7394
Eudora Nursing Center	Eudora	88.46	0.8270
Medicalodge of Eureka	Eureka	115.01	0.9081
Medicalodge of Ft. Scott	Fort Scott	122.63	0.9812
Fort Scott/Marmaton Valley	Fort Scott	108.84	1.2890
Fowler Nursing Home	Fowler	112.90	1.0370
Frankfort Community Care Home, Inc.	Frankfort	96.14	0.9972
Beverly Health & Rehab-Fredonia	Fredonia	79.72	0.8148
Sunset Manor, Inc	Frontenac	86.62	0.9241
Emerald Pointe Health & Rehab Centre	Galena	76.78	0.9197
Galena Nursing & Rehab Center	Galena	86.44	0.9244
Garden Valley Retirement Village	Garden City	112.31	0.9241
Terrace Garden Care Center	Garden City	120.86	0.9765
Meadowbrook Rehab Hosp., LTCU	Gardner	132.68	1.0852
Medicalodge of Gardner	Gardner	114.96	0.8439
Anderson County Hospital	Garnett	116.46	0.8850
Golden Heights Living Center	Garnett	96.03	0.8857
The Heritage	Girard	80.55	0.9970
The Nicol Home, Inc.	Glascow	92.85	0.8200
Medicalodge of Goddard	Goddard	122.27	0.9508
Bethesda Home	Goessel	120.43	0.9227
Sherman Co. Good Samaritan Center	Goodland	104.77	0.9534
Cherry Village Benevolence	Great Bend	97.54	0.9520
Central Kansas Medical Center, NF	Great Bend	141.38	1.4200
Great Bend Health & Rehab Center	Great Bend	112.74	0.9332
Halstead Health and Rehab Center	Halstead	120.43	0.9028
Washington Cnty Hosp. Dist. #1/ Hanover	Hanover	102.18	1.0430
Friendship Manor Rehab Ctr of Haviland	Haviland	64.87	0.6243
Hays Medical Center	Hays	178.81	1.7900
St. John's of Hays	Hays	95.68	0.9563
Hays Good Samaritan Center	Hays	105.77	0.8770
Haysville Healthcare Center	Haysville	105.33	0.9478
Lutheran Home, Inc.	Herington	85.80	0.9133
Schowalter Villa	Hesston	119.90	0.8950
Oak Ridge Acres	Hiawatha	75.29	0.8208
Maple Heights of Hiawatha	Hiawatha	98.41	0.8437
Highland Care Center	Highland	104.28	1.0400
Dawson Place, Inc.	Hill City	83.17	0.8712
Hillsboro Community Medical Center	Hillsboro	108.51	0.8618
Parkside Homes, Inc.	Hillsboro	104.14	0.8568
Cheyenne Meadows Living Center	Hoisington	84.08	0.7908
Jackson Co. Nursing Home, Inc.	Holton	89.26	0.9750
Holton Manor	Holton	92.24	0.8296
Tri County Manor Living Center, Inc.	Horton	92.91	0.9413
Howard Twilight Manor	Howard	99.17	0.9773
Sheridan County Hospital	Hoxie	112.63	1.0442
Pioneer Manor	Hugoton	121.33	0.9571
Pinecrest Nursing Home	Humboldt	89.71	0.8672
Golden Plains	Hutchinson	115.50	0.9992
Hutchinson Good Samaritan Village	Hutchinson	112.57	1.0006
Infinia at Hutchinson	Hutchinson	103.56	0.9548
Wesley Towers	Hutchinson	125.14	0.9730
Ray E. Dillon Living Center	Hutchinson	114.26	0.9206
The Regal Estate of Glenwood	Independence	96.15	0.9073
Heatherwood Estates	Independence	77.28	0.9319
Glenwood Estate	Independence	80.64	0.9700
Pleasant View Home	Inman	110.51	0.8916
Windsor Place at Iola, LLC	Iola	100.77	0.9433
Cheyenne Lodge, Inc.	Jamestown	82.25	1.0000
Hodgeman Co Health Center-LTCU	Jetmore	124.71	1.0182
Stanton County Hospital- LTCU	Johnson	111.28	0.8015
Valley View Professional Care Center	Junction City	81.31	0.7983
Junction City Good Samaritan Center	Junction City	103.22	1.0013
Medicalodge Post Acute Center	Kansas City	115.15	0.9930
Kansas City Presbyterian Manor	Kansas City	121.70	0.9223

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Medicalodge East of Kansas City	Kansas City	128.51	1.0210	Parkview Care Center	Osborne	109.35	1.0504
Alzheimer's Center of Kansas City	Kansas City	108.47	0.9454	Hickory Pointe Care & Rehab Ctr	Oskaloosa	102.08	0.9168
The Manor of Kansas City	Kansas City	99.56	0.9377	Infinia at Oswego	Oswego	113.13	0.9854
Infinia at Kensington	Kansas City	95.08	0.7813	Ottawa Retirement Village	Ottawa	100.72	0.9232
The Wheatlands	Kingman	94.24	0.8806	Brookside Manor	Overbrook	105.89	0.9235
Medicalodge of Kinsley	Kinsley	113.17	0.8661	Life Care Center of Overland Park	Overland Park	107.77	0.8606
Kiowa Hospital District Manor	Kiowa	100.72	0.9000	Specialty Hospital of Overland Park	Overland Park	122.94	0.9403
Rush Co. Memorial Hospital	La Crosse	92.79	0.8264	Manorcare Hlth Services	Overland Park	119.42	0.9615
Rush County Nursing Home	La Crosse	104.69	0.9388	of Overland Park	Overland Park	119.18	0.9594
High Plains Retirement Village	Lakin	117.05	0.8583	Villa Saint Joseph	Overland Park	114.48	0.8570
Colonial Manor - Lansing	Lansing	102.23	0.9280	Delmar Gardens of Overland Park	Overland Park	120.88	0.9900
Larned Healthcare Center	Larned	105.32	0.8485	Overland Park Manor	Overland Park	117.38	1.0114
St. Joseph Memorial Hospital	Larned	114.75	0.9710	Indian Creek Nursing Center	Overland Park	128.63	1.0250
Lake View Manor, LLC	Lawrence	117.03	0.9297	Village Shalom, Inc.	Overland Park	88.77	0.9405
Lawrence Presbyterian Manor	Lawrence	118.56	0.9215	Riverview Manor, Inc.	Oxford	88.72	0.6924
Brandon Woods, Inc.	Lawrence	111.96	0.9004	Medicalodge of Paola	Paola	116.84	1.0233
Pioneer Ridge Retirement Community	Lawrence	105.07	0.7880	North Point Skilled Nursing Center	Paola	73.79	0.8696
Broadway Heights	Leavenworth	120.43	0.9809	Elmhaven East	Parsons	87.50	0.9650
Medicalodge of Leavenworth	Leavenworth	117.13	0.9465	Elmhaven West	Parsons	109.69	0.8813
Delmar Gardens of Lenexa	Lenexa	104.33	0.9388	Parsons Presbyterian Manor	Parsons	97.02	0.8832
Lakeview Village	Lenexa	119.38	0.8873	Parsons Good Samaritan Center	Parsons	106.09	1.0119
Leonardville Nursing Home	Leonardville	78.86	0.9640	Legacy Park	Peabody	73.98	0.6476
Wichita County Health Center	Leoti	129.94	1.1056	Westview Manor of Peabody	Phillipsburg	113.83	0.8970
Liberal Good Samaritan Center	Liberal	106.03	0.9382	Phillips County Hospital LTCU	Phillipsburg	85.60	0.8936
Wheatridge Park Care Center	Liberal	122.42	0.9700	Phillips County Retirement Center	Pittsburg	115.80	1.0438
Mid-America Healthcare-Lincoln	Lincoln	94.03	0.9938	Medicalodge South of Pittsburg	Pittsburg	101.45	0.9208
Bethany Home Association	Lindsborg	113.62	0.9249	Medicalodge North of Pittsburg	Pittsburg	160.74	1.5350
Linn Community Nursing Home	Linn	77.13	0.8414	Mt. Carmel Medical Center	Pittsburg	88.16	0.9370
Sandstone Heights	Little River	101.92	0.8762	Beverly Rehabilitation Center	Plainville	95.17	0.8907
Logan Manor Community Health Services	Logan	86.65	0.8689	Rooks County Home	Pratt	110.12	0.9537
Louisburg Care Center	Louisburg	101.92	0.9100	Pratt Regional Medical Center	Pratt	94.70	0.9374
Beverly Health & Rehab of Lucas	Lucas	86.56	0.9205	Friendship Manor of Pratt	Prescott	77.94	0.8912
Lyons Good Samaritan Center	Lyons	98.84	0.8693	Prescott Country View Nursing Center	Pretty Prairie	120.10	0.8980
Madison Manor, Inc.	Madison	102.10	0.9850	Prairie Sunset Manor	Protection	90.56	0.8794
Meadowlark Hills Retirement Community	Manhattan	119.72	0.9865	Protection Valley Manor	Quinter	99.89	0.8747
St. Joseph Senior Community, Inc.	Manhattan	101.07	1.0036	Gove County Medical Center	Ransom	118.58	0.9756
Stoneybrook Retirement Community	Manhattan	112.95	1.0118	Grisell Memorial Hosp Dist #1-LTCU	Richmond	91.90	0.8917
Jewell County Hospital	Mankato	112.73	0.8890	Richmond Care Center	Rose Hill	101.88	0.9452
St. Luke Living Center	Marion	97.32	0.9225	Lakepoint Nursing Ctr-Rose Hill	Roseville	116.15	1.0154
Marion Manor	Marion	89.71	0.9696	Rossville Valley Manor	Russell	98.47	1.0276
Riverview Estates, Inc.	Marquette	89.20	0.9141	Wheatland Nursing & Rehab Center	Russell	70.30	0.7277
Community Memorial Healthcare, Inc.	Marysville	90.04	0.8150	Gatewood Care Center	Russell	120.70	0.9967
Cambridge Place	Marysville	93.88	0.8831	Russell Regional Hospital	Sabetha	94.86	0.9691
Infinia at McPherson	McPherson	109.04	1.0164	Sabetha Nursing Center	Sabetha	87.93	0.9055
The Cedars, Inc.	McPherson	110.12	0.9075	Apostolic Christian Home	Salina	91.34	0.8276
Lone Tree Compassionate Care Corporation	Meade	107.39	0.9127	Smokey Hill Rehabilitation Center	Salina	89.11	0.8836
Trinity Lutheran Manor	Merriam	114.21	0.8891	Kenwood View Nursing Center	Salina	100.48	0.8823
Great Plains of Ottawa County, Inc.	Minneapolis	91.31	1.3125	Windsor Estates	Salina	104.50	0.9297
Minneapolis Good Samaritan Center	Minneapolis	103.22	0.9557	Center for LTC of Salina	Salina	117.88	0.9400
Minneola Nursing Home	Minneola	107.71	0.8533	Salina Presbyterian Manor	Salina	72.56	0.9622
Elk Manor Nursing Home	Moline	100.45	0.9368	Shalimar Health Center	Salina	94.51	0.8604
Bethel Home, Inc.	Montezuma	95.20	0.8377	Holiday Resort of Salina	Satanta	115.58	0.8789
Moran Manor	Moran	91.51	1.1295	Satanta Dist. Hosp. LTCU	Scott City	118.41	0.9992
Memorial Home for the Aged	Moundridge	121.73	0.9947	Park Lane Nursing Home	Sedan	77.89	0.9455
Moundridge Manor, Inc.	Moundridge	82.76	0.8056	Pleasant Valley Manor	Sedgwick	124.05	0.9608
Mt. Hope Nursing Center	Mt. Hope	102.99	0.8800	Sedgwick Healthcare Center	Seneca	73.85	0.9142
Villa Maria, Inc.	Mulvane	101.85	0.8723	Crestview Manor	Seneca	77.04	0.8865
Golden Keys Nursing Home	Neodesha	72.98	0.9626	Country View Estates Care Home	Sharon Springs	89.11	0.9247
Beverly Health & Rehab of Neodesha	Neodesha	89.92	0.8745	Prairie Manor Good Samaritan Center	Shawnee	113.79	0.8495
Ness County Hospital Dist. #2	Ness City	98.35	0.7774	Shawnee Gardens Nursing Center	Shawnee	103.60	0.8813
Bethel Care Centre	Newton	114.69	1.0935	Sharonlane Health Services	Smith Center	103.30	0.9850
Friendly Acres, Inc.	Newton	125.82	0.9850	Smith County Memorial Hospital LTCU	Smith Center	99.01	0.9400
Kansas Christian Home	Newton	124.49	0.9913	Infinia at Smith Center	South Hutchinson	120.71	0.9610
Newton Presbyterian Manor	Newton	123.47	0.9687	Mennonite Friendship Manor, Inc.	Spring Hill	99.99	0.8114
Andbe Home, Inc.	Norton	100.25	0.8163	Beverly Hlth & Rehab-Spring Hill	St. Francis	102.87	0.8813
Village Villa	Nortonville	103.16	0.8645	St. Francis Good Samaritan Ctr	St. John	97.97	0.8475
Norwich Health Care Center	Norwich	80.22	0.7421	Leisure Homestead at St. John	St. Mary's	107.49	0.9685
Logan County Manor	Oakley	121.40	0.9173	St. Mary's Manor	St. Paul	93.53	0.7981
Decatur County Hospital	Oberlin	103.37	0.9213	Prairie Mission Retirement Village	Stafford	80.58	0.9410
Decatur Co. Good Samaritan Center	Oberlin	95.26	0.7829	Leisure Homestead at Stafford	Sterling	100.78	0.7481
Villa St. Francis	Olathe	119.23	0.9457	Sterling Presbyterian Manor	Stockton	109.28	0.8856
Centers for Long Term Care of Olathe	Olathe	113.68	1.0242	Solomon Valley Manor	Syracuse	112.61	0.8647
Royal Terrace Nrsng. & Rehab. Center	Olathe	105.11	0.9305	Hamilton Co. Hospital-LTCU	Tonganoxie	97.44	0.9023
Olathe Good Samaritan Center	Olathe	121.63	0.9460	Tonganoxie Care Center	Topeka	93.75	0.9536
Johnson County Nursing Center	Olathe	126.11	0.9875	Topeka Healthcare Center	Topeka	120.07	0.8975
Aberdeen Village, Inc.	Olathe	121.33	0.9431	Brewster Place	Topeka	124.18	0.9542
Golden Acres	Onaga	84.31	0.9305	Topeka Presbyterian Manor Inc.	Topeka	84.31	0.8059
Peterson Health Care, Inc.	Osage City	81.61	0.8608	Eventide Convalescent Center, Inc.	Topeka	115.15	0.9793
Osage Nursing & Rehab Center	Osage City	101.82	0.9940	IHS of Highland Park	Topeka	106.85	0.9788
Life Care Center of Osawatomi	Osawatomi	123.59	0.9583	McCrite Plaza Health Center	Topeka	106.04	0.8838
				Rolling Hills Health Center	Topeka		

(continued)

Facility Name	City	Daily Rate	Medicaid CMI
Manorcare Health Services of Topeka	Topeka	108.57	0.8713
United Methodist Home	Topeka	119.29	0.9504
Woodland Health Center	Topeka	94.09	0.9505
Westwood Manor	Topeka	101.58	1.0143
IHS of Brighton Place	Topeka	78.87	0.7094
Countryside Health Center	Topeka	79.14	0.6797
Indian Trails Manor	Topeka	70.46	0.7078
Infinia at Central Topeka	Topeka	105.87	0.9961
Brighton Place North	Topeka	68.79	0.6706
Aldersgate Village	Topeka	121.77	0.9310
Plaza West Care Center, Inc.	Topeka	120.04	0.9598
Lexington Park Nursing and Post Acute Ca	Topeka	126.25	0.9895
Greeley County Hospital, LTCU	Tribune	126.70	1.0671
Western Prairie Care Home	Ulysses	113.88	0.8454
Valley Health Care Center	Valley Falls	83.65	0.6927
St. John's Rest Home of Victoria	Victoria	93.61	0.8509
Trego Co. Lemke Memorial LTCU	WaKeeney	112.41	0.9176
The Lutheran Home - Wakeeney	WaKeeney	81.07	0.7830
Wakefield Rehab Center	Wakefield	91.19	0.9743
Valley Vista Good Samaritan Center	Wamego	111.02	0.8573
The Centennial Homestead, Inc.	Washington	71.57	0.8947
Colonial Manor of Wathena	Wathena	90.07	0.8990
Coffey County Hospital	Waverly	118.26	0.8910
Beverly Health & Rehab-Wellington	Wellington	89.57	0.8986
Slate Creek Good Samaritan Center	Wellington	110.20	0.9837
Wellsville Manor	Wellsville	94.02	0.9507
Westy Community Care Home	Westmoreland	91.80	0.9457
Wheat State Manor	Whitewater	112.43	0.9662
Medicalodge of Wichita	Wichita	126.68	1.0044
Meridian Nursing & Rehab Center	Wichita	107.26	0.9443
Catholic Care Center Inc.	Wichita	118.65	0.9689
Kansas Masonic Home	Wichita	121.99	0.9658
Homestead Health Center, Inc.	Wichita	112.69	0.9176
Horizon Specialty Hospital	Wichita	111.46	0.9662
Infinia at Wichita	Wichita	119.45	0.9074
Wichita Presbyterian Manor	Wichita	121.94	0.9415
Sandpiper Bay Health & Retirement Ctr.	Wichita	100.41	0.8736
Manorcare Health Services of Wichita	Wichita	110.30	0.9083
College Hill Nursing and Rehab Center	Wichita	122.77	0.9882
Lakewood Heights Nursing Center	Wichita	99.70	0.8934
Lincoln East Nursing Home	Wichita	88.89	0.7723
Cameo Care Center	Wichita	98.84	0.7754
The Health Care Center@Larksville Place	Wichita	112.93	0.8186
Life Care Center of Wichita	Wichita	112.86	0.9810
Park West Plaza	Wichita	106.92	0.7667
Wilson Nursing Center	Wilson	85.87	0.9443
Jefferson Co. Memorial Hospital-LTCU	Winchester	105.57	0.9011
Winfield Good Samaritan Center	Winfield	114.83	0.9305
Cumbernauld Village, Inc.	Winfield	104.80	0.8017
Winfield Rest Haven, Inc.	Winfield	97.13	0.9018
Infinia at Yates Center	Yates Center	92.99	0.9353

### III. Justifications for the Final Rates

- The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The final rates are calculated according to a methodology that satisfies the requirements of K.S.A. 39-708c(x) and the Department of Social and Rehabilitation Services regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
- The state's analyses project that the final rates:
  - Would result in payment, in the aggregate of 90.30% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
  - Would result in a maximum allowable rate for the statewide average CMI of 0.9197 of \$121.56, with the total average allowable cost being \$116.81.

- Estimated average rate July 1, 2003 \$102.50
  - Average payment rate July 1, 2002 \$99.58
  - Amount of change \$2.92
  - Percent of change 2.93%
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$20 million.
  - The state estimates that the final rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
    - Service providers operating a total of 316 nursing facilities (representing 98% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 41 hospital-based long-term care units also are certified to participate in the Medicaid program;
    - There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit, in each of the 105 counties in Kansas;
    - The statewide average occupancy rate for nursing facilities participating in Medicaid is 86.1%;
    - The statewide average Medicaid occupancy rate for participating facilities is 55.5%; and
    - The final rates would cover 90.17% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
  - Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the final methodology will result in compliance with the federal regulation.

### IV. The State's Response to Written Comments on the Published Proposals

The state received four letters with comments to the Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Years 2003 and 2004, Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan and Request for Comments published in the April 24, 2003 Kansas Register. The state thanks the commenters for their interest, efforts and suggestions. The state reviewed, discussed and considered those comments before approving the final rate-setting methodology and the final per diem rates published in this notice.

- ### V. Notice of Intent to Amend the Medicaid State Plan
- The state intends to submit the Medicaid State Plan amendments to CMS on or before June 30, 2003.

Rick Shults  
Director of Management Operations  
Division of Health Care Policy  
Social and Rehabilitation Services

Pamela Johnson-Betts  
Secretary of Aging

Doc. No. 029507

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. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 6-23-03 through 6-29-03

Term	Rate
1-89 days	1.24%
3 months	0.77%
6 months	0.83%
1 year	0.88%
18 months	1.04%
2 years	1.13%

Derl S. Treff  
Director of Investments

Doc. No. 029493

State of Kansas

**Social and Rehabilitation Services**

**Permanent Administrative Regulations**

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

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

- (1) To ensure that provision of the service is medically necessary;
- (2) to ensure that services that may be subject to over-use are monitored for appropriateness in each case; and
- (3) to ensure that services are delivered in a cost-effective manner.

(b) Administration of covered pharmaceuticals in the following classes shall require prior authorization. A cross-reference of generic and brand names shall be made available upon request:

- (1) Ace inhibitors:
  - (A) Benazepril;
  - (B) fosinopril;
  - (C) moexipril;
  - (D) perindopril;
  - (E) quinapril;
  - (F) ramipril; and
  - (G) trandolopril;
- (2) acne and skin lesion products:
  - (A) Tretinoin; and
  - (B) alitretinoin;
- (3) angiotensin II receptor antagonists:
  - (A) Candesartan;
  - (B) eprosartan;
  - (C) irbesartan;
  - (D) olmesartan; and
  - (E) valsartan;

- (4) antituberculosis products:
  - (A) Aminosalicylate sodium;
  - (B) capreomycin;
  - (C) ethambutol;
  - (D) ethionamide;
  - (E) isoniazid;
  - (F) pyrazinamide; and
  - (G) rifampin and rifampin/isoniazid combinations;
- (5) benzodiazepines:
  - (A) Alprazolam;
  - (B) clorazepate dipotassium; and
  - (C) diazepam;
- (6) all decubitus and wound care products;
- (7) all intravenous and oral dietary and nutritional products, including the following:
  - (A) Amino acids, injectable;
  - (B) l-cysteine;
  - (C) lipids, injectable; and
  - (D) sodium phenylbutyrate;
- (8) beta-blockers:
  - (A) Betaxolol;
  - (B) bisoprolol;
  - (C) carteolol;
  - (D) nadolol;
  - (E) penbutol;
  - (F) pindolol; and
  - (G) timolol;
- (9) calcium channel blockers:
  - (A) Diltiazem extended release, with the following brand names:
    - (i) Cardizem SR<sup>®</sup>;
    - (ii) Cardizem CD<sup>®</sup>;
    - (iii) Cartia XT<sup>®</sup>; and
    - (iv) Dilacor XR<sup>®</sup>;
  - (B) verapamil sustained release, with the following brand names:
    - (i) Covera HS<sup>®</sup>; and
    - (ii) Veralan PM<sup>®</sup>;
  - (C) nifedipine sustained release, with the following brand names:
    - (i) Nifedical XL<sup>®</sup>; and
    - (ii) Procardiz XL<sup>®</sup>;
- (10) all cyclooxygenase 2 (cox 2) inhibitors:
  - (A) Celecoxib;
  - (B) rofecoxib; and
  - (C) valdecoxib;
- (11) all growth hormones and growth hormone stimulating factor, including the following:
  - (A) Somatrem;
  - (B) somatropin; and
  - (C) sermorelin;
- (12) modafinil;
- (13) intranasal corticosteroids:
  - (A) Budesonide;
  - (B) mometasone;
  - (C) beclomethasone; and
  - (D) triamcinolone;
- (14) proton pump inhibitors:
  - (A) Esomeprazole;
  - (B) omeprazole; and
  - (C) rabeprazole;

(continued)

- (15) drugs for the treatment of impotence: alprostadil;
- (16) monoclonal antibody for respiratory syncytial virus (RSV), including palivizumab;
- (17) nonsteroidal, anti-inflammatory drugs: meloxicam;
- (18) drugs for the treatment of obesity:
  - (A) Orlistat; and
  - (B) sibutramine;
- (19) oxazolidinones, including linezolid;
- (20) HMG-CoA reductase inhibitors: pravastatin;
- (21) non-sedating antihistamines:
  - (A) Desloratidine;
  - (B) fexofenadine; and
  - (C) loratadine;
- (22) H<sub>2</sub> antagonists: nizatidine;
- (23) triptans:
  - (A) Naratriptan;
  - (B) zolmitriptan;
  - (C) almotriptan;
  - (D) frovatriptan; and
  - (E) eletriptan HBr; and
- (24) the following drugs if specifically required by the physician, which shall require prior authorization to override maximum allowable cost (MAC) or federal upper limit (FUL) pricing:
  - (A) Clozaril;
  - (B) depakene;
  - (C) tegretol; and
  - (D) coumadin.

(c) Failure to obtain prior authorization, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified treatment. The prior authorization shall affect reimbursement to all providers associated with the service.

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

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

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

(e) Services requiring prior authorization shall be considered covered services within the scope of the program unless the request for prior authorization is denied. (Authorized by K.S.A. 39-708c(b) and K.S.A. 2002 Supp. 39-7,120; implementing K.S.A. 39-708c(b), K.S.A. 2002 Supp. 39-7,120 and 39-7,121a; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1992; amended July 1, 1994; amended March 1, 1995; amended March 1, 1996; amended July 1, 1996; amended July 1, 1997; amended Jan. 1, 1999; amended April 1, 2000; amended Oct. 1, 2000; amended Oct. 1, 2001; amended Dec. 6, 2002; amended Feb. 21, 2003; amended May 9, 2003; amended July 11, 2003.)

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 029504

## State of Kansas

### Behavioral Sciences Regulatory Board

#### Permanent Administrative Regulations

#### Article 1.—CERTIFICATION OF PSYCHOLOGISTS

**102-1-3. Renewal and reinstatement.** (a) To be considered for license renewal pursuant to K.S.A. 74-5319 and amendments thereto, each licensed psychologist shall submit the following to the board:

(1) The completed renewal form provided by the board;

(2) the renewal fee required by K.S.A. 74-5319 and amendments thereto, as set forth in K.A.R. 102-1-13(a)(3); and

(3) evidence satisfactory to the board that the psychologist has completed the required number of continuing education hours as specified in K.A.R. 102-1-15.

(b) To be considered for reinstatement of a revoked psychology license for reasons other than incapacity of the psychologist, the applicant shall submit the following items to the board:

(1) The completed reinstatement form provided by the board;

(2) the reinstatement fee equal to the renewal fee as set forth in K.A.R. 102-1-13(a)(3);

(3) if the applicant is required to take an examination, the examination fee as set forth in K.A.R. 102-1-13(a)(4);

(4) proof satisfactory to the board of compliance with any term specified by an order of the board as a condition of reinstatement of the license;

(5) any materials, information, evaluation or examination reports, or other documentation that the board may request that will enable it to satisfactorily evaluate and determine whether or not the license should be reinstated. In determining whether or not the license should be reinstated, factors including the following shall be considered by the board:

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

(B) the individual's demonstrated understanding of the wrongful conduct that resulted in the license revocation. This understanding may be demonstrated either by successfully completing an oral interview with the board or by preparing a professional paper that is reviewed and approved by the board or the board's designee;

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

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

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

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

(G) the individual's present competence in psychological knowledge and skills;

(6) verification acceptable to the board that the applicant has completed, during the immediate 24-month pe-

riod, the required number of continuing education hours as specified in K.A.R. 102-1-15; and

(7) evidence satisfactory to the board that the applicant has not practiced independently as or held that individual out to the public as being a psychologist.

(c) To be considered for renewal of an expired psychology license, the applicant shall submit the following items to the board:

(1) The completed renewal form provided by the board;

(2) the renewal fee as set forth in K.A.R. 102-1-13(a)(3);

(3) the late renewal fee equal to the renewal fee as set forth in K.A.R. 102-1-13(a)(3);

(4) if the applicant has been credentialed in a state other than Kansas, verification of the status of the applicant's credential in that state;

(5) verification acceptable to the board that the applicant has completed, during the immediate 24-month period, the required number of continuing education hours as specified in K.A.R. 102-1-15; and

(6) evidence satisfactory to the board that, after November 1 following the expiration of the license, the applicant has not practiced independently as or held out that individual as a psychologist. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5318, K.S.A. 74-5319, K.S.A. 74-5339, K.S.A. 74-7507, K.S.A. 74-5320, and K.S.A. 74-5321; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended Dec. 18, 1998; amended July 11, 2003.)

**102-1-15. Continuing education.** (a) Each applicant for renewal of licensure shall have earned 50 continuing education hours in the two years preceding an application for renewal. The required number of continuing education hours shall be prorated for periods of renewal that are less than the full two years, using the ratio of one-third of the continuing education hours for each six months since the date of licensure or most recent renewal. Continuing education hours for each type of continuing education activity as specified below in subsection (d) shall be prorated accordingly for those persons whose periods of renewal are less than the full two years. Each person who is licensed within six months of the current expiration period shall be exempt from the continuing education requirement for that person's first renewal period.

(b) The content of each continuing education activity shall be clearly related to the enhancement of psychology practice, values, skills, or knowledge.

(c) During each two-year renewal cycle and as part of the required continuing education hours, each licensed psychologist shall complete at least three continuing education hours of training on professional ethics and at least six continuing education hours related to diagnosis and treatment of mental disorders. These hours shall be obtained from any of the activities specified in paragraphs (d)(1), (d)(2), (d)(4), and (d)(6) of this regulation.

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

(1) Attendance at workshops, seminars, and presentations that are sponsored, accredited, or conducted by

educational institutions, professional associations, or private institutions. These activities shall be sponsored, accredited, or conducted by educational institutions, professional associations, or private institutions that are nationally or regionally accredited for training. Activities conducted by agencies, groups, or individuals that do not meet the requirements of national or regional accreditation shall be acceptable, if the content is clearly related to the enhancement of psychology skills, values, and knowledge. Actual contact hours, excluding breaks and lunch, shall be credited. A maximum of 50 continuing education hours shall be allowed;

(2) the first-time preparation and initial presentation of courses, workshops, or other formal training activities, for which a maximum of 15 continuing education hours shall be allowed;

(3) documented completion of a self-study program. A maximum of 12 continuing education hours shall be allowed;

(4) documented completion of a self-study program with a posttest that is conducted by a continuing education provider as described in paragraph (d)(1). A maximum of 40 continuing education hours shall be allowed;

(5) publication and professional presentation. Fifteen continuing education hours may be claimed for the publication or professional presentation of each scientific or professional paper or book chapter authored by the applicant. A maximum of 45 continuing education hours shall be allowed;

(6) completion of an academic course, for which a maximum of 15 continuing education hours shall be allowed for each academic semester credit hour;

(7) providing supervision as defined in K.A.R. 102-1-1, for which a maximum of 15 continuing education hours shall be allowed;

(8) receiving supervision as defined in K.A.R. 102-1-1, except in connection with any disciplinary action, for which a maximum of 15 continuing education hours shall be allowed;

(9) initial preparation for a specialty board examination, for which a maximum of 25 continuing education hours shall be allowed;

(10) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another licensed psychologist, or other quality assurance committees or activities, for which a maximum of 15 continuing education hours shall be allowed;

(11) participation, including holding office, in any professional organization related to the applicant's professional activities, if the organization's activities are clearly related to the enhancement of psychology or mental health practice, values, skills, or knowledge. A maximum of 12 continuing education hours shall be allowed; and

(12) receiving personal psychotherapy that is provided by a licensed or certified mental health provider and is a part of a designated training program. A maximum of 20 continuing education hours shall be allowed.

(e) Each licensed psychologist shall be responsible for maintaining personal continuing education records. Each licensee shall submit to the board the licensee's personal

(continued)

records of participation in continuing education activities if requested by the board.

(f) In determining whether or not a claimed continuing education activity will be allowed, the licensed psychologist may be required by the board to demonstrate that the content was clearly related to psychology or to verify that psychologist's participation in any claimed or reported activity. If a psychologist fails to comply with this requirement, the claimed credit may be disallowed by the board.

(g) Any applicant who submits continuing education documentation that fails to meet the required 50 continuing education hours may request an extension from the board. The request shall include the applicant's reason for requesting an extension and a plan outlining the manner in which the applicant intends to complete the continuing education requirements. For good cause shown, the applicant may be granted an extension, which shall not exceed six months. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended July 24, 1989; amended Oct. 27, 2000; amended July 11, 2003.)

## Article 2.—LICENSING OF SOCIAL WORKERS

**102-2-4a. Continuing education for licensees.** (a) During each two-year renewal period, each licensee shall complete 40 units of documented and board-approved continuing education oriented to the enhancement of a social worker's practice, values, ethics, skills, or knowledge during each two-year renewal period. Continuing education units accumulated in excess of the 40-unit requirement shall not be carried over to the next renewal period.

(b) As part of the 40 continuing education units required for each renewal cycle, each applicant for renewal or reinstatement of a license shall complete a program on professional ethics consisting of not less than a total of three units. Each ethics program shall meet the following requirements:

(1) Fall within one of the types of continuing education experiences listed in subsection (e), except for those identified in paragraphs (e)(5), (6), (7), (8), (12), and (13);

(2) focus on ethical issues of the behavioral sciences; and

(3) be clearly related to the enhancement of social work practice, values, skills, and knowledge.

(c) Beginning January 1, 2002, as part of the 40 continuing education units required for each renewal cycle, each applicant for renewal or reinstatement of a license as a master social worker or a specialist clinical social worker shall complete not less than a total of six units of continuing education related to the diagnosis and treatment of mental disorders. The continuing education units shall meet the following requirements:

(1) Fall within one of the types of continuing education experiences listed in subsection (e), except for those identified in paragraphs (e)(5), (6), (7), (8), (12), and (13); and

(2) relate to the diagnosis and treatment of mental disorders consistent with the principles and values of the social work profession.

(d) One unit shall consist of a minimum of 50 minutes of classroom instruction between instructor and participant or a minimum of an actual hour of other types of acceptable continuing education experiences listed in subsection (e).

(e) Acceptable continuing education, as defined in K.A.R. 102-2-1a and whether taken within the state or outside the state, shall include the following types of experiences:

(1) An academic social work course or an academic course oriented to the enhancement of social work for academic credit. Each licensee shall be granted 15 continuing education hours for each academic credit hour that the licensee successfully completes. The maximum number of allowable continuing education hours shall be 40;

(2) an academic social work course, or an academic course oriented to the enhancement of a social worker's practice, values, ethics, skills, or knowledge, that is audited. Continuing education credit shall be computed on the basis of the actual contact time that the licensee spends attending the course, up to a maximum of 15 hours for each academic credit hour. The maximum number of allowable continuing education hours shall be 40;

(3) a program, seminar, institute, workshop, or mini-course. The maximum number of allowable continuing education hours shall be 40;

(4) if a posttest is provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 40;

(5) if a posttest is not provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 10;

(6) a cross-disciplinary offering in medicine, law, the behavioral sciences, a foreign or sign language, a computer science, professional or technical writing, business administration, management sciences, or other disciplines if the offering is clearly related to the enhancement of social work practice, values, ethics, skills, or knowledge. The maximum number of allowable continuing education hours shall be 10;

(7) a self-directed learning project approved by the board. The maximum number of allowable continuing education hours shall be 10;

(8) supervision of undergraduate and graduate practicum students or specialty applicants. Continuing education credit for this supervision shall not exceed four continuing education hours per semester. The maximum number of allowable continuing education hours shall be 16;

(9) a program presented by an approved program provider. The maximum number of allowable continuing education hours shall be 40;

(10) a single program approved by the board. The maximum number of allowable continuing education hours shall be 40;

(11) the first-time preparation and presentation of a social work course, seminar, institute, or workshop, or the substantial revision and presentation of a social work



course, seminar, institute, or workshop. Ten hours may be given for each initial preparation and presentation and for each substantial revision. The maximum number of allowable continuing education hours shall be 20;

(12) the preparation of a professional social work article published for the first time in a recognized professional journal, a book chapter published by a recognized publisher, or a written presentation given for the first time at a statewide or national professional meeting. If more than one licensee or other professional authored the material, the continuing education credit shall be prorated among the authors. The maximum number of allowable continuing education hours shall be 10;

(13) participation in a professional organization or appointment to the board of directors of a professional organization, if the goals of the organization or board are clearly related to the enhancement of social work practice, skills, values, and knowledge. The maximum number of allowable continuing education hours shall be 12 and shall not exceed six continuing education hours per year.

(f) Approval shall not be granted for any of the following:

(1) Identical programs if the programs are completed within the same license renewal period;

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

(3) in-service training if the training is for job orientation or on-the-job training, or is specific to the employing agency; or

(4) any activity for which the licensee cannot demonstrate that the program's goals and objectives reasonably appear to enhance the licensee's social work practice, knowledge, values, skills, or ethics.

(g) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's attendance as required by K.A.R. 102-2-5. In addition to the specific submission requirements set forth in K.A.R. 102-2-11, any licensee may be required to submit these records to the board before the license renewal. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6313 and 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended Feb. 25, 1991; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 11, 2003.)

**102-2-9. Examinations.** (a) Each applicant for licensure by the board shall take an examination approved by the board. The pass criterion score shall be as follows:

(1) At the criterion reference cutoff score for those applicants who take the board-approved, national standardized examination; or

(2) at one standard deviation below the national mean for those applicants who took the examination offered by the educational testing service or the professional examination testing service.

(b) An applicant shall not be authorized to register for an examination until the applicant is within four months of anticipated completion of the applicable academic degree requirements.

(c) Waiver of examination. The written examination requirement may be waived for any applicant, other than an applicant for reinstatement of a revoked or suspended

license, if the applicant passed a board-approved, national standardized examination at a level equal to or greater than the pass criterion score.

(d) Each applicant for licensure who fails the examination, or who fails to sit for an exam for which the applicant has registered, shall submit the fee required by K.A.R. 102-2-3 for each subsequent examination for which the applicant has registered. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6306 and 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986; amended Oct. 24, 1997; amended July 11, 2003.)

**102-2-11. Renewal and reinstatement.** (a) To be considered for license renewal, each licensee shall submit the completed renewal application forms, the supporting continuing education documents, and the renewal fee as prescribed in K.A.R. 102-2-3 to the board.

(b) At the time of renewal, each licensee shall submit a continuing education reporting form listing the required number of units of continuing education completed as required in K.A.R. 102-2-4a and K.A.R. 102-2-5.

(c) At the time of renewal, each applicant for renewal or reinstatement of a license shall submit, in a format approved by the board, evidence of having completed the required ethics training program.

(d) As part of the required continuing education, each applicant for renewal or reinstatement of a licensee as a licensed master social worker or a licensed specialist clinical social worker, shall submit, in a format approved by the board, evidence of having completed the required continuing education units related to the diagnosis and treatment of mental disorders.

(e) If the licensee does not submit a completed application for renewal in a timely manner, including all supporting documents and the required fee, the license may be reinstated after the board receives the following:

(1) A completed reinstatement application;

(2) the required renewal fee, plus a penalty equal to the renewal fee; and

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

(f) Each licensee who fails to renew the license in a timely manner and who thereafter applies for license reinstatement shall indicate whether or not the individual has practiced in Kansas as a social worker or has held forth as performing the services of a social worker after expiration of the license and, if so, under what circumstances. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6311, K.S.A. 65-6313, K.S.A. 65-6314, and K.S.A. 65-6317; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 11, 2003.)

### Article 3.—PROFESSIONAL COUNSELORS

**102-3-9a. Renewal and reinstatement.** (a) To be considered for license renewal, each licensed professional counselor and licensed clinical professional counselor shall submit to the board the following items:

(1) A completed renewal application;

(continued)

- (2) the continuing education reporting form; and
- (3) the renewal fee prescribed in K.A.R. 102-3-2.
- (b) If the application for renewal, the continuing education reporting form, and payment of the required fee are not submitted before the date the license expires, the license may be reinstated upon payment of the required renewal fee, plus the late charge set forth in K.A.R. 102-3-2, and submitting proof satisfactory to the board that the applicant has complied with the continuing education requirements.
- (c) Each individual who holds a professional counselor license or clinical professional counselor license but who fails to renew the license before its expiration, and who thereafter applies for renewal of the license, shall indicate on the reinstatement application form whether the individual has continued to engage in the practice of professional counseling in Kansas, or has continued to represent that individual in Kansas as a licensed professional counselor or a licensed clinical professional counselor after the expiration of the license and, if so, under what circumstances.
- (d) If the license of any individual has been suspended and the individual thereafter makes an application to renew or reinstate the license, the individual shall submit the following:
- (1) A completed reinstatement application on forms approved by the board;
  - (2) the required renewal fee and, if applicable, the late charge set forth in K.A.R. 102-3-2;
  - (3) proof satisfactory to the board that the applicant has complied with the continuing education requirements;
  - (4) proof satisfactory to the board that the applicant has complied with the terms of the suspension; and
  - (5) any materials, information, evaluation or examination reports, or other documentation that the board may request that will enable the board to satisfactorily evaluate and determine whether or not the license should be renewed or reinstated. An applicant's license may be renewed or reinstated after the board considers the following factors:
    - (A) The extent to which the individual presently merits the public trust;
    - (B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license suspension;
    - (C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;
    - (D) the nature and seriousness of the original misconduct;
    - (E) the individual's conduct after the license suspension;
    - (F) the time elapsed since the license suspension; and
    - (G) the individual's present competence in professional counseling knowledge and skills.
- (e) If the license of any individual has been revoked and the individual thereafter makes an application to reinstate the revoked license, the individual shall submit the following:
- (1) A completed reinstatement application on forms approved by the board;

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

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

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

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

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

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

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

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

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

(G) the individual's present competence in professional counseling knowledge and skills. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-5803, 65-5806, and 65-5808; effective Dec. 19, 1997; amended July 11, 2003.)

**102-3-10a. Continuing education for licensees.** (a)

Each licensee shall complete 30 hours of documented and approved continuing education oriented to the enhancement of a professional counselor's practice, values, ethics, skills, or knowledge during each two-year renewal period. Continuing education hours accumulated in excess of the requirement shall not be carried over to the next renewal period.

(b) During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete three hours of professional ethics and six hours related to the diagnosis and treatment of mental disorders.

(c) One hour of continuing education credit shall consist of at least 50 minutes of classroom instruction between instructor and participant or a minimum of an actual hour of other types of acceptable continuing education experiences listed in subsection (d). One-quarter hour of continuing education credit may be granted for each 15 minutes of acceptable continuing education. Credit shall not be granted for fewer than 15 minutes.

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

(1) An academic professional counseling course, or an academic course oriented to the enhancement of professional counselor's practice, values, ethics, skills, or knowledge, that is taken for academic credit. Each licensee shall be granted 15 continuing education hours for each academic credit hour that the licensee successfully completes. The maximum number of allowable continuing education hours shall be 30;

(2) an academic professional counseling course, or an academic course oriented to the enhancement of a professional counselor's practice, values, ethics, skills, or knowledge, that is audited. Each licensee may receive continuing education credit on the basis of the actual contact time that the licensee spends attending the course, up to a maximum of 15 hours per academic credit hour. The maximum numbers of allowable continuing education hours shall be 30;

(3) a seminar, institute, workshop, course, or mini-course. The maximum number of allowable continuing education hours shall be 30;

(4) if a posttest is provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 30;

(5) if a posttest is not provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be five;

(6) a cross-disciplinary offering in medicine, law, the behavioral sciences, a foreign or sign language, computer science, professional or technical writing, business administration, management sciences, or any other discipline if the offering is clearly related to the enhancement of a professional counselor's practice, values, ethics, skills, or knowledge. The maximum number of allowable continuing education hours shall be 10;

(7) a self-directed learning project preapproved by the board. The maximum number of allowable continuing education hours shall be 10;

(8) providing supervision to graduate practicum or intern students, applicants for licensure as clinical professional counselors, or other clinical mental health practitioners. The maximum number of allowable continuing education hours shall be 10;

(9) the first-time preparation and presentation of a professional counseling course, seminar, institute, workshop, or mini-course. The maximum number of allowable continuing education hours shall be 10 for documented preparation and presentation time;

(10) the first-time publication of a professional counseling article in a juried professional journal. The maximum number of allowable continuing education hours shall be 10; and

(11) participation in professional organizations or appointment to professional credentialing boards, if the goals of the organizations or boards are clearly related to the enhancement of professional counseling practice, values, ethics, skills, and knowledge. Participation may include holding office or serving on committees of the organization or board. The maximum number of allowable continuing education hours shall be 10.

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

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

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

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

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

(g) Each licensee shall maintain individual, original continuing education records. These records shall document the licensee's continuing education activity attendance, participation, or completion as specified in K.A.R. 102-3-11a. Any licensee may be required to submit these records to the board at least 30 days before the expiration date of each current licensure period. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-5806 and 74-7507; effective Dec. 19, 1997; amended July 11, 2003.)

#### Article 4.—MASTERS LEVEL PSYCHOLOGISTS

**102-4-9a. Renewal and reinstatement.** (a) To be considered for license renewal, each licensed master's level psychologist and each licensed clinical psychotherapist shall submit the following items to the board:

(1) A completed renewal application;

(2) the continuing education, reporting form; and

(3) the fee prescribed in K.A.R. 102-4-2.

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

(c) At the time of application for reinstatement, each applicant shall submit a reinstatement application, the continuing education reporting form documenting evidence of the satisfactory completion, within the 24 months immediately before application of the required continuing education hours, and the fee prescribed in K.A.R. 102-4-2.

(d) Each individual who holds a license but who fails to renew the license before the license expires, and who thereafter applies for renewal of the license, shall indicate on the reinstatement application form whether or not the individual has continued to engage in the practice of psychology in Kansas, or has continued to use the authorized licensure title or abbreviation after the expiration of the license and, if so, under what circumstances. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5365, 74-5366, 74-5369, and 74-5371; effective Dec. 19, 1997; amended July 11, 2003.)

**102-4-10a. Continuing education for licensees.** (a) During each two-year renewal period, each licensee shall complete 50 hours of documented and board-approved continuing education oriented to the enhancement of a

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master's level psychologist's practice, values, ethics, skills, or knowledge. Continuing education hours accumulated in excess of the required 50 hours shall not be carried over to the next renewal period.

(b) Professional ethics continuing education requirement. During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete a program on professional ethics consisting of at least three continuing education hours of formal training in ethics. These hours shall be obtained from any of the activities specified in paragraphs (e)(1), (e)(2), (e)(3), and (e)(4).

(c) Diagnosis and treatment continuing education requirement. During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete a program on diagnosis and treatment consisting of at least six continuing education hours of formal training in diagnosis and treatment. These hours shall be obtained from any of the activities specified in paragraphs (e)(1), (e)(2), (e)(3), and (e)(4).

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

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

(1) Activities that are sponsored, accredited, or conducted by educational institutions, by professional associations, or by private institutions that are nationally or regionally accredited for education or training. The maximum number of hours allowed shall be 50;

(2) activities conducted by agencies, groups, and continuing education providers that do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology practice, skills, knowledge, values, or ethics. The maximum number of hours allowed shall be 50;

(3) academic psychology courses that are either taken for academic credit or audited. For courses taken for academic credit, 15 continuing education hours shall be granted for each academic credit hour that is successfully completed. For academic courses that are audited, one continuing education hour shall be granted for each hour of actual classroom attendance and participation. The maximum number of hours allowed shall be 50;

(4) seminars, institutes, workshops, or mini-courses. The maximum number of hours allowed shall be 50;

(5) cross-disciplinary offerings in medicine, law, the behavioral sciences, a foreign or sign language, computer science, professional or technical writing, business administration, management sciences, or any other discipline, if the offerings are clearly related to the enhancement of a master's level psychologist's practice, values, skills, ethics, or knowledge. The maximum number of hours allowed shall be 20;

(6) the first-time presentation of courses, workshops, or other formal training activities, if the content is clearly

related to the enhancement of psychology practice, values, skills, ethics, or knowledge. For each first-time presentation, a maximum of 10 continuing education hours may be approved. If more than one master's level psychologist or other professional gave the presentation, the continuing education credit shall be prorated among the presenters. The maximum number of hours allowed shall be 15;

(7) the first-time publication of a psychology article in a juried professional journal or first-time publication of a book chapter in a psychology text. For each first-time publication, a maximum of 10 continuing education hours may be approved. If more than one master's level psychologist or other professional authored the article or book chapter, the continuing education credit shall be prorated among the authors. The maximum number of hours allowed shall be 20;

(8) if a posttest is provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of hours allowed shall be 40;

(9) if a posttest is not provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of hours allowed shall be 10;

(10) supervision of undergraduate or graduate practicum or intern students, applicants for licensure as master's level psychologists, or other professional mental health practitioners for which the maximum number of hours allowed shall be 20. Continuing education credit for providing this supervision shall not exceed a total of five hours per semester;

(11) self-directed learning projects preapproved by the board. The maximum number of hours allowed shall be 10;

(12) participation in quality care activities that may include client diagnosis review conferences, client staffings, treatment utilization review, peer or supervisory reviews, case consultations with other professional staff, or participation in formal quality-assurance activities. The maximum number of hours allowed shall be five;

(13) holding office or serving on a committee in a professional organization, if the organization's goals are clearly related to the enhancement of psychology practice, values, skills, ethics, or knowledge. The maximum number of hours allowed shall be 10; and

(14) receiving personal psychotherapy from a licensed, registered, or certified mental health provider. The maximum number of hours allowed shall be five.

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

(g) Continuing education approval shall not be granted for any of the following activities:

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

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

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

(h) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's continuing education activity attendance, participation, or completion as defined by K.A.R. 102-4-11a. These records may be required to be submitted to the board at least 30 days before the expiration date of each current licensure period or upon a random audit. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5365, 74-5366, and 74-7507; effective Dec. 19, 1997; amended, T-102-7-8-99, July 8, 1999; amended Oct. 29, 1999; amended July 11, 2003.)

#### Article 5.—LICENSED MARRIAGE AND FAMILY THERAPISTS

**102-5-9. Renewal and reinstatement.** (a) To be considered for license renewal, each licensed marriage and family therapist and licensed clinical marriage and family therapist shall submit the following items to the board:

- (1) A completed renewal application;
- (2) the continuing education reporting form; and
- (3) the renewal fee as prescribed in K.A.R. 102-5-2.

(b) If the application for renewal, the continuing education reporting form, and payment of the required fee are not submitted before the date the license expires, the licensee may reinstate the license by paying the required renewal fee, plus the late charge prescribed in K.A.R. 102-5-2, and submitting proof satisfactory to the board that the licensee has complied with the continuing education requirements.

(c) Each individual who holds a marriage and family therapy license or a clinical marriage and family therapy license but who fails to renew the license before its expiration, and who thereafter applies to renew the license, shall indicate on the reinstatement application form whether or not the individual has continued to practice marriage and family therapy in Kansas, or has continued to represent that individual as being a marriage and family therapist in Kansas after the individual's license expired and, if so, under what circumstances.

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

- (1) The completed renewal or reinstatement application form;
- (2) the required renewal fee and, if applicable, the late charge set forth in K.A.R. 102-5-2;
- (3) proof satisfactory to the board that the individual has complied with the continuing education requirements;
- (4) proof satisfactory to the board that the individual has complied with the terms of the suspension; and

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

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

(B) the extent to which the individual demonstrates consciousness of the wrongful conduct that resulted in the license suspension;

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

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

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

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

(G) the individual's present competence in marriage and family therapy knowledge and skills.

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

(1) The completed reinstatement application form;

(2) the required renewal fee and the late charge set forth in K.A.R. 102-5-2;

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

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

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

(B) the extent to which the individual has demonstrated consciousness of the wrongful conduct that resulted in the license revocation;

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

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

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

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

(G) the individual's present competence in marriage and family therapy knowledge and skills. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6407 and 65-6411; effective March 29, 1993; amended Dec. 19, 1997; amended July 11, 2003.)

**102-5-10. Continuing education for licensees.** (a) Each licensee shall complete 40 hours of documented and approved continuing education during each two-year re-

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newal period. Continuing education hours accumulated in excess of the required number of hours shall not be carried over to the next renewal period.

(b) During each two-year renewal period as a part of the required continuing education hours, each licensee shall complete a program on professional ethics that consists of at least three hours of formal training. This program shall meet the definition of marriage and family therapy continuing education in K.A.R. 102-5-1, and the program shall focus on ethical issues of the marriage and family therapy profession. These hours shall be obtained from any of the activities specified in paragraphs (d)(1), (d)(2), (d)(3), (d)(4), (d)(9), and (d)(10).

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

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

(1) An academic marriage and family therapy course, or an academic course oriented to the enhancement of a marriage and family therapist's practice, values, ethics, skills, or knowledge, that is taken for academic credit. Each licensee shall be granted 15 continuing education hours for each academic credit hour that the licensee successfully completes. The maximum number of allowable continuing education hours shall be 40;

(2) an academic marriage and family therapy course, or an academic course oriented to the enhancement of a marriage and family therapist's practice, values, ethics, skills, or knowledge, that is audited. The licensee may receive continuing education credit on the basis of the actual contact time that the licensee spends attending the course, up to a maximum of 15 hours per academic credit hour. The maximum number of allowable continuing education hours shall be 40;

(3) a seminar, institute, workshop, course, or mini-course. The maximum number of allowable continuing education hours shall be 40;

(4) if a posttest is provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 40;

(5) if a posttest is not provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 10;

(6) a cross-disciplinary offering in medicine, law, the behavioral sciences, a foreign or sign language, computer science, professional or technical writing, business administration, management sciences, or any other discipline, if the offering is clearly related to the enhancement of a marriage and family therapist's practice, values, ethics, skills, or knowledge. The maximum number of allowable continuing education hours shall be 10;

(7) a self-directed learning project that is preapproved by the board. The maximum number of allowable continuing education hours shall be 10;

(8) providing supervision to undergraduate or graduate practicum or intern students, applicants for licensure as clinical marriage and family therapists, or other mental health practitioners. The maximum number of allowable continuing education hours shall be 15;

(9) preparing for and presenting for the first time a marriage and family therapy course, seminar, institute, workshop, or mini-course. The maximum number of allowable continuing education hours shall be 10 for documented preparation and presentation time;

(10) the first-time publication of a marriage and family therapy article in a juried professional journal. The maximum number of allowable continuing education hours shall be 10; and

(11) participation in professional organizations or appointment to professional credentialing boards, if the goals of the organizations or boards are clearly related to the enhancement of marriage and family therapy practice, values, ethics, skills, and knowledge. Participation may include holding office or serving on committees of the organization or board. The maximum number of allowable continuing education hours shall be 10.

(e) Approval shall not be granted for identical programs if the programs are completed within the same renewal period.

(f) Approval shall not be granted for any of the following activities:

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

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

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

(g) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's continuing education activity attendance, participation, or completion as specified in K.A.R. 102-5-11. Any licensee may be required to submit these records to the board at least 30 days before the date the individual's license expires. (Authorized by and implementing K.S.A. 65-6407 and 74-7507; effective March 29, 1993; amended Dec. 19, 1997; amended July 11, 2003.)

**102-5-12. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding by the board that unprofessional conduct has occurred.

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain licensure or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact;

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

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

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

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

(D) has been convicted of a crime; or

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

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

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

(5) being convicted of a crime resulting from or relating to one's professional practice of marriage and family therapy;

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

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

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

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

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

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

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

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

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

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

(16) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client to any other service or if the licensee or applicant uses any tests, books, or apparatus;

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

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

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

(A) Disclosure is required or permitted by law;

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

(C) the licensee or applicant is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of marriage and family therapy, in which case disclosure is limited to that action; or

(D) the criteria provided by K.S.A. 65-6410, and amendments thereto, are met;

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

(A) Electronically recording sessions with that client;

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

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

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

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

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

(24) using alcoholic, liquor or using illegally a controlled substance while performing the duties or services of a marriage and family therapist;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, student, or supervisee;

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

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

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

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

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of services to the client by that agency or colleague;

(31) making claims of professional superiority that one cannot substantiate;

(32) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

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

(34) continuing or ordering tests, procedures, or treatment, or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;

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

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

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

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

(C) ascertain that each participant's consent is voluntary and informed; and

(D) preserve each participant's privacy and protect anonymity within the terms of informed consent;

(37) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(38) failing to notify the client promptly when one anticipates terminating or interrupting service to the client;

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

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

(41) failing to terminate marriage and family therapy services when it is apparent that the relationship no longer serves the client's needs or best interests;

(42) supervising in a negligent manner anyone over whom one has supervisory responsibility;

(43) when applicable, failing to inform a client that marriage and family therapy services are provided or delivered under supervision;

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

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

(46) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that a resident, as defined by K.S.A. 39-1401(a) and amendments thereto, has been or is being abused, neglected, or exploited, is in a condition that resulted from such abuse, neglect, or exploitation, or needs protective services;

(47) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that an adult, as defined in K.S.A. 39-1430 and amendments thereto, is being or has been abused, neglected, or exploited, or needs protective services;

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

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

(50) practicing marriage and family therapy in an incompetent manner;

(51) practicing marriage and family therapy after one's license expires;

(52) after a license has expired, using or continuing to use any title or abbreviation prescribed by law to be used by persons who currently hold a type or class of license; or

(53) violating any provision of this act or any regulation adopted under the act. (Authorized by K.S.A. 65-6408 and 74-7507; implementing K.S.A. 65-6408; effective March 29, 1993; amended Dec. 19, 1997; amended July 11, 2003.)

**102-5-16. Unprofessional conduct regarding recordkeeping.** (a) The failure of a marriage and family therapist licensee or clinical marriage and family therapist licensee to comply with the recordkeeping requirements established in this regulation shall constitute unprofessional conduct.

(b) Content of marriage and family therapy or clinical marriage and family therapy records. Each licensed marriage and family therapist or clinical marriage and family therapist shall maintain a record for each client or client system that accurately reflects the licensee's contact with the client or client system and the results of the marriage and family therapy or clinical marriage and family ther-



apy services provided. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of media, if reasonable steps are taken to maintain confidentiality, accessibility, and durability. Each record shall be completed in a timely manner and shall include the following information for each client or client system:

- (1) Adequate identifying data;
- (2) the date or dates of services that the licensee or the licensee's supervisee provided;
- (3) the type or types of services that the licensee or the licensee's supervisee provided;
- (4) the initial assessment, conclusions, and recommendations;
- (5) a plan for service delivery or case disposition;
- (6) the clinical notes from each session; and
- (7) sufficient detail to permit planning for continuity that would enable another marriage and family therapist or clinical marriage and family therapist to take over the delivery of services.

(c) Retention of records. If a licensee is the owner or custodian of client or client system records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:

- (1) At least six years after the date of termination of one or more contacts with an adult; and
- (2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:
  - (A) Two years past the date on which the client reaches the age of majority; or
  - (B) six years after the date of termination of the contact or contacts with the minor. (Authorized by K.S.A. 65-6408 and 74-7507; implementing K.S.A. 65-6408; effective July 11, 2003.)

#### Article 6.—REGISTERED ALCOHOL AND OTHER DRUG ABUSE COUNSELORS RAODAC

**102-6-9. Renewal.** (a) To be considered for registration renewal, each registered alcohol or other drug abuse counselor shall submit a completed renewal application, supporting documents, and the renewal fee prescribed in K.A.R. 102-6-2 to the board.

(b) At the time of renewal, each registered alcohol or other drug abuse counselor shall submit evidence of satisfactory completion of the required number of hours of continuing education, three hours of which shall be taken in an ethics seminar, workshop, or course as defined in K.A.R. 102-6-10. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6603 and 74-7507; effective July 17, 1995; amended July 11, 2003.)

**102-6-10. Continuing education for registrants.** (a) Each registrant shall complete 30 hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the 30-hour requirement shall not be carried over to the next renewal period.

(b) As a part of the required 30 hours, each registrant shall complete a program on professional ethics or un-

professional conduct consisting of at least three hours of formal training. This program shall meet the definition of alcohol or other drug abuse counseling continuing education contained in K.A.R. 102-6-1 and shall focus on ethical issues or unprofessional conduct issues associated with the alcohol or other drug abuse profession. These hours shall be obtained from any of the types of acceptable continuing education specified in paragraphs (d)(1), (d)(2), (d)(3), (d)(4), (d)(9), and (d)(10).

(c) Credit for approved programs shall be awarded on the basis of one continuing education hour for each 50 minutes actually spent in attendance at instructional activities. One-quarter continuing education hour shall be awarded for attendance of at least 15 but less than 30 minutes. No continuing education credit may be claimed for fractional units smaller than 15 minutes.

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

(1) An academic alcohol or other drug abuse counseling course, or an academic course oriented to the enhancement of alcohol and other drug abuse counselor's practice, values, ethics, skills, or knowledge, that is taken for academic credit. Each registrant shall be granted 15 continuing education hours for each academic credit hour that the registrant successfully completes. The maximum number of allowable continuing education hours shall be 30;

(2) an academic alcohol and other drug abuse counselor course, or an academic course oriented to the enhancement of alcohol and other drug abuse counselor's practice, values, ethics, skills, or knowledge, that is audited. Any registrant may receive continuing education credit on the basis of the actual contact time that the registrant spends attending the course, up to a maximum of 15 hours per academic credit hour. The maximum number of allowable continuing education hours shall be unlimited;

(3) a seminar, institute, workshop, course, or mini-course. The maximum number of allowable continuing education hours shall be 30;

(4) if a posttest is provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 30;

(5) if a posttest is not provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or video tape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be five;

(6) a cross-disciplinary offering in medicine, law, the behavioral sciences, a foreign or sign language, computer science, professional or technical writing, business administration, management sciences, or any other discipline if the offering is clearly related to the enhancement of an alcohol or other drug abuse counselor's practice, values, skills, or knowledge. The maximum number of allowable continuing education hours shall be 10;

(7) a self-directed learning project preapproved by the board. The maximum number of allowable continuing education hours shall be 10;

(continued)

(8) supervision of graduate practicum students, applicants for registration as alcohol or other drug abuse counselors, or other professional mental health practitioners engaged in alcohol or other drug abuse counseling. The maximum number of allowable continuing education hours shall be 10;

(9) the first-time preparation and presentation of an alcohol or other drug abuse counseling course, seminar, institute, workshop, course, or mini-course. The maximum number of allowable continuing education hours shall be 10 for documented preparation and presentation time; and

(10) the first-time publication of an alcohol or other drug abuse counseling article in a juried professional journal. The maximum number of allowable continuing education hours shall be 10.

(e) Approval shall not be granted for any of the following:

(1) Identical programs if the programs are completed within the same registration renewal period;

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

(3) first aid courses, including CPR; or

(4) any activity for which the registrant cannot demonstrate that the program's goals and objectives are to enhance the registrant's practice, values, skills, or knowledge in alcohol or other drug abuse counseling.

(f) Each registrant shall maintain individual continuing education records. Continuing education records shall document the registrant's attendance as specified in K.A.R. 102-6-11. These records may be required to be submitted to the board at least 30 days before the expiration date of each current registration period. (Authorized by and implementing K.S.A. 74-7507 and K.S.A. 65-6603; effective July 17, 1995; amended July 11, 2003.)

Phyllis Gilmore  
Executive Director

Doc. No. 029485

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 44-6-142 Revoked V. 21, p. 1421  
 44-6-143 Amended V. 21, p. 1421  
 44-6-146 Revoked V. 21, p. 1422  
 44-7-102 Revoked V. 21, p. 309  
 44-7-103 Revoked V. 21, p. 309  
 44-7-105 Revoked V. 21, p. 309  
 44-7-106 Revoked V. 21, p. 309  
 44-7-107 Revoked V. 21, p. 309  
 44-7-109 Revoked V. 21, p. 309  
 44-7-112 Revoked V. 21, p. 309  
 44-7-114 Revoked V. 21, p. 309  
 44-7-115 Revoked V. 21, p. 309  
 44-7-116 Revoked V. 21, p. 309  
 44-8-110 through  
 44-8-114 Revoked V. 21, p. 309

44-11-111 Amended V. 21, p. 335  
 44-11-112 Revoked V. 21, p. 336  
 44-11-113 Amended V. 21, p. 336  
 44-11-114 Revoked V. 21, p. 336  
 44-11-115 Revoked V. 21, p. 336  
 44-11-119 Amended V. 21, p. 336  
 44-11-120 Amended V. 21, p. 336  
 44-11-121 Amended V. 21, p. 337  
 44-11-122 Revoked V. 21, p. 337  
 44-11-123 Amended V. 21, p. 337  
 44-11-124 Revoked V. 21, p. 337  
 44-11-127 Amended V. 21, p. 337  
 44-11-129 Amended V. 21, p. 338  
 44-11-130 Amended V. 21, p. 338  
 44-11-131 Amended V. 21, p. 339  
 44-11-132 Amended V. 21, p. 339  
 44-11-133 Amended V. 21, p. 339  
 44-11-135 Amended V. 21, p. 339  
 44-12-103 Amended V. 21, p. 117  
 44-12-105 Amended V. 21, p. 117  
 44-12-106 Amended V. 21, p. 117  
 44-12-107 Amended V. 21, p. 117  
 44-12-201 through  
 44-12-205 Amended V. 21, p. 118  
 44-12-210 Amended V. 21, p. 118  
 44-12-303 Amended V. 21, p. 118  
 44-12-305 Amended V. 21, p. 118  
 44-12-306 Amended V. 21, p. 119  
 44-12-307 Amended V. 21, p. 119  
 44-12-309 Amended V. 21, p. 119  
 44-12-310 Amended V. 21, p. 119  
 44-12-312 Amended V. 21, p. 119  
 44-12-313 Amended V. 21, p. 119  
 44-12-314 Amended V. 21, p. 119  
 44-12-318 Amended V. 21, p. 120  
 44-12-320 Revoked V. 21, p. 120  
 44-12-321 Amended V. 21, p. 120  
 44-12-325 Amended V. 21, p. 120  
 44-12-326 Revoked V. 21, p. 120  
 44-12-327 Amended V. 21, p. 120  
 44-12-328 Amended V. 21, p. 120  
 44-12-401 Amended V. 21, p. 120  
 44-12-501 Amended V. 21, p. 121  
 44-12-503 Amended V. 21, p. 121  
 44-12-504 Amended V. 21, p. 121  
 44-12-505b Amended V. 21, p. 121  
 44-12-601 Amended V. 21, p. 121  
 44-12-602 Amended V. 21, p. 123  
 44-12-702 Amended V. 21, p. 123  
 44-12-801 Amended V. 21, p. 123  
 44-12-902 Amended V. 21, p. 123  
 44-12-1002 Amended V. 21, p. 123  
 44-12-1002 Amended (T) V. 22, p. 384  
 44-12-1306 Amended V. 21, p. 123  
 44-12-1307 Amended V. 21, p. 124  
 44-13-101 Amended V. 21, p. 151  
 44-13-104 Revoked V. 21, p. 151  
 44-13-105 Amended V. 21, p. 151  
 44-13-106 Amended V. 21, p. 151  
 44-13-201 Amended V. 21, p. 152  
 44-13-201b Amended V. 21, p. 153  
 44-13-201b Amended (T) V. 22, p. 384  
 44-13-202 Amended V. 21, p. 153  
 44-13-302a Revoked V. 21, p. 153  
 44-13-304 Revoked V. 21, p. 153  
 44-13-306 New V. 21, p. 154  
 44-13-307 New V. 21, p. 154  
 44-13-401 Amended V. 21, p. 154  
 44-13-401a Revoked V. 21, p. 154  
 44-13-402 Amended V. 21, p. 154  
 44-13-403 Amended V. 21, p. 155  
 44-13-404 Amended V. 21, p. 156  
 44-13-405a Amended V. 21, p. 157  
 44-13-406 Amended V. 21, p. 158  
 44-13-408 Amended V. 21, p. 158  
 44-13-409 Amended V. 21, p. 158  
 44-13-501 Amended V. 21, p. 158  
 44-13-502a Amended V. 21, p. 158  
 44-13-506 through  
 44-13-509 Amended V. 21, p. 158, 159  
 44-13-601 Amended V. 21, p. 159  
 44-13-603 Amended V. 21, p. 159  
 44-13-610 Amended V. 21, p. 159  
 44-13-701 through  
 44-13-704 Amended V. 21, p. 159, 160  
 44-13-705 Revoked V. 21, p. 161

44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83
44-14-301	through	
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85
44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

**AGENCY 45: KANSAS PAROLE BOARD**

Reg. No.	Action	Register
45-1-1	Revoked	V. 21, p. 1894
45-4-4	through	
45-4-7	Revoked	V. 21, p. 1894
45-4-9	Revoked	V. 21, p. 1894
45-6-1	Revoked	V. 21, p. 1894
45-6-2	Revoked	V. 21, p. 1894
45-6-3	Revoked	V. 21, p. 1894
45-6-5	Revoked	V. 21, p. 1894
45-7-1	through	
45-7-5	Revoked	V. 21, p. 1894
45-9-1	through	
45-9-4	Revoked	V. 21, p. 1894
45-10-1	Revoked	V. 21, p. 1894
45-11-1	Revoked	V. 21, p. 1895
45-14-1	Revoked	V. 21, p. 1895
45-16-2	Revoked	V. 21, p. 1895
45-16-3	Revoked	V. 21, p. 1895
45-16-4	Revoked	V. 21, p. 1895
45-100-1	New	V. 21, p. 1895
45-200-1	New	V. 21, p. 1895
45-200-2	New	V. 21, p. 1896
45-300-1	New	V. 21, p. 1896
45-300-2	New	V. 21, p. 1896
45-400-1	through	
45-400-4	New	V. 21, p. 1896, 1897
45-500-1	through	
45-500-4	New	V. 21, p. 1897, 1898
45-600-1	New	V. 21, p. 1899
45-700-1	New (T)	V. 21, p. 1328
45-700-1	New	V. 21, p. 1900
45-700-2	New (T)	V. 21, p. 1328
45-700-2	New	V. 21, p. 1900
45-800-1	New	V. 21, p. 1900
45-900-1	New	V. 21, p. 1901
45-1000-1	New	V. 21, p. 1901
45-1000-2	New	V. 21, p. 1901
45-1000-3	New	V. 21, p. 1901

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

Reg. No.	Action	Register
51-2-6	New	V. 21, p. 864
51-3-1	through	
51-3-4	Amended	V. 21, p. 864-865
51-9-12	through	
51-9-14	Revoked	V. 21, p. 865
51-9-15	New	V. 21, p. 1224
51-9-16	New	V. 21, p. 1271
51-10-6	Revoked	V. 21, p. 865
51-17-1	Revoked	V. 21, p. 865
51-24-1	Amended	V. 21, p. 865
51-24-3	Amended	V. 21, p. 865
51-24-4	Amended	V. 21, p. 866

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-104	Amended	V. 22, p. 42
60-2-101	through	
60-2-106	Amended	V. 22, p. 43-47
60-2-108	Amended	V. 22, p. 47
60-3-106	Amended	V. 21, p. 840
60-3-110	Amended	V. 21, p. 1764
60-3-112	Amended	V. 21, p. 1764
60-4-103	Amended	V. 21, p. 841
60-9-105	Amended	V. 21, p. 1765
60-9-107	Amended	V. 21, p. 1765
60-11-116	Amended	V. 21, p. 316
60-11-121	Amended	V. 21, p. 1767
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
60-16-101	Amended	V. 21, p. 841
60-16-102	Amended	V. 22, p. 47
60-16-103	Amended	V. 21, p. 842
60-16-104	Amended	V. 21, p. 842

74-5-401	Amended	V. 21, p. 1869
74-5-406	Amended	V. 21, p. 1869
74-7-4	New	V. 21, p. 1870
74-11-6	Amended	V. 21, p. 1870
74-11-7	Amended	V. 21, p. 1870

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-220a	New	V. 22, p. 39
82-3-105	Amended (T)	V. 21, p. 1175
82-3-105	Amended	V. 21, p. 1750
82-3-113	Amended (T)	V. 21, p. 1175
82-3-113	Amended	V. 21, p. 1750
82-3-114	Amended (T)	V. 21, p. 1176
82-3-114	Amended	V. 21, p. 1751
82-3-117	Amended (T)	V. 21, p. 1176
82-3-117	Amended	V. 21, p. 1751
82-3-120	Amended (T)	V. 21, p. 1176
82-3-120	Amended	V. 21, p. 1751
82-3-311	Amended (T)	V. 21, p. 1178
82-3-311	Amended	V. 21, p. 1753
82-3-312	Amended	V. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384
82-3-402	through	
82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390
82-3-1000	through	
82-3-1012	New (T)	V. 21, p. 1178-1188
82-3-1000	through	
82-3-1012	New	V. 21, p. 1753-1763
82-4-2	Amended	V. 22, p. 86
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-22	Amended (T)	V. 21, p. 1329
82-4-22	Amended	V. 21, p. 1702
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91
82-4-49b	through	
82-4-49e	Revoked	V. 22, p. 91
82-7-2	through	
82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084
82-13-1	New	V. 22, p. 40
82-13-2	New	V. 22, p. 40

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-19	New	V. 21, p. 1814
86-3-15	Amended	V. 21, p. 1814

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-5-1	through	
88-5-4	Revoked	V. 21, p. 1705
88-6-1	Revoked	V. 21, p. 1705
88-6-2	Revoked	V. 21, p. 1705

(continued)

88-6-3	Revoked	V. 21, p. 1705
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1a	Revoked	V. 21, p. 1166
88-16-1b	New (T)	V. 21, p. 501
88-16-1b	New	V. 21, p. 1166
88-24-1	New	V. 21, p. 1705
88-24-2	New	V. 21, p. 1705

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-146a through 91-1-146e	Revoked	V. 21, p. 178
91-1-200 through 91-1-204	Amended	V. 21, p. 1445-1453
91-1-205	Amended	V. 21, p. 1583
91-1-206	Amended	V. 21, p. 178
91-1-207	Amended	V. 21, p. 1453
91-1-212 through 91-1-214	New	V. 21, p. 1453-1456
91-1-215 through 91-1-219	New	V. 21, p. 178-180
91-10-1a*	Revoked	V. 21, p. 1705
91-10-2*	Revoked	V. 21, p. 1705
(*By Board of Regents)		
91-31-16 through 91-31-30	Revoked	V. 22, p. 124
91-31-31 through 91-31-42	New	V. 22, p. 124-128
91-32-1 through 91-32-9	Revoked	V. 21, p. 1867
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5 through 92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-11-1 through 92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1 through 92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4 through 92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-8	Amended	V. 21, p. 335
92-17-1 through 92-17-6	Amended	V. 21, p. 313, 314

92-18-1 through 92-18-7	Revoked	V. 21, p. 1307
92-18-7	Revoked	V. 21, p. 1311
92-19-2	New	V. 21, p. 1311
92-19-2a	New	V. 21, p. 1997
92-19-5	Revoked	V. 21, p. 1997
92-19-5a	New	V. 21, p. 1312
92-19-6	Revoked	V. 21, p. 1312
92-19-6a	New	V. 21, p. 1998
92-19-22	Revoked	V. 21, p. 1998
92-19-22a	New	V. 21, p. 1999
92-19-22b	New	V. 21, p. 2000
92-19-23	Revoked	V. 21, p. 2000
92-19-23a	New	V. 21, p. 1312
92-19-35a	New	V. 21, p. 2000
92-19-50	Revoked	V. 21, p. 1313
92-19-55	Revoked	V. 21, p. 1313
92-19-55a	New	V. 21, p. 2000
92-19-57	Amended	V. 21, p. 1315
92-19-61	Revoked	V. 21, p. 1315
92-19-61a	New	V. 21, p. 2001
92-19-81	New	V. 21, p. 1316
92-19-82	New	V. 21, p. 1316

92-19-200 through 92-19-203	New	V. 22, p. 431
92-20-11	Revoked	V. 21, p. 1318
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450
92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180

92-23-17 through 92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182

92-24-9 through 92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-24	Amended	V. 21, p. 316
92-51-21	Amended	V. 21, p. 2092
92-51-23	Amended	V. 21, p. 2092
92-51-24	Amended	V. 21, p. 2092
92-51-27	Amended	V. 21, p. 2092
92-51-34	Revoked	V. 21, p. 2093
92-51-38	Amended	V. 21, p. 2093
92-51-39	Amended	V. 21, p. 2093
92-51-41	Amended	V. 21, p. 2093
92-51-53	Amended	V. 21, p. 2093
92-51-56	Amended	V. 21, p. 2093
92-51-57	Revoked	V. 21, p. 2094
92-51-58	Revoked	V. 21, p. 2094
92-51-60	Revoked	V. 21, p. 2094
92-51-61	Revoked	V. 21, p. 2094
92-52-2	Revoked	V. 21, p. 2094
92-52-3	Amended	V. 21, p. 2094
92-52-8	Revoked	V. 21, p. 2094
92-52-11	Revoked	V. 21, p. 2094

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708

94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 21, p. 1131
100-11-1	Amended	V. 21, p. 1864
100-22-4	New	V. 22, p. 690
100-27-1	Amended	V. 21, p. 307
100-28a-1	Amended	V. 21, p. 1864
100-29-7	Amended	V. 21, p. 1864
100-49-1	Amended	V. 21, p. 2137
100-49-4	Amended (T)	V. 21, p. 1131
100-49-4	Amended	V. 21, p. 1864
100-49-6 through 100-49-9	New	V. 21, p. 2137
100-54-4	Amended	V. 21, p. 2138
100-55-4	Amended	V. 21, p. 2138
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-69-3	Amended	V. 21, p. 1864
100-69-9	Amended	V. 21, p. 1865
100-69-10	Amended	V. 21, p. 1865
100-69-11	Amended	V. 21, p. 1866
100-72-1 through 100-72-7	New (T)	V. 22, p. 79-81
100-72-1 through 100-72-6	New	V. 22, p. 691, 692
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-2-12	Amended	V. 22, p. 1084
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-4a	Revoked	V. 21, p. 1134
102-3-6a	Amended	V. 22, p. 1085
102-3-7a	Amended	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1137
102-3-17	New	V. 22, p. 1087
102-5-3	Amended	V. 22, p. 1087
102-5-7a	Amended	V. 22, p. 1088

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055
108-1-4	Amended	V. 22, p. 360

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-1	Amended	V. 21, p. 1368
109-6-3	Amended	V. 21, p. 1369

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000, Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-1	Amended	V. 22, p. 585
111-2-4	Amended	V. 20, p. 1094
111-2-119 through 111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 21, p. 590
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901

111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-2-140	New	V. 21, p. 1521
111-2-141	New	V. 21, p. 1852
111-2-142	New	V. 21, p. 1852
111-2-143	New	V. 22, p. 585
111-2-144	New	V. 22, p. 804
111-2-144a	New	V. 22, p. 586
111-2-145	New	V. 22, p. 804
111-2-146	New	V. 22, p. 804
111-2-147	New	V. 22, p. 804
111-2-148	New	V. 22, p. 981
111-3-12	Amended	V. 20, p. 40
111-3-27	Amended	V. 22, p. 660
111-3-35	Amended	V. 20, p. 1189
111-4-1448	Amended	V. 21, p. 1521
111-4-1795	through	
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814	through	
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825	through	
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840	through	
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845	through	
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
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111-4-1870	New	V. 20, p. 1395-1405
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111-4-1885	New	V. 20, p. 1902-1906
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111-4-1889	New	V. 21, p. 183-185
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111-4-1893	New	V. 21, p. 591-593
111-4-1894	through	
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111-4-1901	through	
111-4-1921	New	V. 21, p. 692-702
111-4-1910	Amended	V. 21, p. 747
111-4-1911	Amended	V. 21, p. 747
111-4-1913	Amended	V. 21, p. 748
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111-5-104	New	V. 22, p. 857
111-5-105	Amended	V. 22, p. 1054
111-6-5	Amended	V. 21, p. 1531
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111-7-127	Amended	V. 21, p. 594-597
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111-9-115	New	V. 21, p. 702
111-9-116	New	V. 21, p. 703
111-9-117	New	V. 21, p. 1533
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112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
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115-2-2	Amended	V. 21, p. 1558
115-2-3	Amended	V. 21, p. 1558
115-2-6	Amended	V. 21, p. 451
115-4-4	Amended	V. 21, p. 452
115-4-6	Amended	V. 22, p. 434
115-4-11	Amended	V. 22, p. 436
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115-7-1	Amended	V. 21, p. 1558
115-7-2	Amended	V. 21, p. 1559
115-7-7	New	V. 21, p. 1559
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115-13-3	Amended	V. 21, p. 1560
115-13-4	Amended	V. 21, p. 1560
115-16-5	New	V. 21, p. 1138
115-16-6	New	V. 21, p. 1139
115-17-6	through	
115-17-9	Amended	V. 22, p. 437-439
115-17-11	Amended	V. 21, p. 1561
115-17-12	Amended	V. 21, p. 1562
115-17-13	Amended	V. 21, p. 1562
115-17-14	Amended	V. 21, p. 1890
115-18-7	Amended	V. 21, p. 453
115-18-10	Amended	V. 22, p. 439
115-18-13	Amended	V. 21, p. 1562
115-18-14	Amended	V. 21, p. 1563
115-20-2	Amended	V. 21, p. 1891
115-30-8	Amended	V. 21, p. 1891

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
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117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 22, p. 689

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-1	through	
118-5-10	New	V. 21, p. 1205-1208

AGENCY 126: UNMARKED BURIAL SITES PRESERVATION BOARD

Reg. No.	Action	Register
126-1-1	New	V. 21, p. 1792
126-1-2	New	V. 21, p. 1792

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