



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas
Kansas Sentencing Commission

Notice of Committee Meeting

The Kansas Sentencing Commission's Level of Service Inventory-Revised (LSI-R) Committee will meet from 9:30 a.m. to noon Thursday, June 26, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Brenda Harmon at (785) 296-0923.

Helen Pedigo
Executive Director

Doc. No. 035875

State of Kansas
Criminal Code Recodification Commission

Notice of Meetings

The Kansas Criminal Code Recodification Commission will meet according to the following schedule at the State Capitol, 300 S.W. 10th Ave., Topeka:

Commission: June 25 9:30 a.m. Room 519-S
Subcommittee: June 24 9:30 a.m. Room 519-S

For more information, contact Brett Watson at (785) 840-6150.

Thomas Stacy
Chairman

Doc. No. 035886

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 23-July 4. 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
June 24	519-S	9:30 a.m.	Kansas Criminal Code Recodification Commission Subcommittee	Agenda not available.
June 25	519-S	9:30 a.m.	Kansas Criminal Code Recodification Commission	Agenda not available.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 035888

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Workforce Alliance of South Central Kansas

Public Notice

The Workforce Alliance of South Central Kansas is seeking comments on its plan to modify the two-year plan for Workforce Investment Act activities in Local Area IV. The proposed plan modification changes the WIA Program Operator in Local Area IV from a contracted provider to the Workforce Alliance of South Central Kansas. The proposed change may be viewed at www.workforce-ks.com or is available at 150 N. Main, Suite 200, Wichita, 67202. Comments are due by 5 p.m. July 9.

Chad Pettera
Chief Fiscal Officer

Doc. No. 035884

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 6-16-08 through 6-22-08

Term	Rate
1-89 days	2.00%
3 months	2.02%
6 months	2.28%
1 year	2.70%
18 months	2.85%
2 years	3.00%

Daniel J. Nackley
Director of Investments

Doc. No. 035874

State of Kansas

**Department of Agriculture
Division of Water Resources**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, August 20, in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of a proposed regulation correcting the procedure for dam breach analysis, and proposed regulations for placing unconsolidated material storage stockpiles and safety berms in a floodplain.

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 the chief engineer, c/o Legal Section, Department of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at lgarner@kda.state.ks.us. Comments also may be made through the department's Web site at <http://www.ksda.gov>, under the proposed regulation.

All interested parties will be given a reasonable opportunity to present their views orally or in writing 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 that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

Dam Breach Analysis

K.A.R. 5-40-24 — The purpose of the proposed revision is to correct an error in wording that was included when the regulation was adopted May 17, 2007. The regulation was supposed to have required the interval between cross sections to be *less than* half a mile.

Economic Summary: There is no anticipated economic impact on governmental agencies, private entities, cities, counties or school districts.

Unconsolidated Material Storage Stockpiles and Safety Berms in Floodplain

K.A.R. 5-45-1 and K.A.R. 5-45-4 are existing regulations being amended to accommodate the proposed new regulations, to define previously undefined terms, and to update a definition common to K.A.R. 5-45-1 and K.A.R. 5-40-1 (adopted for K.S.A. 82a-301 through 305a) for consistency.

K.A.R. 5-45-19 through K.A.R. 5-45-23—The proposed regulations pertain to placing unconsolidated material storage stockpiles in floodplains and constructing safety berms in floodplains. The regulations are intended to ease the regulatory burden on the industry while generally protecting public safety.

Economic Summary: The anticipated economic impact on the Kansas Department of Agriculture is a one-time estimated cost of \$2,000 in staff time to create new application forms and checklists. The anticipated economic impact on governmental agencies, private businesses, individuals, cities, counties and school districts is reduction in expenses as applicants. There is an estimated average cost savings of \$1,800 per application.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the address above, by calling (785) 296-4623, or by accessing the department's Web site at <http://www.ksda.gov>.

David W. Barfield
Chief Engineer
Division of Water Resources

Doc. No. 035876

State of Kansas

State Conservation Commission

Notice of Hearings on Proposed
Administrative Regulations

The Kansas State Conservation Commission will conduct two public hearings for the purpose of receiving comments regarding proposed revisions to the administrative regulations implementing the Water Right Transition Assistance Pilot Project Program. The hearings will be held at 9 a.m. Tuesday, August 19, at the State Conservation Commission, 109 S.W. 9th, Suite 500, Topeka, and at 7 p.m. Tuesday, August 19, at the Hays Public Library, 1205 Main St., Hays.

Any individual with a disability may request accommodation in order to participate in the public hearings and may request the proposed regulations and economic impact statements be provided in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearings by contacting Cathy Greene, senior administrative assistant of the Kansas State Conservation Commission, at (785) 296-3600. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations. Prior to the hearings, all interested parties may submit written comments to the chairman of the State Conservation Commission, 109 S.W. 9th, Suite 500, Topeka, 66612-1215, if submitted by mail, or to cathy.greene@scc.ks.gov if submitted electronically. All interested parties attending the hearings will be given a reasonable opportunity to orally express their views in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The proposed regulations that will be heard are as follows:

**Article 12. — WATER RIGHT TRANSITION
ASSISTANCE PILOT PROJECT PROGRAM**

K.A.R. 11-12-1 through K.A.R. 11-12-4, and K.A.R. 11-12-6. These permanent regulations implement the State Conservation Commission's Water Right Transition Assistance Pilot Project Program (WTAP). The purpose of the program is to decrease historic consumptive water use in targeted areas designated to be in critical need of aquifer restoration or stream recovery. WTAP is a voluntary, incentive-based water management program designed to allow the state of Kansas to contract with private landowners for the permanent dismissal and permanent reduction of water rights via a competitive bid process. Applicants who are approved to participate in the program are compensated according to a maximum fixed rate per acre-foot of historic consumptive water use (HCWU) actually retired. This rate is reviewed and established annually by the State Conservation Commission with input provided by the chief engineer of the Kan-

sas Department of Agriculture, Division of Water Resources, and the groundwater management districts. These permanent regulations propose revisions to the established definitions, eligible areas, application and review procedures, payment procedures, and standards for the dismissal and permanent reduction of water rights as administered in WTAP.

Economic Impact Summary:

By statute, the annual program budget is not to exceed \$1.5 million annually and the program is limited to five years. There is no anticipated economic impact to the agency of implementing the proposed revisions to the permanent regulations. The current program operating expenses are approximately \$100,000 per year in personnel and administration expenses.

The proposed revisions to the permanent regulations will primarily refine the working operation of the program and enhance public participation in the following ways:

1. Providing two sign-up periods — fall and spring.
2. Implementing a fixed price-point strategy based directly on HCWU.
3. Incorporating additional resolution to "partial water" right enrollments.
4. Providing more definition to the procedure of adding target areas.
5. Clarifying interagency roles and responsibilities.

The proposed revisions to the permanent regulations are not anticipated to have any appreciable negative economic impacts to other agencies or departments. Because the proposed revisions to the permanent regulations significantly simplify the method of compensating owners for the retirement or permanent reduction of water rights, the workload of local county appraiser's offices within the approved target areas can be expected to decrease with regard to special inquiries about appraised land values associated with water rights.

The proposed revisions to the permanent regulations are not anticipated to have any appreciable negative economic impacts to the public. The permanent regulations seek to establish a long-term stability of local economies by stabilizing water resources that are currently in distress. These water resources and all water rights associated with them, including industries, municipalities and other public water supplies, will require administration and curtailment of water rights in periods of shortages if the program is not implemented. The voluntary dismissal of water rights by private landowners (via participation in the program) will only be undertaken if evaluated to be economically beneficial to the participating individual. It is expected that economic benefits realized at the individual level and the long-term, regional water conservation benefits resulting from implementation of the program also will be diffused and accumulated in the long-term, local economies. The proposed revisions to the permanent regulations do not alter these objectives or outcomes. After gaining one year of working program administration experience and public response, however, the revisions are proposed for the purpose of enhancing public participation in the program to the budgetary level

of \$1.5 million annually as originally provided by the Legislature.

Copies of the complete text of the proposed regulations and the economic impact statements may be obtained by writing the chairman of the commission at the address above, by calling (785) 296-3600, or by filing an electronic contact on the agency's Web site at <http://scc.ks.gov> under "Contact Us."

Rodney Vorhees
Chairman

Doc. No. 035879

**State of Kansas
Kansas State University—Salina**

Notice to Bidders

Kansas State University at Salina is selling by sealed bid miscellaneous aircraft parts to include C-150 and Sundowner parts. For details, bid sheet, bid deadline and contact information see K-State at Salina's Web site, <http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html>.

Rhonda Riffel
Fiscal Affairs

Doc. No. 035675

(Published in the Kansas Register June 19, 2008.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, July 18, for the following project:

**KDOT Project No. 87N-0378-01/472-84655/
208440/778596
(OCA Code 706794/636206)
Paving**

Central & Tyler Intersection Improvements

Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Murphy at (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 035883

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at 4 p.m. July 22 at Purple Wave Realty, 825 Levee Drive, Manhattan, the following tract of land:

Tract 9633-8 — A tract of land in the Southeast Quarter of Section 11, Township 8 South, Range 5 East of the 6th P.M. (4.39 acres in Riley County, approximately 1 mile east of Leonardville, Kansas)

A complete legal description is available upon request. The appraised value is \$8,780, and the minimum acceptable bid is \$6,000.

Note: This property meets the grandfathering requirements of Riley County and would not require platting and/or rezoning. Building a single-family residence would be permitted as long as the sanitary code and setbacks are met through proper building permit procedures in accordance with Riley County zoning regulations. Minimum setback distances for this property are 25 feet from the property lines along the roads and 10 feet along the northeast line of the old railroad right-of-way.

Terms of Sale:

Payment of \$2,500 is due at the time of the sale, along with a buyer's premium of 10 percent of the purchase price. The balance of the purchase price must be paid by 4 p.m. August 22, 2008. If the balance of the purchase price is not paid on or before 4 p.m. August 22, the down payment will be forfeited to the seller.

Sold Subject to the Following:

The tract will be sold subject to the easement for the right of ingress and egress, reconstruction and maintenance of all existing utilities and appurtenances thereto, as well as the following restrictive covenant: Grantees, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards, signboards or other outdoor advertising purposes.

The Kansas Department of Transportation makes no representations concerning the condition, value or suitability of use for this property or the improvements, attachments, fixtures, apparatuses and appliances thereof, if any. The property and said improvements, etc., will be sold in the present "as is" condition, without warranties or guarantees of any kind.

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.

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

For additional terms and information contact Dave Sommers at Purple Wave, Inc., (785) 313-2094.

Deb Miller
Secretary of Transportation

Doc. No. 035896

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, July 3, in the conference room in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue approximately \$6 million principal amount of Educational Facilities Revenue Bonds. The bonds will be issued, pursuant to K.S.A. 74-8901 et seq. and other statutory authority, to provide funds to pay the costs of construction and equipping a child care facility and related appurtenances to be located on the Kansas State University main campus at a location just north of the east end of Jardine Drive and west of N. Manhattan Ave., Manhattan, Kansas, 66506 (the project). The project is being financed on behalf of the Kansas Board of Regents and Kansas State University (jointly, the borrower).

The bonds, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bonds will be payable solely from revenues pledged by the borrower in amounts sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Steven R. Weatherford
President

Doc. No. 035897

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) 296-2376:

- 06/30/2008 11447 Food, Frozen
06/30/2008 11467 Event Planning, Kansas Certified Gambling Counselor Training Consulting Services — Security Analysis, Training and Documentation
07/10/2008 11440 Online Application and Presumptive Eligibility Module with Related Hosting Services
08/14/2008 11443

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

http://www.da.ks.gov/purch/

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

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained at by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

- 07/09/2008 A-010788 Reroof Project — Seaton Court, Kansas State University, Manhattan
07/15/2008 A-010705 Stem System Decentralization, Norton Correctional Facility, Norton
07/15/2008 A-010814 National Institute for Aviation Research (NIAR) Laboratory Humidity Control Upgrades, Wichita State University

Chris Howe
Director of Purchases

Doc. No. 035895

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-08-216/226
Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Includes details for Herbert Busenitz, 14488 N.W. 60th St., Whitewater, KS 67154.

This is a new permit for an existing facility for 1,060 head (424 animal units) of swine weighing more than 55 pounds, 300 head (30 animal units) of swine weighing less than 55 pounds and 800 head (400 animal units) of beef cattle weighing less than 700 pounds, for a total of 854 animal units. 4.3 acres of additional confinement pens will be constructed; three sedimentation basins and one wastewater retention structure are proposed at this facility.

Name and Address of Applicant	Legal Description	Receiving Water
Peterson Feedlot Robert & Dennis Peterson 20505 Hunting Road Wamego, KS 66547	NW/4 of Section 06, T09S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-C004 Federal Permit No. KS0093751

This is a reissuance of a permit for an existing facility for 4,000 head (4,000 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Ron McPherson 6032 County Road 4900 Cherryvale, KS 67363	SW/4 of Section 13, T31S, R16E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S017

This is a reissuance of a permit for an existing facility for 900 head (360 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Pike Trail Cattle Co., Inc. Dana R. Hauck 2395 N. 60th Road Delphos, KS 67436	NE/4 of Section 14, T09S, R05W, Ottawa County	Solomon River Basin

Kansas Permit No. A-SOOT-C002 Federal Permit No. KS0090069

This permit is being reissued for an existing facility with a maximum capacity of 1,900 head (950 animal units) of cattle 700 pounds or less and 4 head (8 animal units) of horses, for a total of 1,904 head (958 animal units) of cattle and horses. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Good Farms, Inc. Craig A. Good 17690 Oak Grove Road Olsburg, KS 66520	SE/4 of Section 08, T07S, R08E, Pottawatomie County	Big Blue River Basin

Kansas Permit No. A-BBPT-S005

This permit is being reissued for an existing facility for 575 head (230 animal units) of swine more than 55 pounds, 400 head (40 animal units) of swine 55 pounds or less and 75 head (75 animal units) of beef more than 700 pounds, for a total of 345 animal units. This permit contains a modification that includes an increase of 75 animal units of beef cattle that were not counted in the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ron Suther 11415 Davis Road Blaine, KS 66549	SE/4 of Section 31, T06S, R09E & NE/4 of Section 06, T07S, R09E, Pottawatomie County	Big Blue River Basin

Kansas Permit No. A-BBPT-S008

This permit is being reissued for an existing facility with a maximum capacity of 358 head (143.2 animal units) of swine more than 55 pounds and 1,480 head (148 animal units) of swine 55 pounds or less, for a total of 291.2 animal units. This represents a decrease in animal units from the previous permit due to a facility change in operations.

Name and Address of Applicant	Legal Description	Receiving Water
Melvin Heiman 423 132nd Road Baileyville, KS 66404	NW/4 of Section 10, T03S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-B003

This is a reissuance of a permit with a decrease in animal units for an existing facility for 100 head (100 animal units) of cattle weighing greater than 700 pounds and 80 head (40 animal units) of cattle weighing less than 700 pounds, for a total of 180 head (140 animal units) of cattle. The decrease in animal units is due to a change from a dairy operation to a beef cattle operation.

Name and Address of Applicant	Legal Description	Receiving Water
Hog Finisher Les Baumgartner 2003 232nd Road Sabetha, KS 66534	SW/4 of Section 18, T01S, R14E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S054

This is a reissuance of a permit for an existing facility for 300 head (120 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Jim Mitten Trucking Pot Wash Larry D. Dinkel 3660 U.S. 40 Oakley, KS 67748	SE/4 of Section 12, T11S, R32W, Logan County	Smoky Hill River Basin

Kansas Permit No. A-SHLG-T001

This is a reissuance of a permit for an existing private truck washing facility for washing three or more owned trucks.

Name and Address of Applicant	Legal Description	Receiving Water
Don Kramer 930 P Road Goff, KS 66428	SW/4 of Section 22, T04S, R13E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S022

This is a reissuance of a permit for an existing facility for 90 head (90 animal units) of cattle weighing greater than 700 pounds, 90 head (45 animal units) of cattle weighing less than 700 pounds and 592 head (236.8 animal units) of swine weighing greater than 55 pounds, for a total of 371.8 animal units of cattle and swine.

Name and Address of Applicant	Legal Description	Receiving Water
Mahoney Dairy Edward Mahoney 31815 Des Moines Road Council Grove, KS 66846	NE/4 of Section 13, T15S, R09E, Wabaunsee County	Neosho River Basin

Kansas Permit No. A-NEWB-B001

This is a reissuance of a permit with a decrease in animal units for an existing facility for 80 head (40 animal units) of cattle weighing less than 700 pounds. The decrease in animal units is due to a change from a dairy operation to a seasonal cattle operation.

Public Notice No. KS-Q-08-133/136

Name and Address of Applicant	Receiving Stream	Type of Discharge
Cargill, Inc. P.O. Box 1403 Hutchinson KS 67504-1403	Arkansas River via Cow Creek	Process Wastewater

Kansas Permit No. I-AR49-PO08 Federal Permit No. KS0119733

Legal Description: NW¼, S19, T23S, R5W, Reno County

Facility Name: Cargill Salt Company

Facility Location: 609 E. Ave. "G," Hutchinson, KS 67501

Facility Description: The proposed action is to reissue an existing permit for an existing facility discharging process wastewater. This facility produces salt products using the solution brine mining and vacuum evaporation process. Condenser cooling water, condensate from evaporator heat exchangers and stormwater runoff are discharged through 001 to Cow Creek. Cooling tower blowdown, water softener regenerate, dust collection water and evaporator washings are injected back into the brine field. Sanitary waste and boiler blowdown are directed to the city sanitary sewer system. The long-term average discharge flow to Cow Creek, excluding stormwater runoff, is about 4.0 million gallons per day. The proposed permit contains limits for chlorides, total suspended solids and pH, as well as monitoring of temperature and effluent flow. The permittee also is required to perform a chronic whole effluent toxicity test once in September 2008. Contained in the permit is a schedule of compliance requiring the

(continued)

permittee to evaluate various alternatives to achieve compliance with permit limits, and to complete any facility modifications by December 31, 2012. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Department of the Army Directorate of Installation Support 820 McClellan Ave. Bldg. 85 Fort Leavenworth, KS 66027-1360 Kansas Permit No. F-MO12-PO04	Missouri River via Quarry Creek	Treated Process and Domestic Wastewater
Facility Name: U.S. Army Combined Arms Center & Fort Leavenworth Facility Location: 1 Hastings Road, Fort Leavenworth, KS 66027-1360		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing lime sludge pond and a nondischarging domestic wastewater lagoon. The proposed permit includes limits for total suspended solids and pH and monitoring of effluent flow. Included in this permit is a schedule of compliance requiring permittee to confirm final closure of the lime sludge pond. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Marina Point Office Park, L.L.C. 1999 N. Amidon, Suite 375 Wichita, KS 67203 Kansas Permit No. I-AR94-CO63	Arkansas River via City Storm Sewer	Noncontact Cooling Water
Legal Description: NW¼, S7, T27S, R1E, Sedgwick County		

Facility Description: The proposed action is to reissue an existing permit for discharging noncontact cooling water. The proposed permit contains limits for total residual chlorine as well as monitoring the schedule of chlorine dosage, total recoverable copper and effluent flow. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Gary Servaes Enterprises 4756 - 254th Road Atchison, KS 66002 Kansas Permit No. I-MO04-PO02	Missouri River via North Branch of Independence Creek	Pit Dewatering & Stormwater Runoff
Legal: NW¼, S13, T4S, R19E, Doniphan County		

Facility Name: Denton Quarry
Facility Description: The proposed action is to issue a new permit for the discharge of wastewater during an existing quarry operation. This facility is a limestone quarry operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan (SWP2 Plan) within one year of the effective date of the permit. 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.

Project Name	Project City	Permit No.
Boehm Storage Field Project	Richfield	S-CI18-0003
Nora Lee Estates	Kansas City	S-KS27-0038
Wanamaker Crossing Subdivision	Topeka	S-KS72-0093
Aquarian Center Retail Lot 3, Greenwood Plaza Shopping Center	Topeka	S-KS72-0179
North Meadows Addition	Olathe	S-MO14-0088
KDOT 55 C-3978-01	Andover	S-WA01-0001
Riley Co. Proj. No. J.1-2.3	Winona	S-SH41-0001
River Hill Residential Subdivision	Manhattan	S-KS38-0026
Montana Hills	Topeka	S-KS72-0091
Fieldstone Office Park - Lot 6	Andover	S-WA01-0007
	Overland Park	S-KS55-0124

Persons wishing to comment on the draft documents 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 considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section 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 documents or application notices received on or before July 19 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-216/226, KS-Q-08-133/136) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035892

Notice of Intent to Terminate

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued permits:

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. Panhandle Eastern Pipe Line Company has applied for a Class I operating permit renewal 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.

Panhandle Eastern Pipe Line Company, Houston, Texas, owns and operates Haven station located at Section 6, T25S, R4W, Reno County, 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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Ralph E. Walden, (785) 296-1583, at the KDHE central office, and to review the proposed permit only, contact Dave 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 Ralph E. Walden, 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 before the close of business July 21.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 21 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035880

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. Oneok Field Services has applied for a Class I operating permit renewal 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.

Oneok Field Services, Tulsa, Oklahoma, owns and operates Haskell County #1 compressor station located at Section 19, T30S, R33W, Haskell County, 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 a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Al Guernsey, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, 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 before the close of business July 21.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 21 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

(continued)

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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035881

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. Cessna Aircraft Company - Pawnee Facility has applied for a Class I operating permit renewal 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.

Cessna Aircraft Company - Pawnee Facility, 5800 E. Pawnee, Wichita, owns and operates an aircraft manufacturing company located at 5800 E. Pawnee, Wichita.

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 a copy of the proposed permit can be reviewed at the Wichita Department of Environmental Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact James Stewart, (785) 296-1556, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8350, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to James Stewart, 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 before the close of business July 21.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 21 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035882

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. Oak Grove Landfill has applied for a Class I operating permit renewal 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.

Oak Grove Landfill, 2120 W. Bennett St., Springfield, Missouri, owns and operates the Waste Corporation of Kansas, Inc. solid waste landfill in Crawford County, Kansas, located at 1150 E. 700 Ave., Arcadia, 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 a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (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 Sergio Guerra, 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 before the close of business July 21.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 21 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035885

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. Murray Gill Energy Center (Westar) has applied for a Class I operating permit renewal 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 ap-

plicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Murray Gill Energy Center (Westar), 818 S. Kansas Ave., Topeka, owns and operates fossil fuel power generation: liquid and gaseous fuels located at 6100 W. 55th St. South, Wichita.

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 a copy of the proposed permit can be reviewed at the Wichita-Sedgwick County Department of Environmental Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Lynelle Stranghoner, (785) 296-1719, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8350, at the Wichita-Sedgwick County Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Lynelle Stranghoner, 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 before the close of business July 21.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 21 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035891

State of Kansas

University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 035873

State of Kansas

Social and Rehabilitation Services

Public Notice

The Secretary of Social and Rehabilitation Services administers the Psychiatric Residential Treatment Facility (PRTF) program pursuant to an interagency agreement with the Kansas Health Policy Authority. The Secretary of Social and Rehabilitation Services is publishing the proposed amended methodology for rate setting for PRTFs beginning in state fiscal year 2009. The estimated fiscal impact in state and federal expenditures for state fiscal year 2009 is expected to be minimal.

Proposed Amended Methodology for Calculating Medicaid Per Diem Rates for Psychiatric Residential Treatment Facilities.

- A. The PRTF Financial and Statistical Report is the uniform cost report that all PRTFs complete for the purpose of establishing Medicaid per diem rates. The cost report organizes commonly incurred business expenses into five reimbursable cost centers (administration; facility operating; property; room, board and support; and treatment). In addition there is a nonreimbursable/nonresident-related cost center that allows total operating expenses to be reconciled to the facility's accounting records.
- B. Completed uniform cost reports for the six months ending March 31, 2008, and submitted by June 30, 2008, for all PRTFs operating July 1, 2007, will be used to establish the PRTF Medicaid Per Diem Rates for the period of July 1, 2008 to December 31, 2008. This shorter cost reporting period was selected because of the short time PRTFs have been in operation. In the future, cost reports will be submitted September 30 for the 12 months ending June 30 and March 31 for the 12 months ending January 31. These cost reports will be used to set PRTF reimbursement rates for January 1 and July 1, respectively.

- C. The allowable historic costs for the cost centers are inflated and then divided by the total number of reported allowable resident days to arrive at a per diem per cost center. Inflation is based on the latest available quarterly publication of the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). Inflation is applied to the midpoint of each cost report period to the midpoint of the rate payment period.
- D. The median of all the facilities' inflated per diem for the administrative, facility operating, property and room, board and support cost centers will be established. An additional factor will be added to the median to ensure that the majority of PRTFs are reimbursed at cost for these cost centers. The resulting amount will establish limits for each cost center. The PRTF will be reimbursed their cost or the cost center limit, whichever is less.
- E. The facility's inflated treatment cost center per diem is added to allowed rate for all other cost centers resulting in the PRTF's total reimbursement rate.
- F. Treatment cost center cost reports for July through December are submitted each March. The desk reviewed costs for treatment are divided by the total number of reported allowable resident days to arrive at a per diem that is added to base rate as referenced in E above. This rate shall be effective for the following July through December.

This proposed amended reimbursement rate-setting method was discussed and explained to representatives of all of the existing PRTFs in Kansas May 19, 2008. SRS is proposing this change to the PRTF rate methodology because the initial approved methodology included the use of an acuity index adjustment process that was proving to be cumbersome in application and was not reliably measuring relevant acuity of treatment need.

A copy of the Kansas Medicaid State Plan "Methods and Standards for Establishing Payment Rates — Psychiatric Residential Treatment Facilities," the current reimbursement methodology approved by the Centers for Medicare and Medicaid Services, may be obtained by contacting John Shirley at John.Shirley@srs.ks.gov or is available at www.medicaidtraining.org, in the "Controlling Documents" section. Comments related to this proposed change in rate methodology and requests for public review of comments may be sent to John Shirley via e-mail or to his attention at SRS, Disability and Behavioral Health Services, Management Operations, 9th Floor West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035878

State of Kansas

Kansas Housing Resources Corporation**Notice of Hearings**

The state of Kansas will conduct public hearings on housing and community development issues to allow citizens to provide input into the 2009-2013 Kansas Consolidated Plan. The Consolidated Plan is the state's policy framework for federal community development and housing programs. The public hearings will focus on housing and community development needs throughout the state and strategies to address needs. Citizens are encouraged to review the Kansas Market and Development Strategy section of the 2004-2008 Kansas Consolidated Plan, which will be utilized as the basis for the new five-year plan. The 2004-2008 Kansas Consolidated Plan is available for download from the Kansas Housing Resources Corporation Web site at www.kshousingcorp.org.

Estimated resources available annually in the five-year plan include approximately \$17,000,000 from the Community Development Block Grant (CDBG), \$7,500,000 from the HOME Investment Partnerships (HOME), \$850,000 from the Emergency Shelter Grant (ESG), and \$325,000 from the Housing Opportunities for Persons with AIDS (HOPWA) programs.

Individuals with disabilities or limited English proficiency are encouraged to attend and participate in the public hearing. Persons needing a sign language interpreter, an assistive listening device, large print, Braille material or other accommodation to attend a hearing are asked to notify the KHRC at least one week prior to the hearing. Requests may be addressed to KHRC, 611 S. Kansas Ave., Suite 300, Topeka, 66603-3803, by calling (785) 296-5865, or via the Kansas Relay Center at (800) 766-3777.

The hearings are scheduled as follows:

July 7 — Manhattan

10 a.m. to noon
Hampton Inn, 501 E. Poyntz
Manhattan

July 8 — Colby

10 a.m. to noon
City Limits Convention Center
2227 S. Range (Comfort Inn)

July 9 — Garden City

10 a.m. to noon
AmericInn
3020 E. Kansas Ave.

July 10 — Hutchinson

10 a.m. to noon
Grand Prairie Hotel
1400 N. Lorraine

July 11 — Pittsburg

10 a.m. to noon
Memorial Auditorium
503 N. Pine

Gary Allsup
Executive Director

Doc. No. 035893

State of Kansas

Social and Rehabilitation Services**Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for proposals to solicit applications for Food Assistance (Food Stamp) Outreach Pilot Grants. The primary focus of the pilots is to connect potentially eligible consumers with monthly Food Assistance benefits accessed through the Vision Card. Eligible applicants are nonprofit helping agencies with innovative ideas to assist consumers with completing Food Assistance applications. SRS is seeking outreach plans with both rural and urban settings and activities that target and engage families, elderly or Hispanic populations. SRS also is seeking agencies that have strong community collaboration ties and serve the target populations.

Nonprofit agencies interested in receiving and downloading the request for proposals application and information can access www.srskansas.org. Applications for the Food Assistance Outreach Pilot Grants can only be submitted electronically to Susan Craig at susan.craig@srs.ks.gov. Complete proposal applications must be received not later than 5 p.m. Friday, August 1. For more information, contact Susan Craig at the e-mail address above or at (785) 296-3374.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035887

State of Kansas

**Kansas Health Policy Authority
Department on Aging****Notice of Final Nursing Facility Medicaid Rate for Ventilator-Dependent Residents; Methodology for Calculating Final Rate, 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 program, which includes hospital long-term care units. The secretary acts on behalf of the Kansas Health Policy Authority (KHPA), the single state Medicaid agency. 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 on Aging (KDOA) is publishing the final Medicaid rate for ventilator-dependent residents, the methodology underlying the establishment of the final rate, and the justifications for the final rate. The KDOA and KHPA also are providing notice of the state's intent to submit an amendment to the Medicaid State Plan to the U.S. Department of Health and Human Services' Cen-

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ters for Medicare and Medicaid Services (CMS) on or before September 30, 2008.

I. Methodology Used to Calculate Medicaid Per Diem Rate for Ventilator-Dependent Residents.

The following are the policies and procedures for determining a rate for a ventilator-dependent resident in a nursing facility.

- (1) The request for additional reimbursement for a ventilator-dependent resident shall be submitted to the Kansas Department on Aging (KDOA) in writing for prior approval. Each request shall include the most current Minimum Data Set (MDS) resident assessment.
- (2) All of the following criteria shall be present in order for a resident to be considered ventilator dependent:
 - (A) The resident shall not be able to breathe without a volume ventilator with a backup.
 - (B) The resident shall use the ventilator 24 hours a day, seven days a week.
 - (C) The resident shall have a tracheostomy or endotracheal tube.
- (3) The provider shall be reimbursed the Kansas Medical Assistance Program daily rate determined for the nursing facility plus an additional per diem amount approved by KDOA for the ventilator-dependent resident. The sum of the nursing facility per diem rate and the additional per diem for the ventilator dependent resident shall equal \$485, which includes the cost of durable medical equipment (DME) and oxygen.

The per diem cost of providing services to the ventilator dependent residents shall be reviewed at least every two years to determine the adequacy of the \$485 flat rate. Both the direct and indirect costs of providing care shall be included in the review.
- (4) No additional amount above the current nursing facility daily rate shall be allowed until the service is prior authorized by KDOA.
- (5) The criteria shall be reviewed quarterly to determine if the resident continues to be ventilator-dependent. If a resident is no longer ventilator-dependent, the provider shall not receive additional reimbursement beyond the Kansas Medical Assistance Program per diem rate determined for the facility.
- (6) The additional reimbursement for the ventilator-dependent resident shall be offset to the cost center of benefit on the Nursing Facility Financial and Statistical Report.

II. Final Medicaid Per Diem Rate for Ventilator-Dependent Residents in Kansas Nursing Facilities.

The overall per diem rate for a ventilator-dependent resident shall equal \$485.

III. Justifications for the Final Rate.

- 1. The higher rate will assist in securing placements in nursing facilities that can meet the long-term care needs for ventilator-dependent residents.
- 2a. Estimated impact of the rate change due to the implementation of the per diem rate for ventilator dependent residents:

Estimated average rate July 1, 2008	\$136.30
Average payment rate July 1, 2007	\$129.00

Amount of change	\$7.30
Percent of change	5.66%

- 2b. The above estimated average rates are in the aggregate. The rate change is resident specific and will have a minor impact on the overall nursing facility rates.
- 3. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$126,000.
- 4. The state estimates that the proposed 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:
 - a. Service providers operating a total of 294 nursing facilities (representing 97% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 40 hospital-based long-term care units are also certified to participate in the Medicaid program;
 - b. 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;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 84.1%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 55.8%; and
 - e. The final rates would cover 96.84% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.
- 5. 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 proposed methodology would result in compliance with the federal regulation.

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

The state received one letter with comments to the Notice of Proposed Nursing Facility Medicaid Rate for Ventilator-Dependent Residents, Methodology for Calculating Proposed Rate, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan and Request for Comments published May 8, 2008 Kansas Register. The state thanks the commenters for their interest, efforts and comments. The state reviewed those comments before approving the final rate-setting methodology and the final rate published in this notice.

V. Notice of Intent to Amend the Medicaid State Plan.

The state intends to submit the proposed Medicaid State Plan amendment to CMS on or before September 30, 2008.

Kathy Greenlee
 Secretary of Aging
 Marcia J. Nielson, Ph.D., MPH
 KHPA Executive Director

Doc. No. 035890

State of Kansas

**Kansas Health Policy Authority
Social and Rehabilitation Services
Department on Aging**

**Notice of Final Nursing Facility Medicaid Rates
for State Fiscal Year 2009; Methodology for Calculating
Final Rates, and Rate Justifications; Response to
Written Comments; 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 which includes hospital long-term care units and the Secretary of Social and Rehabilitation Services administers the nursing facility for mental health program. Both secretaries act on behalf of the Kansas Health Policy Authority (KHPA). As required by 42 U.S.C. 1396a(a)(13)(A), 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 year 2009, the methodology underlying the establishment of the final nursing facility rates, and the justifications for those final rates. SRS, KDOA, and KHPA 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 September 30, 2008.

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 are maintained by KHPA:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
2. Attachment 4.19D, Part I, Subpart J; and
3. Attachment 4.19D, Part I, Subpart K.

The text of those portions of the Medicaid State Plan identified above in section I.A.1, 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 which the state currently intends to submit to CMS on or before September 30, 2008. The proposed Medicaid State Plan amendments which 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 (NF), nursing facilities for mental health (NFMH), 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 reimbursement formula is divided into twelve sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, 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 is the uniform cost report. It is included in Kansas Administrative Regulation 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 ongoing 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 oper-

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ators 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 cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2005, 2006, and 2007.

If the current provider has not submitted a calendar year report between 2005 and 2007, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider's base cost data.

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. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to the midpoint of the rate payment period. 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 (New Enrollment Status)

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.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to the midpoint of the rate payment period. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to the midpoint of the rate payment period. The provider shall remain in new enrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

Rates for Facilities Recognized as a Change of Provider (Change of Provider Status)

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2005 to 2007. If base cost 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 first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to the midpoint of the rate payment period. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to the midpoint of the rate payment period. The provider shall remain in change-of-provider status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

Rates for Facilities Re-entering the Program (Reenrollment Status)

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 base cost data filed with the agency or the most recent cost report filed preceding calendar year 2005.

All cost data used to set rates for facilities reentering the program shall be adjusted to the midpoint of the rate payment period. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to the midpoint of the rate payment period. The provider shall remain in reenrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

(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 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 cutoff 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.

Rate Effective Date:	Cutoff Date:
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 cutoff schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

(4) Resident Days

Facilities with 60 beds or less

For facilities with 60 beds or less, the allowable historic per diem costs for all cost centers are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data.

Facilities with more than 60 beds

For facilities with more than 60 beds, 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(s) used to establish the base cost data. 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. For these providers, the greater of the actual resident days for the cost report period(s) used to establish the base cost data or the 85% minimum occupancy based on the number of licensed bed days during the cost report period(s) used to establish the base cost data 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 for facilities with more than 60 beds. 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

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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 cost report(s) used to determine the base cost data from the midpoint of each cost report period to the midpoint of the rate payment period. The inflation will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index).

The DRI Indices 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

The inflation factor for the real and personal property fees will be based on the Data Resources, Inc., National Skilled Nursing Facility Total Market Basket Index (DRI Index). An additional 12 months of inflation will be applied to the real and personal property fees in effect June 1.

(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 calendar year 2007 historic cost reports in the database from all active nursing facility providers. The salary information in the array 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 with more than 60 beds. 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. The per diem limit for a 15-bed or less facility is inflated based on the State of Kansas annual cost of living allowance for classified employees for the rate period. 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.

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 a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

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 for facilities over 60 beds. 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 is adjusted from the midpoint of the cost report period to the midpoint of the rate payment period. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the DRI Index.

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.

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 the 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 decimal places, of the facility cost report period case mix indices for all Medicaid facilities.

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 inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the facility's cost report period CMI by the statewide average CMI for the cost report year, then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's

base direct health care costs by the total days provided during the base cost data period. 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 \$60 and the upper payment limit is based on 120% of the median, then the upper payment limit for the statewide average CMI would be \$72 ($D=120\% \times \60).

(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 Allowable Direct Health Care Per Diem Cost. This is the lesser of the facility's per diem cost from the base cost data period or the Direct Health Care upper payment limit. Because the direct health care costs were previously adjusted for the statewide average CMI, the Allowable Direct Health Care Per Diem Cost corresponds to the statewide average CMI.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The Medicaid CMI is divided by the statewide average CMI for the cost data period. This answer is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated quarterly to account for changes in the Medicaid CMI. To illustrate this calculation take the following situation: The Direct Health Care per diem limit is \$72.00 with a statewide average CMI of 1.000, and the facility's direct health care per diem costs are \$60.00, and its current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$60.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the answer by the Allowable Direct Health Care Cost. In this case that would result in \$54.00 ($0.9000/1.0000 \times \60.00). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next quarter rose to 1.1000, the Medicaid Acuity Adjustment would be \$66.00 ($1.1000/1.0000 \times \60.00). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

(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 al-

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lowable 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. The differentiation of fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor.

The property fees in effect on June 1, were inflated with 12 months of inflation effective July 1. The inflation factor was from the Data Resources, Inc.-WEFA, National Skilled Nursing Facility Total Market Basket Index (DRI Index). The providers received the lower of the inflated property fee or the upper payment limit.

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 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 K.A.R. 30-10-25. The rebased property fee is subject to the upper payment limit.

(9) Incentive Factors

An incentive factor will be awarded to both NF and NF-MH providers that meet certain outcome measures criteria. The criteria for NF and NF-MH providers will be determined separately based on arrays of outcome measures for each provider group.

Nursing Facility Quality and Efficiency Incentive Factor

The Nursing Facility Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to three dollars. It is designed to encourage quality care and efficiency. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate;

and occupancy rate. The most recent cost report data for each provider will be used to determine the outcome measures. Each provider is awarded points based on their outcome measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 4.42, which is 120% of the statewide NF median of 3.68. They will receive one point if the ratio is less than 120% of the NF median but greater than or equal to 4.05, which is 110% of the statewide NF median. Providers with staffing ratios below 110% of the NF median will receive no points for this incentive measure.

Providers may earn up to two points for their occupancy outcome measures. If they have total occupancy greater than or equal to 90% they will earn one point. If they have Medicaid occupancy greater than or equal to 60% they will also earn one point. Providers that meet both of these criteria will receive a total of two incentive points for occupancy outcomes and providers that fail to meet either criterion will receive zero points for occupancy.

Providers may earn one point for low operating expenses. Providers with per diem operating expenses below \$22.10, 90% of the statewide median per diem operating expense (\$24.55), will earn one point.

Providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 46%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover equal to or below 70%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 73%, the 75th percentile statewide will earn two points. Providers with staff retention rates at or above 64%, the 50th percentile statewide will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome:	Incentive Points:
(1) CMI adjusted staffing ratio \geq 120% (4.42) of state median (3.68), or CMI adjusted staffing ratio between 110% (4.05) and 120%	2, or 1
(2) Total occupancy \geq 90% Medicaid occupancy \geq 60%	1 1
(3) Operating expenses $<$ \$22.10, 90% of state median (\$24.55)	1
(4) Staff turnover rate \leq 75th percentile, 46% Staff turnover rate \leq 50th percentile, 70% Contracted labor $<$ 10% of total direct health care labor costs	2, or 1
(5) Staff retention \geq 75th percentile, 73% Staff retention \geq 50th percentile, 64%	2, or 1
Total Incentive Points Available	9

The Schedule E is an array containing the incentive points awarded to each provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider's incentive factor based on the following table.

Total Incentive Points:	Incentive Factor Per Diem:
Tier 1: 6-9 points	\$3.00
Tier 2: 5 points	\$2.00
Tier 3: 4 points	\$1.00
Tier 4: 0-3 points	\$0.00

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor

The Quality and Efficiency Incentive plan for Nursing Facilities for Mental Health (NFMH) will be established separately from NF. NFMH serve people who often do not need the NF level of care on a long term basis. There is a desire to provide incentive for NFMH to work cooperatively and in coordination with Community Mental Health Centers to facilitate the return of persons to the community.

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to two dollars. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. Each provider is awarded points based on their outcome measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.49, which is 120% of the statewide NFMH median of 2.91. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.20, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

NFMH providers may earn one point for low occupancy outcomes measures. If they have total occupancy less than or equal to 90% they will earn a point.

NFMH providers may earn one point for low operating expense outcomes measures. They will earn a point if their per diem operating expenses are below \$19.43, or 90% of the statewide median of \$21.59

NFMH providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 26%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover equal to or below 40%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 82%, the 75th percentile

statewide will earn two points. Providers with staff retention rates at or above 72%, the 50th percentile statewide will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome:	Incentive Points:
(1) CMI adjusted staffing ratio \geq 120% (3.49) of state median (2.91), or CMI adjusted staffing ratio between 110% (3.20) and 120%	2, or 1
(2) Total occupancy \leq 90%	1
(3) Operating expenses $<$ \$19.43, 90% of NFMH median (\$21.59)	1
(4) Staff turnover rate \leq 75th percentile, 26% Staff turnover rate \leq 50th percentile, 40% Contracted labor $<$ 10% of total direct health care labor costs	2, or 1
(5) Staff retention \geq 75th percentile, 82% Staff retention \geq 50th percentile, 72%	2, or 1
Total Incentive Points Available	8

The Schedule E is an array containing the incentive points awarded to each NFMH provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider's incentive factor based on the following table.

Total Incentive Points:	Incentive Factor Per Diem:
Tier 1: 6-8 points	\$3.00
Tier 2: 5 points	\$2.00
Tier 3: 4 points	\$1.00
Tier 4: 0-3 points	\$0.00

(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.

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

(continued)

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 J

To compensate providers for increased expenses incurred to raise employees' wages to the new minimum wage effective July 1, 2008 (\$6.55), a per diem pass-through will be determined and added on to each qualifying provider's per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the minimum wage pass-through.

(1) Qualifying Providers

In order to qualify for the minimum wage pass-through, a provider must submit a pass-through application on the forms provided by the Kansas Department on Aging. The application will document the hourly wages of all affected employees prior to the implementation of the new minimum wage. Wage increases made prior to June 1, 2008 will not be eligible for the minimum wage pass-through. Providers will also estimate and report the number of hours each affected employee is expected to work during state fiscal year 2009 (the twelve months beginning July 1, 2008 and ending June 30, 2009). Completed applications must be returned to the Kansas Department prior to September 30, 2008.

(2) Per Diem Pass-Through Calculation

The per diem pass-through will be determined by first estimating the total impact of increasing wages to the new minimum wage, and then dividing by resident days to get a per diem add-on. The total impact of increasing wages to the new minimum wage will be determined for each provider through three steps. First, the incremental wage increase to the new minimum wage will be calculated for each affected employee. Second, the individual impact for each affected employee will be determined by multiplying the incremental wage increase by the estimated hours each affected employee is expected to work during fiscal year 2009. Finally, the total impact of the minimum wage increase for each provider will be the sum of the individual impacts determined for each employee. A per diem pass-through add-on will then be calculated by dividing each provider's estimated total impact by the provider's 2007 resident day total.

As an example, consider an employer that has ten employees receiving a wage of \$6.05 prior to July 1, 2008. If the employer raises their wages effective July 1, 2008, the incremental wage increase due to the new minimum wage will be \$0.50. If each employee is expected to work 2,000 hours during fiscal year 2009, the total impact per employee will be \$1,000 ($\$0.50 \times 2,000$ hrs). The total estimated impact for the provider will be \$10,000 ($\$1,000 \times 10$). If the employer provided 10,000 resident days during 2007, the pass-through per diem will be $\$10,000/10,000$ days, or \$1.00.

(3) Per Diem Limits

No per diem add-on will be implemented that is not equal to or greater than \$0.10.

(4) Effective Dates

Pass-through applications received prior to June 30, 2008 will be effective July 1, 2008. After that date, each provider's per diem pass-through will be effective on the first day of the month following the receipt of a completed application. No pass-through per diems will be implemented after October 1, 2008.

(5) Phasing Out the Pass-Through

The per diem pass-through will be phased out as the effects of the minimum wage increase are reflected in the cost reports. Since it will take several years before all the base cost data reflects the new minimum wage, the pass-through per diems determined for fiscal year 2009 will be inflated for each subsequent fiscal year. Inflation will be determined using the Data Resources, Inc. National Skilled Nursing Facility Market Basket Without Capital Index.

The pass-through per diems will also be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new minimum wage costs. For example, a provider that incurs a new expense for raising wages to the minimum wage on July 1, 2008, will have six months of that new cost reflected in their 2008 cost report. When rates are determined for state fiscal year 2010, beginning July 1, 2009, the base cost period will be the 36-month period beginning January 1, 2006 and ending December 31, 2008. Only six months of the 36-month base cost data will reflect the increased cost of raising the minimum wage. Thus 5/6 or 83% of the cost data used to set the fiscal year 2010 rates will not reflect the minimum wage increase. Therefore the inflated minimum wage pass-through from fiscal year 2009 will be paid at 83% for fiscal year 2010.

During the phasing out of the minimum wage pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation.

(6) Auditing and Adjustments

Each qualifying providers' application and supporting documentation for the minimum wage pass-through will be subject to desk review and field audit and may be revised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through will be implemented. Retroactive rate adjustments will be made when necessary.

A.3 Attachment 4.19D, Part I, Subpart K

To compensate providers for increased expenses incurred due to the transfer of responsibility for all durable medical equipment to the nursing home program, a per diem pass-through will be determined and added on to each provider's per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the DME pass-through.

(1) Qualifying Providers

All providers with costs reported on line 507 of the Medicaid cost report will be eligible to receive the DME pass-through.

(2) Per Diem Pass-Through Calculation

The per diem pass-through will be determined by dividing the inflated unadjusted costs reported on line 507 for the base cost data period effective July 1, 2008, by the non-Medicaid days reported for the same period. Non-Medicaid resident days will be determined by subtracting Medicaid resident days from total resident days.

As an example, consider a provider that reported \$1,000 on line 507 for each year in the base cost data period from 2005 through 2007. The cost will first be inflated for each year based on the DRI factors applied to cost data used to determine the base reimbursement rates. For 2005 the inflated cost would be \$1,134, for 2006 the inflated costs would be \$1,089, and for 2007 the inflated costs would be \$1,055. The total inflated costs would be \$3,278. If the provider reported 30,000 resident days during the base cost data period and 20,000 Medicaid days, the non-Medicaid resident day total would be 10,000 (30,000 — 20,000). The DME pass-through per diem would then be \$0.33 (\$3,278 / 10,000 rounded to the nearest hundredth).

(3) Per Diem Limits

No per diem add-on will be implemented that is not equal to or greater than \$0.10.

(4) Effective Dates

The durable medical equipment pass-through will be effective July 1, 2008.

(5) Phasing Out the Pass-Through

The per diem pass-through will be phased out as the effects of transferring responsibility for all DME to the nursing home program are reflected in the cost reports. Since it will take several years before all the base cost data reflects the new DME expenses, the pass-through per diems determined for fiscal year 2009 will be inflated for each subsequent fiscal year. Inflation will be determined using the Data Resources, Inc. National Skilled Nursing Facility Market Basket Without Capital Index.

The pass-through per diems will also be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new DME expenses. For example, most providers will begin incurring the additional DME expenses on July 1, 2008. Their 2008 cost reports will reflect six months of that expense. When rates are determined for state fiscal year 2010, beginning July 1, 2009, the base cost period will be the 36-month period beginning January 1, 2006 and ending December 31, 2008. Only six months of

the 36-month base cost data will reflect the increased cost of DME. Thus 5/6 or 83% of the cost data used to set the fiscal year 2010 rates will not reflect the new DME expense. Therefore the inflated DME pass-through from fiscal year 2009 will be paid at 83% for fiscal year 2010.

During the phasing out of the minimum wage pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation.

(6) Auditing and Adjustments

Each qualifying providers' cost report and supporting documentation used to determine the DME pass-through will be subject to desk review and field audit and may be revised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through will be implemented. Retroactive rate adjustments will be made when necessary.

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 July 1, 2008.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$28.82
Indirect Health Care	115% of the Median Cost	\$41.64
Direct Health Care	120% of the Median Cost	\$82.18
Real and Personal Property Fee	105% of the Median Fee	\$8.62

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 0.9763, 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, 2008, using the July 1, 2008 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. The following list includes the calculated Medicaid rate for each nursing facility provider currently enrolled in the Medicaid program and the Medicaid case mix index used to determine each rate.

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	139.68	0.9720
Alma Manor	Alma	143.89	0.9153
Life Care Center of Andover	Andover	145.79	1.1749
Anthony Community Care Center	Anthony	129.62	1.0224
Medicalodges Arkansas City	Arkansas City	155.57	0.9139
Medicalodge North of Arkansas City	Arkansas City	140.80	0.9737
Arkansas City Presbyterian Manor	Arkansas City	151.87	1.0416
Deseret Nursing & Rehab. at Arma, Inc.	Arma	109.73	0.8809
Ashland Health Center - LTCU	Ashland	151.90	0.9425
Medicalodges Atchison	Atchison	147.13	1.0483
Atchison Senior Village	Atchison	144.72	0.9362
Dooley Center	Atchison	138.05	0.6650
Attica Long Term Care	Attica	150.70	0.9990
Good Samaritan Society-Atwood	Atwood	138.67	0.9206
Lake Point Nursing Center	Augusta	115.26	0.9063
Baldwin Care Center	Baldwin City	136.58	1.1541
Quaker Hill Manor	Baxter Springs	124.77	1.1874

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Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Catholic Care Center Inc.	Belaire	156.89	1.0095	Meadowbrook Rehab Hosp., LTCU	Gardner	182.81	1.2315
Great Plains of Republic County, Inc.	Belleville	155.77	0.9388	Medicalodges Gardner	Gardner	143.83	0.9315
Belleville Health Care Center	Belleville	112.22	0.9548	Anderson County Hospital	Garnett	146.46	0.8272
Great Plains of Mitchell County, Inc.	Beloit	158.73	0.9780	Golden Heights Living Center	Garnett	138.81	0.9991
Hilltop Lodge Nursing Home	Beloit	138.96	1.0138	The Heritage	Girard	114.00	1.1594
Bonner Springs Nurs. and Rehab. Ctr	Bonner Springs	128.19	0.9784	The Nicol Home, Inc.	Glasco	131.32	0.9386
Hill Top House	Bucklin	148.95	1.0500	Medicalodges Goddard	Goddard	158.82	0.9752
Buhler Sunshine Home, Inc.	Buhler	155.33	1.0117	Bethesda Home	Goessel	158.53	0.9488
Life Care Center of Burlington	Burlington	129.23	1.0429	Good Sam. Society-Sherman County	Goodland	143.18	1.0065
Caney Nursing Center	Caney	82.99	0.8038	Cherry Village Benevolence	Great Bend	123.57	1.0789
Eastridge Nursing Home	Centralia	142.23	0.9106	Great Bend Health & Rehab Center	Great Bend	135.66	1.0002
Heritage Health Care Center	Chanute	121.87	1.0848	Halstead Health and Rehab Center	Halstead	130.02	0.9574
Chanute Health Care Center	Chanute	127.73	0.9438	Lakewood Rehab Center of Haviland	Haviland	86.77	0.6372
Applewood Rehabilitation	Chanute	78.08	0.7749	St. John's of Hays	Hays	128.79	1.0041
Chapman Valley Manor	Chapman	117.21	0.8775	St. Johns Victoria	Hays	131.16	0.9790
Cheney Golden Age Home Inc.	Cheney	135.32	0.9684	Good Samaritan Society-Hays	Hays	116.60	0.8736
Cherryvale Care Center	Cherryvale	128.25	1.0396	Haysville Healthcare Center	Haysville	135.96	0.9643
Chetopa Manor	Chetopa	107.75	1.0059	Medicalodges Herington	Herington	118.03	0.9141
The Shepherd's Center	Cimarron	123.19	0.8850	Schowalter Villa	Hesston	166.45	1.0142
Medicalodges Clay Center	Clay Center	156.98	1.0100	Maple Heights of Hiawatha	Hiawatha	127.47	0.9774
Clay Center Presbyterian Manor	Clay Center	167.44	1.0822	Highland Care Center	Highland	140.49	0.9721
Clearwater Ret. Community	Clearwater	123.64	0.9840	Dawson Place, Inc.	Hill City	118.27	0.8984
Community Care Inc.	Clifton	99.15	0.8733	Hillsboro Community Medical Center	Hillsboro	140.45	0.9064
Park Villa Nursing Home	Clyde	98.75	0.6913	Parkside Homes, Inc.	Hillsboro	146.39	1.0604
Coffeyville Regional Medical Center	Coffeyville	232.02	1.8342	Medicalodges Jackson County	Holton	142.06	0.9964
Windsor Place	Coffeyville	130.18	0.9745	Tri County Manor Living Center, Inc.	Horton	139.48	1.0889
Medicalodges Coffeyville	Coffeyville	132.14	1.0125	Howard Twilight Manor	Howard	132.22	0.9355
Deseret Nursing & Rehab at Colby	Colby	127.15	0.9707	Sheridan County Hospital	Hoxie	130.50	0.8120
Prairie Senior Living Complex	Colby	146.54	0.8637	Stevens County Hospital	Hugoton	169.95	1.0732
Pioneer Lodge	Coldwater	113.35	0.8375	Pincrest Nursing Home	Humboldt	122.80	0.9863
Medicalodges Columbus	Columbus	167.90	1.1378	Golden Plains	Hutchinson	134.08	0.9295
Mt Joseph Senior Village, LLC	Concordia	119.38	0.9442	Good Sam. Society-Hutchinson Village	Hutchinson	149.60	1.0429
Sunset Home, Inc.	Concordia	139.65	0.9554	Deseret Nurs. & Rehab at Hutchinson	Hutchinson	118.52	1.0323
Spring View Manor	Conway Springs	99.26	0.8425	Wesley Towers	Hutchinson	169.14	1.0292
Golden Living Center-Chase Co	Cottonwood Falls	131.25	1.1633	Ray E. Dillon Living Center	Hutchinson	142.62	0.8053
Council Grove Healthcare Center	Council Grove	122.20	1.0034	The Regal Estate of Glenwood	Independence	121.47	1.0304
Hilltop Manor	Cunningham	103.66	0.8971	Heatherwood Estates	Independence	102.34	1.0088
Westview of Derby	Derby	121.53	0.9613	Pleasant View Home	Inman	153.58	0.9610
Hillside Village	Desoto	138.41	1.0100	Iola Nursing Center	Iola	94.33	0.9763
Dexter Care Center	Dexter	126.89	0.9953	Windsor Place at Iola, LLC	Iola	130.11	1.0073
Lane County Hospital - LTCU	Dighton	145.68	1.0450	Cheyenne Lodge, Inc.	Jamestown	116.05	1.0210
Trinity Manor	Dodge City	138.11	1.0031	Hodgeman Co Health Center-LTCU	Jetmore	186.57	1.3467
Good Samaritan Society-Dodge City	Dodge City	126.91	0.9113	Stanton County Hospital- LTCU	Johnson	152.30	0.9080
Manor of the Plains	Dodge City	156.11	1.0023	Valley View Senior Life	Junction City	116.82	0.8628
Medicalodges Douglass	Douglass	148.50	0.9479	Good Samaritan Society-Junction City	Junction City	144.87	0.9737
Golden Living Center-Downs	Downs	124.50	1.0071	Medicalodges Post Acute Care Center	Kansas City	150.07	0.9785
Country Care Home	Easton	127.71	0.8958	Kansas City Presbyterian Manor	Kansas City	161.86	0.9749
Golden Living Center-Parkway	Edwardsville	127.93	0.9238	Medicalodges Kansas City	Kansas City	152.76	0.9717
Golden Living Center-Kaw River	Edwardsville	138.18	1.0310	Lifecare Center of Kansas City	Kansas City	134.87	0.9456
Golden Living Center-Edwardsville	Edwardsville	114.57	0.8537	Deseret Nurs. & Rehab at Kensington	Kensington	115.75	0.9488
Lakepoint Nursing Center-El Dorado	El Dorado	128.32	1.1298	The Wheatlands	Kingman	128.78	1.0014
Golden Living Center-El Dorado	El Dorado	112.98	0.9818	Medicalodges Kinsley	Kinsley	140.13	0.8141
Morton County Hospital	Elkhart	130.20	0.9403	Kiowa Hospital District Manor	Kiowa	137.12	0.9178
Woodhaven Care Center	Ellinwood	121.77	0.9706	Rush Co. Memorial Hospital	La Crosse	124.60	0.8275
Good Samaritan Society-Ellis	Ellis	145.29	0.9425	Rush County Nursing Home	La Crosse	131.17	0.9700
Good Sam. Society - Ellsworth Village	Ellsworth	150.61	1.1242	High Plains Retirement Village	Lakin	157.71	0.9209
Emporia Presbyterian Manor	Emporia	152.78	0.9773	Golden Living Center-Lansing	Lansing	125.86	1.0735
Holiday Resort	Emporia	128.88	1.0063	Larned Healthcare Center	Larned	139.27	0.9788
Flint Hills Care Center, Inc.	Emporia	105.69	0.9167	St. Joseph Memorial Hospital	Larned	151.41	0.9643
Emporia Rehabilitation Center	Emporia	103.99	0.8836	Lawrence Presbyterian Manor	Lawrence	158.54	0.9670
Enterprise Estates Nursing Ctr., Inc.	Enterprise	114.24	1.0370	Brandon Woods Retirement Comm.	Lawrence	152.18	0.9596
Golden Living Center-Eskridge	Eskridge	101.18	0.8259	Pioneer Ridge Retirement Community	Lawrence	135.14	0.8229
Medicalodges Eudora	Eudora	133.34	0.9909	Medicalodges Leavenworth	Leavenworth	157.01	0.9744
Medicalodges Eureka	Eureka	149.22	1.0415	Delmar Gardens of Lenexa	Lenexa	140.24	1.0263
Medicalodge of Ft. Scott	Fort Scott	158.92	1.0581	Lakeview Village	Lenexa	152.70	0.8746
Fort Scott/Marmaton Valley	Fort Scott	125.42	1.0748	Leonardville Nursing Home	Leonardville	108.29	0.9757
Fowler Nursing Home	Fowler	156.25	1.0529	Wichita County Health Center	Leoti	150.68	0.9133
Frankfort Community Care Home, Inc.	Frankfort	130.48	1.0663	Good Samaritan Society-Liberal	Liberal	140.33	0.9609
Golden Living Center-Fredonia	Fredonia	116.86	1.0278	Wheatridge Park Care Center	Liberal	138.93	0.9118
Sunset Manor, Inc	Frontenac	115.96	1.0005	Mid-America Healthcare-Lincoln	Lincoln	129.85	1.0122
Emerald Pointe Health & Rehab Ctr	Galena	120.59	0.8700	Bethany Home Association	Lindsborg	147.79	0.9014
Galena Nursing & Rehab Center	Galena	137.15	1.1856	Linn Community Nursing Home	Linn	115.15	0.9121
Garden Valley Retirement Village	Garden City	132.74	0.9671				
Homestead Health and Rehab. Center	Garden City	139.29	0.9038				

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Sandstone Heights	Little River	142.00	1.0095	Cornerstone Village	Pittsburg	137.25	1.0121
Logan Manor Community Health Serv.	Logan	146.69	1.0917	Rooks County Senior Services, Inc.	Plainville	144.83	0.9271
Louisburg Care Center	Louisburg	144.95	1.1071	Pratt Regional Medical Center	Pratt	134.81	0.9513
Golden Living Center-Lucas	Lucas	129.06	1.1580	Lakewood Senior Living of Pratt, LLC	Pratt	114.84	0.9403
Good Samaritan Society-Lyons	Lyons	143.16	0.9929	Prescott Country View Nursing Center	Prescott	103.99	0.9082
Meadowlark Hills Retirement Comm.	Manhattan	163.31	0.9712	Prairie Sunset Manor	Pretty Prairie	149.96	0.9331
Stoneybrook Retirement Community	Manhattan	134.43	0.9894	Protection Valley Manor	Protection	109.01	0.8191
St. Joseph Village, Inc.	Manhattan	149.41	1.0265	Gove County Medical Center	Quinter	157.28	0.9355
Jewell County Hospital	Mankato	142.66	0.9893	Grisell Memorial Hosp Dist #1-LTCU	Ransom	156.12	0.9621
St. Luke Living Center	Marion	135.73	0.9168	Richmond Healthcare & Rehab Center	Richmond	143.59	1.1468
Golden Living Center-Marion	Marion	115.05	1.0050	Lakepoint Nursing Ctr-Rose Hill	Rose Hill	126.82	0.9686
Riverview Estates, Inc.	Marquette	134.41	0.9444	Rossville Healthcare & Rehab Center	Rossville	134.30	1.0498
Cambridge Place	Marysville	129.93	1.1056	Wheatland Nursing & Rehab Center	Russell	120.97	1.0515
Deseret Nurs. & Rehab. McPherson	McPherson	149.88	0.9819	Russell Regional Hospital	Russell	173.35	1.1080
The Cedars, Inc.	McPherson	157.65	0.9398	Sabetha Nursing Center	Sabetha	135.17	0.9987
Meade District Hospital, LTCU	Meade	157.62	0.9272	Apostolic Christian Home	Sabetha	130.48	1.0241
Trinity Nursing & Rehab Ctr.	Merriam	163.60	1.0282	Smoky Hill Rehabilitation Center	Salina	122.04	0.9693
Great Plains of Ottawa County, Inc.	Minneapolis	132.43	1.1140	Kenwood View Nursing Center	Salina	115.28	0.9468
Good Samaritan Society-Minneapolis	Minneapolis	132.48	0.9628	Windsor Estates	Salina	126.47	0.9312
Minneola District Hospital	Minneola	160.75	0.9719	Pinnacle Park Nursing and Rehabilitation	Salina	115.49	0.9659
Bethel Home, Inc.	Montezuma	144.36	0.9206	Salina Presbyterian Manor	Salina	163.09	1.0400
Moran Manor	Moran	123.40	1.2783	Holiday Resort of Salina	Salina	131.10	0.9300
Memorial Home for the Aged	Moundridge	153.36	0.9481	Satanta Dist. Hosp. LTCU	Satanta	168.34	1.0873
Moundridge Manor, Inc.	Moundridge	139.68	0.9070	Park Lane Nursing Home	Scott City	142.90	0.9144
Mt. Hope Nursing Center	Mt. Hope	124.84	0.9010	Pleasant Valley Manor	Sedan	110.19	1.0465
Villa Maria- Mulvane	Mulvane	138.77	1.0523	Sedgwick Healthcare Center	Sedgwick	155.14	0.9933
Golden Keys Nursing Home	Neodesha	103.23	0.8668	Crestview Manor	Seneca	108.21	1.0286
Golden Living Center-Neodesha	Neodesha	122.61	1.1310	Life Care Center of Seneca	Seneca	121.01	0.9540
Ness County Hospital Dist.#2	Ness City	152.08	0.9312	Good Samaritan Society	Sharon Springs	117.02	0.8950
Bethel Care Centre	Newton	149.13	1.0359	Shawnee Gardens Nursing Center	Shawnee	148.82	1.1929
Asbury Park	Newton	163.64	0.9979	Sharonlane Health Services	Shawnee	124.39	0.9345
Kansas Christian Home	Newton	166.39	1.1729	Smith County Memorial Hospital LTCU	Smith Center	121.41	0.8414
Newton Presbyterian Manor	Newton	167.16	1.0650	Deseret Nurs. & Rehab at Smith Center	Smith Center	111.46	0.8510
Ande Home, Inc.	Norton	137.43	0.8869	Mennonite Friendship Manor, Inc.	South Hutchinson	156.56	0.9609
Village Villa	Nortonville	147.97	1.1127	Golden Living Center-Spring Hill	Spring Hill	125.15	1.0050
Logan County Manor	Oakley	160.65	0.9710	Good Sam. Society-St. Francis Village	St. Francis	142.58	0.9133
Decatur County Hospital	Oberlin	138.35	0.9660	Leisure Homestead at St. John	St. John	140.36	0.9773
Good Sam. Society-Decatur County	Oberlin	132.39	0.9094	Community Hospital of Onaga, LTCU	St. Mary's	147.94	0.9074
Villa St. Francis	Olathe	153.98	1.0305	Prairie Mission Retirement Village	St. Paul	123.11	0.8844
Pinnacle Ridge Nursing and Rehab	Olathe	126.04	1.0169	Leisure Homestead at Stafford	Stafford	110.44	0.8744
Royal Terrace Nrsng. & Rehab. Center	Olathe	145.66	0.9430	Sterling Presbyterian Manor	Sterling	149.21	0.9830
Good Samaritan Society-Olathe	Olathe	151.20	0.9859	Solomon Valley Manor	Stockton	146.39	1.1144
Johnson County Nursing Center	Olathe	173.71	1.0897	Seasons of Life Living Center	Syracuse	153.00	0.9276
Aberdeen Village, Inc.	Olathe	175.13	1.1000	Tonganoxie Care Center	Tonganoxie	128.82	0.9859
Deseret Nursing & Rehab at Onaga	Onaga	152.91	1.0953	Brewster Place	Topeka	162.24	0.9642
Peterson Health Care, Inc.	Osage City	112.51	0.9579	Topeka Presbyterian Manor Inc.	Topeka	162.79	0.9986
Osage Nursing & Rehab Center	Osage City	134.81	1.0788	Eventide Convalescent Center, Inc.	Topeka	108.77	0.8831
Life Care Center of Osawatomie	Osawatomie	134.79	1.0313	Topeka Community Healthcare Center	Topeka	132.60	1.0135
Parkview Care Center	Osborne	128.71	0.9741	McCrite Plaza Health Center	Topeka	137.51	0.9805
Hickory Pointe Care & Rehab Ctr	Oskaloosa	127.31	0.8877	Rolling Hills Health Center	Topeka	149.15	1.0283
Deseret Nursing & Rehab at Oswego	Oswego	123.99	1.0585	Manorcare Health Services of Topeka	Topeka	145.40	0.9957
Ottawa Retirement Village	Ottawa	130.18	1.1269	Westwood Manor	Topeka	124.08	0.9515
Brookside Manor	Overbrook	121.77	0.8994	IHS of Brighton Place	Topeka	104.59	0.7800
Garden Terrace at Overland Park	Overland Park	144.31	0.9862	Countryside Health Center	Topeka	107.40	0.7130
Indian Meadows Healthcare Center	Overland Park	203.03	1.3636	Providence Living Center	Topeka	92.40	0.7407
Manorcare Hlth Serv. of Overland Park	Overland Park	161.86	1.0820	Brighton Place North	Topeka	85.29	0.6910
Villa Saint Joseph	Overland Park	169.89	1.1537	Aldersgate Village	Topeka	164.65	0.9810
Delmar Gardens of Overland Park	Overland Park	147.26	0.9099	Plaza West Care Center, Inc.	Topeka	157.17	1.0779
Overland Park Nursing & Rehab	Overland Park	158.36	1.0252	Lexington Park Nrsng & Post Acute	Topeka	155.19	0.9528
Indian Creek Healthcare Center	Overland Park	159.95	0.9729	Greeley County Hospital, LTCU	Tribune	151.64	0.9100
Village Shalom, Inc.	Overland Park	163.77	0.9774	Western Prairie Care Home	Ulysses	152.35	0.9956
Riverview Manor, Inc.	Oxford	116.88	0.9235	Valley Health Care Center	Valley Falls	110.78	0.6267
Medicalodge of Paola	Paola	110.44	0.6858	Trego Co. Lemke Memorial LTCU	WaKeeney	146.09	0.8694
North Point Skilled Nursing Center	Paola	139.78	1.0908	The Lutheran Home - WaKeeney	WaKeeney	114.10	0.8327
Elmhaven East	Parsons	107.04	0.9935	Golden Living Center-Wakefield	Wakefield	136.10	1.2274
Elmhaven West	Parsons	112.91	1.0183	Good Samaritan Society-Valley Vista	Wamego	149.41	1.0025
Parsons Presbyterian Manor	Parsons	151.41	1.0781	The Centennial Homestead, Inc.	Washington	93.12	0.8111
Good Samaritan Society-Parsons	Parsons	123.39	0.9034				
Legacy Park	Peabody	141.56	1.0033				
Westview Manor of Peabody	Peabody	78.01	0.6371				
Phillips County Hospital LTCU	Phillipsburg	148.30	0.8881				
Phillips County Retirement Center	Phillipsburg	121.02	0.9714				
Medicalodges Pittsburg South	Pittsburg	154.05	1.1019				
Mt. Carmel Regional Medical Ctr. SNF	Pittsburg	225.78	1.7900				
Golden Living Center-Pittsburg	Pittsburg	111.21	0.9622				

(continued)

Facility Name	City	Daily Rate	Medicaid CMI
Wathena Healthcare and Rehab Ctr	Wathena	135.66	1.0339
Coffey County Hospital	Waverly	144.19	0.8100
Golden Living Center-Wellington	Wellington	123.31	1.0709
Deseret Nurs. & Rehab at Wellington	Wellington	136.55	0.8697
Wellsville Manor Care Center	Wellsville	131.84	0.9792
Westy Community Care Home	Westmoreland	116.92	0.9190
Wheat State Manor	Whitewater	143.62	0.9492
Medicalodges Wichita	Wichita	153.78	0.9609
Meridian Nursing & Rehab Center	Wichita	122.43	0.9788
Kansas Masonic Home	Wichita	162.59	1.0927
Homestead Health Center, Inc.	Wichita	146.43	1.0152
Deseret Nursing & Rehab at Wichita	Wichita	124.74	0.9977
Wichita Presbyterian Manor	Wichita	172.22	1.0963
Sandpiper Bay Hlth. & Retirement Ctr.	Wichita	128.67	1.0662
Lakepoint Nursing and Rehab-Wichita	Wichita	138.39	0.9515
Manorcare Health Services of Wichita	Wichita	136.14	0.9710
College Hill Nursing and Rehab Center	Wichita	133.78	0.9316
Lakewood Senior Living of Seville	Wichita	119.60	0.9593
Golden Living Center-Wichita	Wichita	125.86	0.9172
Wichita Nursing Center	Wichita	104.85	0.7845
The Health Care Ctr@Larksfield Place	Wichita	158.18	0.9260
Life Care Center of Wichita	Wichita	145.55	1.1694
Via Christi Hope	Wichita	134.58	0.9878
Golden Living Center-Wilson	Wilson	135.30	1.3031
Jefferson Co. Memorial Hospital-LTCU	Winchester	143.82	0.9435
Good Samaritan Society-Winfield	Winfield	144.78	1.0324
Cumbernauld Village, Inc.	Winfield	150.11	0.8694
Winfield Rest Haven, Inc.	Winfield	138.80	0.9353
Deseret Nurs. & Rehab Yates Center	Yates Center	134.39	0.9900

III. Justifications for the Final Rates.

1. The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.

2. The final rates are calculated according to a methodology which satisfies the requirements of K.S.A 39-708c(x) and K.A.R. Article 30-10 implementing that statute and applicable federal law.

3. The State's analyses project that the final rates:
 a. Would result in payment, in the aggregate of 96.78% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and

b. Would result in a maximum allowable rate of \$161.26; with the total average allowable cost being \$144.26.

c. Estimated average rate July 1, 2008	\$136.26
Average payment rate July 1, 2007	\$129.00
Amount of change	\$7.26
Percent of change	5.63%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$14 million.

5. 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:

a. Service providers operating a total of 294 nursing facilities (representing 97% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 40 hospital-based long-term care

units are also certified to participate in the Medicaid program;

b. 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;

c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 84.1%;

d. The statewide average Medicaid occupancy rate for participating facilities is 55.8%; and

e. The final rates would cover 96.84% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.

6. 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 one letter with comments to the Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2009, 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, 2008 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 Medicaid State Plan amendments to CMS on or before September 30, 2008.

Kathy Greenlee
Secretary of Aging

Don Jordan
Secretary of Social and
Rehabilitation Services

Marcia J. Nielson, Ph.D., MPH
KHPA Executive Director

Doc. No. 035889

State of Kansas

Kansas Lottery

**Temporary Administrative
Regulations**

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2614. Method of entry. (a) Entry into the "Midwest Millions Second Chance Drawings" shall be accomplished as follows:

(1) Obtain a valid "Midwest Millions" Kansas lottery instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with the rules of said instant game. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) Apply proper postage to the back of the ticket where indicated and deposit into the mail, or place one or more entries into an envelope with proper postage and mail it to: "Midwest Millions Drawings, c/o Kansas lottery, P. O. Box 5596, Topeka, Kansas 66605-0596." Mailed entries must be received by morning mail pickup on January 4, 2008, for the first drawing, and April 11, 2008, for the second drawing. Entries received for the first drawing are ineligible for the second drawing.

(6) No later than 5:00 p.m. CDT on January 4, 2008, for the first drawing, and April 11, 2008, for the second drawing, players may also deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for deposit of said entries.

(7) The holder of the ticket is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) Prior to each preliminary drawing, the total number of "Midwest Millions" instant tickets sold by the Kansas lottery shall be compared to the total number of "Midwest Millions" instant tickets sold by the Iowa lottery. Each lottery shall then be allocated a number of entries to be included in the respective final drawing that is equal to that lottery's proportionate share of the grand total number of tickets sold by both lotteries. Inclusive of entries from both lotteries, a total of 200 entries shall be included in each final drawing.

(b) There is no limit on the number of entries a person may make, or the number of times entries from a person can be drawn in each of the two drawings.

(c) All eligible entries which are timely received in accordance with the rules of this drawing shall be entered into the respective drawing.

(d) Eligible entrants in this drawing must be 18 years of age or older.

(e) Completing the information form on the entry form and entering the ticket into any drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-11-14-07, Sept. 13, 2007; amended, T-111-6-10-08, Jan. 9, 2008.)

Ed Van Petten
Executive Director

Doc. No. 035894

State of Kansas

Secretary of State

Permanent Administrative Regulations

Article 17.—UNIFORM COMMERCIAL CODE

7-17-1. Definitions. (a) "Address," as used on a UCC record, means at least a city and state or a city and country.

(b) "Amendment" means a UCC record that changes the information contained in a financing statement. This term shall include assignments, continuation statements, and termination statements.

(c) "Assignment" means an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(d) "Continuation statement" shall have the meaning prescribed by K.S.A. 84-9-102(a)(27) and amendments thereto.

(e) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(f) "File number" shall have the meaning prescribed by K.S.A. 84-9-519(b) and amendments thereto.

(g) "Filing office" means the office of the secretary of state or county register of deeds.

(h) "Filing officer" means the secretary of state or one of the county registers of deeds.

(i) "Filing officer statement" means a statement of correction entered into the filing office's information system to correct an error by the filing office.

(j) "Financing statement" shall have the meaning prescribed by K.S.A. 84-9-102(a)(39) and amendments thereto.

(k) "Individual" means a human being, or a decedent in the case of a debtor that is a decedent's estate.

(l) "Initial financing statement" means a UCC record that causes the filing office to establish the initial record in the filing office's UCC information management system.

(m) "Organization" means a legal person who is not an individual.

(n) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" shall not include a person responsible merely for the delivery of the record to the filing office, including the postal service or a courier service, but shall include a service provider who acts as a filer's representative in the filing process.

(o) "Secured party of record" shall have the meaning prescribed by K.S.A. 84-9-511 and amendments thereto.

(p) "Termination statement" shall have the meaning prescribed by K.S.A. 84-9-102(a)(79) and amendments thereto.

(q) "UCC" means the uniform commercial code as adopted in this state.

(r) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, or a correction statement and

(continued)

shall not be deemed to refer exclusively to paper or paper-based writings. (Authorized by and implementing K.S.A. 2007 Supp. 84-9-526; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-4. Fees. (a) The fee for filing and indexing a paper UCC record of one to 10 pages shall be \$15.00. The fee for filing and indexing additional pages beyond the 10th page of a UCC record shall be charged at the rate of \$1.00 per page. The fee for filing and indexing an electronic UCC record, excluding a termination statement, shall be \$5.00. The fee for filing and indexing a termination statement electronically shall be \$1.00.

(b) The fee for a paper UCC search request shall be \$15.00 per debtor name. The fee for an electronic UCC search request shall be \$8.00.

(c) The fee for copies of UCC documents shall be \$1.00 per page, or page equivalent for electronically transmitted responses.

(d) The fee for a certified copy shall be \$7.50 in addition to any copying expenses.

(e) The fee for customers to receive information by telefacsimile communication from the filing office shall be \$1.00 for each page.

(f) No fee shall be collected for filing a court's findings of fact and conclusion of law pursuant to K.S.A. 58-4301 and amendments thereto. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 58-4301, K.S.A. 2006 Supp. 84-9-526 and 84-9-801; effective, T-7-7-2-01, July 2, 2001; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-11. Filing office data entry. (a) Information from a UCC record presented for filing shall be entered into the filing system database by the filing office exactly as it appears on the record and in accordance with the designations given by the filer, except that social security numbers and other personally identifiable information not required by law may be omitted from the database by the filing office.

(b) If a UCC record is tendered that provides characters not on the standard QWERTY keyboard, the filing officer shall substitute a space for each such character. If the character appears on the standard QWERTY keyboard but includes an additional mark, the character shall be entered into the filing system without the additional mark.

(c) Each name that exceeds the fixed length of the name field in the UCC database shall be entered as presented to the filing office, up to the maximum length allowed by the name field.

(d) An initial financing statement shall be filed as relating to a manufactured home transaction, public finance transaction, or a transmitting utility by the filing officer only if the appropriate box on the addendum form is checked. (Authorized by K.S.A. 2007 Supp. 84-9-526; implementing K.S.A. 2007 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-19. Errors in filing. (a) Any errors of the filing office in the UCC information management system may be corrected by the filing officer. A filing officer statement shall be filed by the filing officer in the UCC information management system identifying the record to which the

correction relates, the date of the correction, and an explanation of the corrective action taken. The record shall be preserved as long as the record is preserved in the UCC information management system.

(b) Each error by a filer shall be the responsibility of the filer. The filer may correct the error by filing an amendment or a correction statement. (Authorized by and implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-21. Searches. (a) A searchable index of all UCC records shall be maintained for inspection by the filing officer. The index shall allow the retrieval of a record by the name of the debtor and by the file number of the initial financing statement, and each filed UCC record relating to the initial financing statement.

(b) Each search request shall contain the following information:

(1) The name of the debtor to be searched, using designated fields for the organization name and individual first, middle, and last names and specifying whether the debtor is an individual or an organization. Each search request shall be processed using the name and the designated fields in the exact form submitted;

(2) the name and address of the person to whom the search report is to be sent; and

(3) the appropriate fee, payable by any permissible method specified in K.A.R. 7-17-5.

(c) A search request may contain any of the following information:

(1) A request that copies of records found in the search be included with the search report;

(2) a request to limit the copies of records by restricting the search to a city, a filing date or a range of filing dates, or the identity of the secured party of record;

(3) a request to include lapsed, active records; or

(4) instructions on the mode of delivery desired, if other than by ordinary mail. This request shall be honored if the requested mode is available to the filing office.

(d) Before providing a copy of any UCC record, the filing officer shall redact any information in accordance with laws applicable to privacy rights and identity theft protection. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-22. Search logic. (a) Search results shall be produced by applying only standardized search logic to each name presented to the filing officer. Human judgment shall not play a role in determining the results of the search. The standardized search logic used shall meet the following criteria:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) The characters searched are letters "a" through "z" and numbers 0 through 9.

(3) No distinction is made between uppercase and lowercase letters, and all letters are converted to uppercase in the filing office database.

(4) Punctuation marks, accents, and suffixes are disregarded. Punctuation marks and accents shall mean all characters other than the letters "a" through "z" and the numbers 0 through 9.

(5) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded. These words and abbreviations shall include the following:

- (A) Association;
- (B) bank;
- (C) church;
- (D) college;
- (E) company;
- (F) corporation;
- (G) club;
- (H) foundation;
- (I) fund;
- (J) incorporated;
- (K) institute;
- (L) limited;
- (M) society;
- (N) syndicate;
- (O) trust;
- (P) union;
- (Q) university;
- (R) limited partnership;
- (S) LP;
- (T) limited liability company;
- (U) LLC;
- (V) limited liability partnership;
- (W) LLP;
- (X) professional association;
- (Y) chartered; and
- (Z) the following abbreviations: co., corp., inc., ltd., and P.A.

(6) The word "the" at the beginning of the search criteria is disregarded.

(7) All spaces are disregarded.

(8) For middle names of individuals, initials are equated with all names that begin with these initials, and the absence of a middle name or initial is equated with all middle names and initials.

(9) The word "and" and the symbol "&" are equated with each other.

(b) After using the criteria in subsection (a) to modify the name of the debtor requested to be searched, the search shall reveal only names of debtors that are contained in unlapsed financing statements and exactly match the name requested, as modified. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended, T-7-9-06, Sept. 6, 2006; amended March 23, 2007; amended July 7, 2008.)

7-17-24. Unofficial searches. Public access to a database that produces search results beyond exact name matches may be provided by the secretary of state. The supplemental database shall not be considered part of the standard search logic and shall not constitute an official search by the secretary of state. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

Article 21.—VOTING EQUIPMENT

7-21-1. Storage of voting equipment. (a) As used in this article, "voting equipment" shall mean an electronic

or electromechanical voting system, as defined in K.S.A. 25-4401 and amendments thereto, and optical scanning equipment, as defined in K.S.A. 25-4601 and amendments thereto, including all electronic media used with the system and equipment.

(b) County election officers shall store voting equipment in only the following places:

- (1) Public buildings; and
- (2) business and commercial buildings.

(c) Voting equipment in storage shall be locked and secured in such a manner that the equipment cannot be tampered with or damaged. The storage shall be in a place accessible only to election officials or persons authorized by election officials. (Authorized by and implementing L. 2007, Ch. 125, Secs. 22 and 34; effective Jan. 1, 1972; amended July 7, 2008.)

7-21-2. Voting equipment security. Each county election officer shall adopt written procedures to secure the voting equipment. These procedures shall include the following requirements:

(a) A computer used to prepare ballots or to program elections and voting equipment used for voting shall not be connected to the internet. Each networking device on or in the computer shall be disabled.

(b) Each computer used to prepare ballots or to program elections shall be equipped with software, firmware, or an operating system used only for preparing ballots and programming elections. The software, firmware, or operating system shall be certified by the secretary of state. Each computer used to prepare ballots or to program elections shall also contain software relating to system security, including virus protection.

(c) Each computer used to prepare ballots or to program elections shall be accessible only to authorized county election personnel and shall require a password for access.

(d) For each user-initiated event that occurs on a computer used to prepare ballots or to program elections, a record shall be made of the nature of the event, the time of the event, and the person initiating the event.

(e) The election results reported from polling places to the county election office, and the election results reported from the county election office to the secretary of state, shall be sent only by fax, phone, hand-delivery, or encrypted electronic transfer. (Authorized by and implementing L. 2007, Ch. 125, Secs. 22 and 34; effective Jan. 1, 1972; amended July 7, 2008.)

7-21-3. (Authorized by K.S.A. 25-1312; effective Jan. 1, 1974; revoked July 7, 2008.)

7-21-4. Manual count of damaged or defective paper ballots. (a) If any paper ballot is damaged or defective so that the ballot cannot be counted properly by optical scanning equipment or automatic tabulating equipment, the county election officer shall establish a special counting board of two or more persons for the purpose of manually counting the damaged or defective paper ballot.

(b)(1) The special counting board shall consist of election board workers at a polling place or other persons at a central location. To the extent practicable, the special

(continued)

counting board members shall not all be affiliated with the same political party.

(2) No person serving on the special counting board shall be a candidate for an office on the ballot or a member of a group supporting or opposing passage of a question submitted on the ballot.

(3) One person on the special counting board shall be designated the supervising judge.

(c) The special counting board shall manually count any ballot that is damaged or defective and that cannot be counted properly by optical scanning equipment or automatic tabulating equipment, using the following procedures:

(1) Each ballot shall be separated from any advance voting envelope or provisional ballot envelope that identifies the voter who cast the ballot.

(2) If more than one damaged or defective ballot is to be counted, the supervising judge shall collect and enumerate the ballots and shall announce the total number of ballots to the board.

(3) A member of the special counting board shall read and announce the contents of each ballot and shall hand each ballot to another member of the board to verify the contents of the ballot. A member of the board other than the member reading the ballots shall tally the votes cast on the ballot on a tally sheet provided by the county election officer.

(4) The county election officer may require the special counting board to maintain two separate sets of tally sheets. If the board is required to maintain these tally sheets, the board shall compare the tally sheets and reconcile any differences to the satisfaction of a majority of the board. The tally sheets shall be compared at the end of the counting process.

(d) If the special counting board is unable to determine the voter's intent for any ballot or portion of a ballot, the ballot shall be challenged and referred to the county board of canvassers for resolution pursuant to K.S.A. 25-3002(b)(1) and amendments thereto.

(e) At the conclusion of the special counting board's duties, the special counting board shall provide all ballots and records to the county election officer. The county election officer shall preserve the ballots and records in accordance with state law and shall include the results tabulated from the ballots in the official results of the election. (Authorized by L. 2007, Ch. 125, Secs. 22 and 34; implementing K.S.A. 25-4412, as amended by L. 2007, Ch. 125, Sec. 19, and K.S.A. 25-4611, as amended by L. 2007, Ch. 125, Sec. 31; effective July 7, 2008.)

Article 23.—VOTER REGISTRATION

7-23-13. (Authorized by K.S.A. 2001 Supp. 25-2304; implementing K.S.A. 2001 Supp. 25-2304 and 25-2309; effective April 18, 1994; amended Nov. 28, 1994; amended July 5, 2002; revoked July 7, 2008.)

Article 37.—MOTOR VOTER

7-37-2. (Authorized by and implementing K.S.A. 25-2352; effective July 5, 1994; amended July 5, 2002; revoked July 7, 2008.)

Article 38.—NATIONAL VOTER REGISTRATION ACT

7-38-2. (Authorized by and implementing L. 1996, Ch. 187, Sec. 20; effective Jan. 3, 1997; revoked July 7, 2008.)

Article 45.—ELECTION BOARD WORKERS

7-45-1. Modified shifts for election board workers. If a county election officer chooses to allow the election board workers at a specified polling place to work at the polling place for less than the entire number of hours designated as polling hours, the county election officer shall assign the election board workers according to the following requirements:

(a) The hours each election board worker is assigned to work shall be continuous, with one starting time and one stopping time, and shall, to the extent practicable, constitute one-half the total number of hours the polls are open.

(b) The election board workers working together at any one time shall not all be affiliated with the same political party, to the extent practicable.

(c) No election board worker shall discuss the voting procedure, election results, or any voter's ballot. (Authorized by and implementing K.S.A. 2007 Supp. 25-2810; effective July 7, 2008.)

7-45-2. Oversight of authorized poll agents. (a) The supervising judge shall instruct each authorized poll agent appointed to the polling place of all requirements pertaining to authorized poll agents that are issued by the county election officer or given in Kansas law.

(b) If a poll agent does not comply with the requirements, any election board worker may ask the poll agent to correct or cease the improper or illegal activity or to leave the polling place. This activity shall be reported to the county election officer.

(c) The election board workers shall ensure that the poll agents do not engage in any activities that would constitute election crimes, including the following:

(1) Electioneering, as defined in K.S.A. 25-2430 and amendments thereto;

(2) voter intimidation, as defined in K.S.A. 25-2415 and amendments thereto;

(3) disorderly election conduct, as defined in K.S.A. 25-2413 and amendments thereto;

(4) unauthorized voting disclosure, as defined in K.S.A. 25-2422 and amendments thereto; and

(5) voting machine fraud, as defined in K.S.A. 25-2425 and amendments thereto.

(d) The election board workers shall prevent the poll agents from performing the following:

(1) Touching or handling any voter's ballot during the voting process;

(2) distributing ballots or counting ballots;

(3) hindering or obstructing any voter from voting or from entering and leaving the polling place; and

(4) hindering or obstructing any election board worker from performing election duties. (Authorized by and implementing K.S.A. 25-3005; effective July 7, 2008.)

Ron Thornburgh
Secretary of State

Doc. No. 035877

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2007 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-64-1	New	V. 26, p. 1393

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-2-8	Amended	V. 27, p. 16
4-2-20	Amended	V. 27, p. 16
4-3-47	Amended	V. 27, p. 16
4-3-49	Amended	V. 27, p. 16
4-3-51	Amended	V. 27, p. 16
4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489
4-8-28	Amended	V. 26, p. 489
4-8-29	Amended	V. 26, p. 489
4-8-30	Amended	V. 26, p. 489
4-8-31	Amended	V. 26, p. 489
4-8-33	Amended	V. 26, p. 489
4-8-34	Amended	V. 26, p. 489
4-8-35	Amended	V. 26, p. 489
4-8-39	Amended	V. 26, p. 490
4-8-42	Amended	V. 26, p. 490
4-11-2	Amended	V. 26, p. 100
4-11-3	Amended	V. 26, p. 100
4-11-15	New	V. 26, p. 101
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188
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4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-15-9	Amended	V. 26, p. 81
4-19-1	Amended	V. 26, p. 173
4-28-8 through 4-28-16	New	V. 27, p. 191-195

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-40-1	Amended	V. 26, p. 642
5-40-2	Amended	V. 26, p. 644
5-40-2a	New	V. 26, p. 646
5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
5-40-4	Amended	V. 26, p. 647
5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
5-40-9	Revoked	V. 26, p. 648
5-40-10	Revoked	V. 26, p. 648
5-40-11	Revoked	V. 26, p. 648

5-40-12	Amended	V. 26, p. 648
5-40-13	Revoked	V. 26, p. 649
5-40-20	New	V. 26, p. 649
5-40-21	New	V. 26, p. 649
5-40-22	New	V. 26, p. 649
5-40-23	New	V. 26, p. 650
5-40-24	New	V. 26, p. 650
5-40-26	New	V. 26, p. 651
5-40-30	New	V. 26, p. 651
5-40-31	New	V. 26, p. 652
5-40-32	New	V. 26, p. 653
5-40-33	New	V. 26, p. 653
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5-40-45	New	V. 26, p. 655
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5-40-73a	New	V. 26, p. 660
5-40-74	New	V. 26, p. 661
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5-40-77	New	V. 26, p. 662
5-40-90	New	V. 26, p. 662
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5-44-7	New	V. 26, p. 666

AGENCY 7: SECRETARY OF STATE

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7-44-1 through 7-44-7	New	V. 26, p. 505, 506

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
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10-20-2	Amended	V. 26, p. 507
10-20-2a	Amended	V. 26, p. 507
10-20-4	Amended	V. 26, p. 507

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11-8-3	Amended	V. 26, p. 1543
11-8-4	Amended	V. 26, p. 1543
11-12-1 through 11-12-7	New	V. 26, p. 1184-1187

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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14-8-2	Amended	V. 26, p. 1906
14-8-3	Amended	V. 26, p. 1906
14-16-23	Revoked	V. 26, p. 1906
14-16-24	Revoked	V. 26, p. 1906

14-24-1 through 14-24-6	New	V. 26, p. 1907
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AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

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17-25-1	New	V. 27, p. 356

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28-4-311	Amended	V. 27, p. 317
28-4-312 through 28-4-317	Revoked	V. 27, p. 317, 318
28-4-800 through 28-4-825	New	V. 27, p. 318-334
28-15-35	Amended	V. 26, p. 825
28-15-36	Amended	V. 26, p. 829
28-15-36a	Amended	V. 26, p. 829
28-15-37	Amended	V. 26, p. 830
28-16-28g	Amended	V. 27, p. 779
28-16-56c	Amended	V. 26, p. 283
28-16-56d	Amended	V. 26, p. 284
28-18-1	Amended	V. 26, p. 284
28-18-2	Amended	V. 26, p. 288
28-18-4	Amended	V. 26, p. 289
28-18-8	Amended	V. 26, p. 289
28-18-9	Amended	V. 26, p. 290
28-18-11	Amended	V. 26, p. 1929
28-18-12	Amended	V. 26, p. 290
28-18-13	Amended	V. 26, p. 291
28-18-14	Amended	V. 26, p. 292
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28-18-17	New	V. 26, p. 293
28-18a-1	Amended	V. 26, p. 294
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28-18a-8	Amended	V. 26, p. 299
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28-18a-11	Amended	V. 26, p. 1929
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28-18a-21	Amended	V. 26, p. 302
28-18a-22	Amended	V. 26, p. 302
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28-18a-33	New	V. 26, p. 303
28-19-720	Amended	V. 26, p. 951
28-19-728	New	V. 26, p. 951
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28-19-735	Amended	V. 26, p. 953
28-19-750	Amended	V. 26, p. 953
28-23-16	Revoked	V. 27, p. 191
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28-24-15	Revoked	V. 26, p. 1514
28-24-16	Revoked	V. 26, p. 1514
28-24a-1	New	V. 26, p. 1514
28-24a-2	New	V. 26, p. 1514
28-24a-3	New	V. 26, p. 1515
28-29-28	Amended	V. 26, p. 1610
28-29-29	Amended	V. 26, p. 1611
28-29-29a	Amended	V. 26, p. 1611
28-29-29b	New	V. 26, p. 1612
28-29-30	Amended	V. 26, p. 1612
28-29-31	Amended	V. 26, p. 1613
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28-29-32	Amended	V. 26, p. 1614
28-29-33	Amended	V. 26, p. 1615
28-29-2011	New	V. 26, p. 1615
28-29-2101	Amended	V. 26, p. 1615
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247

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28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
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28-32-8		
through		
28-32-14	New	V. 27, p. 247-249
28-35-135a	Amended	V. 26, p. 1142
28-35-135d	Amended	V. 26, p. 1144
28-35-135n	Amended	V. 26, p. 1145
28-35-135p	Amended	V. 26, p. 1145
28-35-135r	Amended	V. 26, p. 1147
28-35-177a	Amended	V. 26, p. 1148
28-35-178a	Amended	V. 26, p. 1149
28-35-178b	Amended	V. 26, p. 1150
28-35-180a	Amended	V. 26, p. 1151
28-35-181d	Amended	V. 26, p. 1152
28-35-181m	Amended	V. 26, p. 1153
28-35-181n	Amended	V. 26, p. 1154
28-35-181o	Amended	V. 26, p. 1155
28-35-182c	Amended	V. 26, p. 1155
28-35-184a	Amended	V. 26, p. 1156
28-35-201	Amended	V. 26, p. 1156
28-35-202	Revoked	V. 26, p. 1158
28-35-203	Amended	V. 26, p. 1158
28-35-216a	Amended	V. 26, p. 1159
28-35-230g	New	V. 26, p. 1159
28-35-289	Amended	V. 26, p. 1160
28-35-292	Amended	V. 26, p. 1162
28-35-308	Amended	V. 26, p. 1162
28-35-349	Amended	V. 26, p. 1162
28-35-450	Amended	V. 26, p. 1162
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28-36-49	Revoked (T)	V. 26, p. 1682
28-36-33		
through		
28-36-49	Revoked	V. 27, p. 73
28-36-70		
through		
28-36-89	New (T)	V. 26, p. 1682-1696
28-36-70		
through		
28-36-89	New	V. 27, p. 73-87
28-36-101		
through		
28-36-108	Amended	V. 26, p. 1776-1779
28-36-109	New	V. 26, p. 1780
28-46-2	Revoked	V. 26, p. 214
28-46-2a	New	V. 26, p. 215
28-46-25	Amended	V. 26, p. 215
28-46-26	Revoked	V. 26, p. 215
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28-46-34a	New	V. 26, p. 215
28-46-38	Amended	V. 26, p. 216
28-54-1		
through		
28-54-7	New	V. 26, p. 1640-1642
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464

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30-4-98	Amended	V. 26, p. 1905
30-5-65	Revoked	V. 26, p. 1091
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 26, p. 1393
40-1-51	Revoked	V. 26, p. 1364
40-2-20	Amended	V. 26, p. 101
40-2-29	New	V. 27, p. 15
40-2-30	New	V. 26, p. 1545
40-3-25	Amended	V. 27, p. 15
40-3-34	Revoked	V. 26, p. 1423
40-3-52	New	V. 27, p. 133
40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-19	Amended	V. 26, p. 881

40-7-20a	Amended	V. 26, p. 103
40-7-25	Amended	V. 26, p. 488

AGENCY 44: DEPARTMENT OF CORRECTIONS

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44-6-101	Amended	V. 26, p. 817
44-6-125	Amended	V. 26, p. 818
44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-12-103	Amended	V. 26, p. 1074
44-12-105	Amended	V. 26, p. 1075
44-12-106	Amended	V. 26, p. 1075
44-12-107	Amended	V. 26, p. 1075
44-12-208	Amended	V. 26, p. 1075
44-12-210	Amended	V. 26, p. 1075
44-12-211	New	V. 26, p. 1075
44-12-212	New	V. 26, p. 1075
44-12-304	Amended	V. 26, p. 1075
44-12-306	Amended	V. 26, p. 1076
44-12-308	Amended	V. 26, p. 1076
44-12-312	Amended	V. 26, p. 1076
44-12-315	Amended	V. 26, p. 1076
44-12-320a	New	V. 26, p. 1076
44-12-325	Amended	V. 26, p. 1076
44-12-601	Amended	V. 26, p. 1077
44-12-901	Amended	V. 26, p. 1079
44-12-902	Amended	V. 26, p. 1079
44-12-903	New	V. 26, p. 1079
44-12-1101	Amended	V. 26, p. 1080
44-12-1201	Amended	V. 26, p. 1080
44-12-1301	Amended	V. 26, p. 1080
44-12-1302	Amended	V. 26, p. 1081
44-12-1303	Amended	V. 26, p. 1081
44-12-1306	Amended	V. 26, p. 1081
44-12-1308	Amended	V. 26, p. 1081
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44-13-106	Amended	V. 26, p. 1082
44-13-201	Amended	V. 26, p. 1082
44-13-201a	New	V. 26, p. 1083
44-13-201b	Amended	V. 26, p. 1084
44-13-202	Amended	V. 26, p. 1084
44-13-307	Amended	V. 26, p. 1085
44-13-402	Amended	V. 26, p. 1085
44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

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49-50-6	Amended	V. 26, p. 1647
49-50-20	Amended	V. 26, p. 1647

AGENCY 50: DEPARTMENT OF LABOR— DIVISION OF EMPLOYMENT

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AGENCY 51: DEPARTMENT OF LABOR— DIVISION OF WORKERS COMPENSATION

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60-8-101	Amended	V. 26, p. 448
60-9-106	Amended	V. 26, p. 1112
60-11-119	Amended	V. 26, p. 448

60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
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60-17-110	Amended	V. 26, p. 451

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63-5-1	Amended	V. 26, p. 126

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66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

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67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

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68-7-12	Amended	V. 26, p. 1114
68-7-20	Amended	V. 27, p. 435
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74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 27, p. 626
74-4-8	Amended	V. 27, p. 626
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 1957
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643

82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43
82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8	Revoked	V. 26, p. 1141
88-3-8a	New	V. 26, p. 1141
88-3-12	Amended	V. 26, p. 1141
88-24-1	Amended	V. 26, p. 1142
88-24-2	Amended	V. 26, p. 1142
88-29-1		
through		
88-29-19	New	V. 26, p. 216-229
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 26, p. 1217
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 26, p. 1220
91-1-204	Amended	V. 26, p. 1224
91-1-209	Amended	V. 26, p. 1226
91-1-234	New	V. 26, p. 1226
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7		
through		
91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26		
through		
91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291

91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140		
through		
92-12-145	New	V. 27, p. 866, 867
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-55a	Revoked	V. 26, p. 409
92-19-70	Revoked	V. 27, p. 868
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-27-1		
through		
92-27-5	New	V. 26, p. 1648, 1649

AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4		
through		
97-6-11	New	V. 26, p. 485-488

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New (T)	V. 26, p. 1929
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 26, p. 1753
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-4	Amended	V. 27, p. 209
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-55-4	Amended	V. 27, p. 209
100-73-1	Amended	V. 26, p. 1258
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881

102-6-8	Amended	V. 26, p. 881
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AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-15-1		
through		
110-15-4	New	V. 26, p. 1864
110-16-1		
through		
110-16-4	New	V. 26, p. 1865, 1866
110-17-1		
through		
110-17-4	New	V. 26, p. 1866, 1867
110-18-1		
through		
110-18-4	New	V. 26, p. 1867, 1868

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. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-4-2645		
through		
111-4-2656	New	V. 27, p. 436-442
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-9a	Amended	V. 27, p. 19
112-4-14a	Amended	V. 27, p. 19
112-5-1	Amended	V. 27, p. 19
112-6-1	Amended	V. 27, p. 20
112-7-6	Amended	V. 27, p. 20
112-7-8	Amended	V. 27, p. 21
112-7-15a	Amended	V. 27, p. 21
112-7-16	Amended	V. 27, p. 22
112-7-18a	Amended	V. 27, p. 22
112-7-20	Amended	V. 27, p. 23
112-8-9	Amended	V. 27, p. 23
112-10-12	Amended	V. 27, p. 23
112-10-32	Amended	V. 27, p. 23
112-11-10	Amended	V. 27, p. 24
112-11-20	Amended	V. 27, p. 24
112-18-1	Amended	V. 27, p. 26

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
115-2-3a	Amended	V. 27, p. 570
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 26, p. 1725
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 27, p. 572
115-8-7	Amended	V. 26, p. 1364
115-8-13	Amended	V. 27, p. 112

(continued)

115-9-9	Amended	V. 26, p. 641
115-18-7	Amended	V. 27, p. 406
115-18-10	Amended	V. 26, p. 1727
115-18-12	Amended	V. 26, p. 1728
115-18-20	Amended	V. 26, p. 1728
115-30-1	Amended	V. 26, p. 1364
115-30-5	Amended	V. 26, p. 1365
115-30-7	Amended	V. 26, p. 1365
115-30-8	Amended	V. 26, p. 1365
115-30-10	Amended	V. 26, p. 1366
115-30-12	New	V. 26, p. 1366

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 26, p. 1259
117-2-1	Amended	V. 26, p. 1259
117-2-2	Amended	V. 26, p. 1260
117-2-2a	Amended	V. 27, p. 16
117-2-3	Amended	V. 26, p. 1261
117-2-4	Amended	V. 26, p. 1261
117-3-1	Amended	V. 26, p. 1262
117-3-2	Amended	V. 26, p. 1265
117-3-2a	Amended	V. 27, p. 17
117-3-4	Amended	V. 26, p. 1264
117-4-1	Amended	V. 26, p. 1264

117-4-2	Amended	V. 26, p. 1265
117-4-2a	Amended	V. 27, p. 17
117-4-3	Amended	V. 26, p. 1266
117-4-4	Amended	V. 26, p. 1266
117-5-2a	Amended	V. 27, p. 18
117-6-1	Amended	V. 27, p. 357
117-6-2	Amended	V. 26, p. 1267
117-7-1	Amended	V. 27, p. 18
117-8-1	Amended	V. 27, p. 19

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-2-1	Amended	V. 26, p. 1908
121-3-1	Amended	V. 26, p. 1908
121-5-4	New	V. 26, p. 1909
121-9-1	New	V. 26, p. 1910

AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358

128-2-1	New	V. 27, p. 360
128-2-3	through	
128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1	through	
128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-65	New	V. 26, p. 1091

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