



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 28, No. 20 May 14, 2009 Pages 629-676

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State of Kansas
Department of Administration

Public Notice

Under requirements of K.S.A. 2008 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$2,069,042.78 in the underground petroleum storage tank release trust fund and \$1,460,344.50 in the aboveground petroleum storage tank release trust fund at April 30, 2009.

Duane Goossen
Secretary of Administration

Doc. No. 037031

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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

Effective 5-11-09 through 5-17-09

Term	Rate
1-89 days	0.18%
3 months	0.18%
6 months	0.34%
1 year	0.54%
18 months	0.80%
2 years	1.00%

Elizabeth B.A. Miller
Director of Investments

Doc. No. 037028

State of Kansas
Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for April 2009. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

No new publications

Opinion Letters

O-2009-006 Employee wages for a 501(c)(3) organization.

Final Written Determinations

No new publications

Revenue Rulings

No new publications

Notices

No new publications

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&A's

No new publications

Information Guides

No new publications

Joan Wagnon
Secretary of Revenue

Doc. No. 037032

The KANSAS REGISTER (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include applicable state and local sales tax). Single copies may be purchased, if available, for \$2 each. **Periodicals postage paid at Topeka, KS.**

POSTMASTER: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

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PUBLISHED BY
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State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at 1 p.m. June 18 the following structure located in Pratt County, Kansas, to be moved:

1,825 sq. ft., 2-bedroom, 1-bath home with attached 2-car garage located at 30385 S.W. 5th St., Pratt

Inspection of Property:

The structure will be opened to the public for viewing and inspection from 1 to 2 p.m. June 11. Inspections also will be 30 minutes prior to auction.

Performance Bonds:

The successful bidder for the property will be required to post a performance bond in the amount of \$4,000, posted by cashier's check the day of the sale.

Terms of Sale:

A cashier's check for the purchase price must be paid on the day of the sale, made payable to the Kansas Department of Transportation. The successful bidder will receive a bill of sale upon payment. The successful bidder will be required to remove the structure from the right of way on or before August 31, 2009.

For additional terms or information, contact the Bureau of Right of Way at (877) 461-6817. The seller reserves the right to reject any and all bids and is not responsible for accidents.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Deb Miller
Secretary of Transportation

Doc. No. 037037

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 25, at the Morris County Community Center, 612 E. Hwy. 56, Council Grove, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 25 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. June 26 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. 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 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally 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 regulations, in addition to those previously published, that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-25-19. This exempt regulation designates the management unit, hunting season, shooting hours, bag and possession limits for hunting doves. The proposed version would differ from previous seasons by adding additional days to the first season and opening the second season on the first Saturday in November rather than November 1.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-9b. This new exempt regulation establishes the nonresident limited-quota antlered deer permit application period. The proposed regulation would open the application period on April 1, 2010, for the 2010-2011 season.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the commission at the address above, electronically on the department's Web site at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston
Chairman

Doc. No. 037035

State of Kansas

**Facilities Closure and Realignment
Commission****Notice of Hearings**

The Facilities Closure and Realignment Commission will be hosting public hearings in Parsons and Topeka. The first hearing will be at 1:30 p.m. Monday, May 18, at the Parsons State Hospital and Training Center cafeteria, 2601 Gabriel Ave., Parsons. The second hearing will be at 10:30 a.m. Tuesday, May 19, at the Kansas Neurological Institute, Wheatland Habilitation Center, Classrooms A and B, 3107 S.W. 21st St., Topeka. For more information, contact the commission at Closure.Commission@ks.gov.

Rochelle Chronister
Chair

Doc. No. 037006

State of Kansas

Kansas State University**Notice to Bidders**

Kansas State University encourages interested vendors to visit the Kansas State University Controller's Office/Purchasing Web site at <http://www.ksu.edu/purchasing/rfq> for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at cbishop@ksu.edu to request a copy of a current bid.

Carla Bishop
Director of Purchasing

Doc. No. 037030

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, is 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. 037029

State of Kansas

**Department of Health
and Environment****Request for Bids**

Pursuant to the Kansas Childhood Lead Poisoning Prevention Program, sealed bids for lead hazard reduction at the following properties will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

May 29, 2009**264-09-32****Project Lead Safe KCK**

- Property #1 3132 S. 8th Terr.
Kansas City, KS 66103
- Property #2 316 N. 13th St.
Kansas City, KS 66102
- Property #3 4010 Strong Ave.
Kansas City, KS 66106
- Property #4 88 S. 24th St.
Kansas City, KS 66102
- Property #5 8018 Riverview Ave.
Kansas City, KS 66112
- Property #6 6026 Oakland Ave.
Kansas City, KS 66102

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the invitation for bid. For times and actual locations, call (913) 262-0796 or go to the following Web site:

http://www.unleadedks.com/contractor_info.html

The above-referenced bid documents can be downloaded at the Web site listed above.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 037043

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-09-130/139
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Vince Wagoner Box 5 Lenora, KS 67645	NE/4 of Section 10, T05S, R24W, Morris County	Solomon River Basin

Kansas Permit No. A-SONT-B009

This is a new permit for a new facility for 500 head (250 animal units) of cattle weighing 700 pounds or less. The proposed construction includes open lot pens with a waste control system consisting of a sediment basin and earthen waste storage pond.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Ebert 13160 Noel Road St. George, KS 66535	NW/4 of Section 03 & NE/4 of Section 04, T09S, R09E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S030

This is a new permit for a modifying facility for 1,230 head (492 animal units) of swine weighing more than 55 pounds, 600 head (60 animal units) of swine weighing less than 55 pounds and 100 head (50 animal units) of cattle weighing less than 700 pounds, for a total of 1,930 head (602 animal units). The facility is proposing to abandon the 0.5-acre swine lot, abandon 1.6 acres of buffer area, and construct a breeding building. Additionally, the facility is proposing to abandon and relocate 0.9 acre of the existing beef lots and establish a 2.2-acre buffer area. Head capacity will not change as a result of the modifications.

Name and Address of Applicant	Legal Description	Receiving Water
Crystalline 7 Feeders Michael Spresser Route 2, Box 131 Selden, KS 67757	SW/4 of Section 25, T05S, R29W, Decatur County	Upper Republican River Basin

Kansas Permit No. A-URDC-B007

This is a reissuance of a permit for an existing facility with a maximum capacity of 500 head (250 animal units) of beef cattle 700 pounds or less. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Taylor Ranch Harold Taylor Route 1, Box 81 Hoxie, KS 67740	NW/4 of Section 23, T08S, R27W, Sheridan County	Solomon River Basin

Kansas Permit No. A-SOSD-B002

This is a reissuance of a permit for an existing facility with a maximum capacity of 900 head (900 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Hahn's Inc. - Parr Facility Jay Hahn 27610 N.E. 231 Road Hanston, KS 67849	SW/4 of Section 07, T22S, R21W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-B004

This is a reissuance of a permit for an existing facility for 500 head (500 animal units) of cattle weighing greater than 700 pounds. There are no changes in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Gene E. Schrock 10601 S. Mayfield Haven, KS 67543	SE/4 of Section 26, T24S, R05W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M026

This is a reissuance of a permit for an existing facility for 35 head (49 animal units) of mature dairy cattle. There are no changes in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Circle C Washout Jimmy J. Bailey 302 Belmont Road Pratt, KS 67124	SE/4 of Section 34, T27S, R12W, Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-T001

This is a reissuance of a permit for an existing commercial truck washing facility.

Name and Address of Applicant	Legal Description	Receiving Water
Richard Tuma 1165 26 Road Morrowville, KS 66958	SE/4 of Section 23, T01S, R02E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-B015

This is a reissuance of a permit with a change in operation for an existing facility for 50 head (70 animal units) of mature dairy cattle, 10 head (10 animal units) of dairy cattle weighing more than 700 pounds and 295 head (147.5 animal units) of cattle weighing less than 700 pounds. The change in operation includes the discontinued use of the dairy parlor resulting in a reduction in the permitted capacity to a total maximum of 30 head (30 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Steenbock Dairy Curtis Steenbock 881 3rd Road Longford, KS 67458	SE/4 of Section 20, T10S, R02E, Clay County	Smoky Hill River Basin

Kansas Permit No. A-SHCY-M003

This is a reissuance of a permit for an existing facility for 200 head (280 animal units) of mature dairy cattle and 68 head (34 animal units) of dairy cattle weighing less than 700 pounds, for a total of 268 head (314 animal units) of dairy cattle. There are no changes in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Western Slopes Stock Farm Lyle Helmer 845 13 Road Lyons, KS 67554	NW/4 of Section 07, T19S, R08W, Rice County	Lower Arkansas River Basin

Kansas Permit No. A-ARRC-M003

This is a reissuance of a permit for an existing facility for 45 head (63 animal units) of mature dairy cattle and 15 head (7.5 animal units) of dairy calves weighing less than 700 pounds, for a total of 60 head (70.5 animal units) of dairy cattle. There are no changes in the permitted animal units from the previous permit.

Public Notice No. KS-Q-09-059/070

Name and Address of Applicant	Receiving Stream	Type of Discharge
Continental Coal, Inc. 10801 Mastin, Suite 920 Overland Park, KS 66210	Mine Creek via Unnamed Tributaries	Stormwater Runoff

Kansas Permit No. I-MC35-PO02 Federal Permit No. KS0097624

Legal: NE¼, S35, T21S, R25E, Linn County

Facility Name: Lucky Strike Mine

(continued)

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during coal mining operations. This is a surface bituminous coal mine. Stormwater runoff and groundwater from active strip mining, processing plant and associated areas, post mining and reclamation activities are directed to sedimentation ponds for treatment prior to discharge. The proposed permit includes limits for settleable solids, total suspended solids, total recoverable iron and pH, as well as monitoring of flow. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Delphos, City of P.O. Box 376 Delphos, KS 67436	Solomon River	Treated Domestic Wastewater
Kansas Permit No. M-SO11-OO02 Federal Permit No. KS0092169		

Legal Description: NE $\frac{1}{4}$, NE $\frac{1}{4}$, S21, T9S, R4W, Ottawa County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, chlorides, sulfates and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Ellsworth, City of P.O. Box 163 Ellsworth, KS 67439	Smoky Hill River via Oak Creek	Treated Domestic Wastewater
Kansas Permit No. M-SH07-OO01 Federal Permit No. KS0085693		

Legal Description: NW $\frac{1}{4}$, S22, T15S, R8W, Ellsworth County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia and E. coli, as well as monitoring of total phosphorus, chlorides, sulfates, nitrate+nitrite, total Kjeldahl nitrogen, total nitrogen, total residual chlorine (golf course irrigation), pH and effluent flow. The proposed permit contains a schedule of compliance requiring the permittee to complete construction of facility upgrades by December 31, 2009. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
FI Kansas Remediation Trust c/o SELS Administrative Services, LLC 11206 Thompson Ave. Lenexa, KS 66219	Arkansas River via City Storm Sewer	Groundwater Remediation
Kansas Permit No. I-AR82-PO15 Federal Permit No. KS0098591		

Legal Location: 420 W. Ave. D, South Hutchinson, KS 67505

Facility Description: The proposed action consists of modification of the existing Kansas/NPDES Water Pollution Control permit for the above-referenced existing facility. At the former Farmland Industries-owned grain elevator sites, grain silo fumigants have contaminated the groundwater. Groundwater will be pumped out from three recovery wells, treated in an air stripper and discharged into the city of South Hutchinson's storm sewer. The average daily discharge is about 150 gpm. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Harveyville, City of P.O. Box 187 Harveyville, KS 66431	Dragoon Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC16-OO01 Federal Permit No. KS0046418		

Legal Description: NE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, S34, T14S, R13E, Wabaunsee County

Facility Description: The proposed action consists of reissuance of the existing Kansas/NPDES Water Pollution Control permit for the above referenced existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids as well as monitoring for ammonia, E. coli and pH. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Kincaid, City of P.O. Box 56 Kincaid, KS 66039	North Fork Little Osage River via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-MC17-OO01 Federal Permit No. KS0080578		

Legal Description: SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, S31, T22S, R21E, Anderson County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, total recoverable copper and lead, and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Melvern, City of P.O. Box 116 Melvern, KS 66510	Marais des Cygnes Rivervia Frog Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC23-OO01 Federal Permit No. KS0046027		

Legal Description: SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, S3, T18S, R16E, Osage County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, total recoverable selenium and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Miltonvale, City of P.O. Box 248 Miltonvale, KS 67466	Chapman Creek	Treated Domestic Wastewater
Kansas Permit No. M-SH27-OO01 Federal Permit No. KS0021911		

Legal Description: NE $\frac{1}{4}$, S20, T8S, R1W, Cloud County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, sulfates and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Osage City, City of P.O. Box 250 Osage City, KS 66523	Salt Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC29-OO01 Federal Permit No. KS0022675		

Legal Description: NE $\frac{1}{4}$, NW $\frac{1}{4}$, S36, T16S, R14E, Osage County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring of ammonia, E. coli, total phosphorus, total recoverable copper, nitrate+nitrite, total Kjeldahl nitrogen, total nitrogen and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Lyons Creek via Lime Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-SH17-PO01		Federal Permit No. KS0117382

Legal Description: E½, S2, T16S, R4E, Dickinson County
Facility Name: Presslor Quarry #36

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing 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 within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Tyson Fresh Meats, Inc. P.O. Box 920 Lexington, NE 68850	Neosho River via Cottonwood River via Unnamed Tributary	Process Wastewater
Kansas Permit No. I-NE24-PO02		Federal Permit No. KS0000817

Legal Description: NE¼, S19, T19S, R11E, Lyon County
Facility Location: 2101 W. 6th St., Emporia, KS 66801

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. This facility is a beef processing plant. Live cattle are no longer handled and the current operation involves processing cut beef brought in from other locations along with grease/tallow recovery, and processing of grease from other facilities for rendering. An average 0.65 million gallons per day (MGD) of process wastewater from the cut floor, sanitary wastewater, boiler wastewater and storm water runoff is treated in an anaerobic and facultative wastewater lagoon system prior to discharge. Prior to February 2008 the facility operated as a complex slaughterhouse with associated rendering and hide curing activities generating an average of 2.8 MGD and a maximum of 4.5 MGD of wastewater. The draft permit allows for the potential to increase operations back to the original operating conditions. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, oil and grease, ammonia, fecal coliform, total nitrogen, total phosphorus and pH, as well as monitoring of sulfates, chlorides, nitrate+nitrite, total Kjeldahl nitrogen, whole effluent toxicity and effluent flow. Contained in the permit is a schedule of compliance requiring the permittee to hire a consultant to provide plant capability and capacity to meet current and potential permit requirements if slaughtering operations resume. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Westar Energy 818 Kansas Ave. Topeka, KS 66612	Kansas River via Drainage Ditch	Process Wastewater
Kansas Permit No. I-KS31-PO09		Federal Permit No. KS0079821

Legal Description: NW¼, S14, T12S, R19E, Douglas County
Facility Name: Lawrence Energy Center

Facility Location: 1250 N. 1800 Road, Lawrence, KS 66044
Facility Description: The proposed action consists of modification of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. This is an electrical power generating station. The primary modification is to replace the package domestic sewage treatment plant with a two-cell nonoverflowing earthen lagoon. 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.

Public Notice No. KS-NQ-09-002

Name and Address of Applicant	Legal Location	Type of Discharge
Hall Brothers Inc.-Asphalt Plant 9 1196 E. Pony Express Hwy. Marysville, KS 66508	NE¼, S25, T4S, R6E, Marshall County	Nonoverflowing
Kansas Permit No. I-BB13-NO02		Federal Tracking No. KSJ000648

Facility Description: The proposed action is to issue a new wastewater permit for an existing nonoverflowing wastewater retention system. This facility is engaged in an asphalt production operation. Two synthetic-lined settling pits, surrounded by a berm, collect and treat wastewater originating from the wet scrubber. Wastewater from the settling pits is recycled as makeup water for the wet washer (venturi scrubber system). Solids will be removed from the pits as needed. An on-site well is used as a non-potable water source and a portable toilet is used for sanitary waste collection. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

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 June 13 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-130/139, KS-Q-09-059/070, KS-NQ-09-002) 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.kdheks.gov/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. 037040

State of Kansas

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

The U.S. Environmental Protection Agency and the Kansas Department of Health and Environment are providing notice of intent to renew a Resource Conservation and Recovery Act (RCRA) post-closure permit for the Chemical Waste Management, Inc. (CWM) facility located at 8808 N. 127th E. near Valley Center.

The Renewal RCRA Post-Closure Permit is to be issued jointly by the KDHE and EPA for a 10-year term. The permit requires CWM to perform post-closure care, groundwater monitoring and groundwater remediation. The facility will be subject to inspection by the KDHE and EPA to determine compliance with the permit requirements.

A public availability session and hearing will be held June 16 to provide the public an opportunity to discuss and comment on the renewal of the RCRA Post-Closure Permit for the CWM site. The availability session will be held from 3 to 5 p.m. and the hearing will begin at 7 p.m. at the Kechi City Hall, 220 W. Kechi Road, Kechi. Representatives from the KDHE and EPA will be available to answer questions and take comments from the public regarding the permit renewal.

The administrative record, including the draft permit, permit application and other correspondence pertaining to the permit renewal, is available for public review May 18-July 2 at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, KS 66612-1366

U.S. Environmental Protection Agency
Region 7 Office
901 N. 5th St.
Kansas City, KS 66101

Park City Public Library
1530 E. 61st St. North
Park City, KS 67219

Written comments related to this permit action can be submitted to Mostafa Kamal (KDHE) or to Lisa Gotto (EPA) at the addresses above beginning May 18 and post-marked not later than July 2. For more information about this permit renewal or to join the mailing list to receive further information about the permit renewal process, contact Mostafa Kamal at (785) 296-1609 or Lisa Gotto at (913) 551-7210.

After consideration of all comments received, the Secretary of Health and Environment and the EPA Regional Administrator will make a final decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, to those who commented at the public hearing (if held), and to those who requested to be included in the mailing list of the final permit decision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 037045

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. OxyChem Wichita Plant 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.

OxyChem Wichita Plant, 6200 S. Ridge Road, Wichita, owns and operates a chemical manufacturing plant located at 6200 S. Ridge Road, 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 June 15.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business June 15 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 im-

practicable 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. 037038

(Published in the Kansas Register May 14, 2009.)

**Summary Notice of Bond Sale
City of Garden City, Kansas
\$2,173,700
General Obligation Bonds
Series 2009**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated May 7, 2009, of the city of Garden City, Kansas, bids to purchase the city's General Obligation Bonds, Series 2009, will be received at the City Administrative Center, 301 N. 8th, Garden City, KS 67846, or by telefacsimile at (620) 276-1169, until 11 a.m. Tuesday, June 2, 2009. Bids received will be considered by the governing body at its meeting at 1 p.m. on the sale date.

No oral or auction bids for the bonds will be considered, and no bid for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery will be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond (as described in the official notice of bond sale), in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated July 1, 2009, and will be issued as registered bonds in the denomination of \$5,000, or any integral multiple thereof, except for one bond in the denomination of \$3,700 (or such amount added to \$5,000) maturing November 1, 2010. Interest on the bonds is payable semiannually on May 1 and November 1 of each year, beginning May 1, 2010. Principal of the bonds becomes due on November 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$138,700	2010
190,000	2011
200,000	2012
205,000	2013
215,000	2014
225,000	2015
235,000	2016
245,000	2017

255,000	2018
265,000	2019

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Bonds

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to DTC on or about July 1, 2009.

Legal Opinion

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$169,007,539. As of July 1, 2009, the city's total outstanding general obligation debt (including the bonds) is \$11,480,700.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the city's financial advisor, Chuck Bouilly, George K. Baum & Co., 100 N. Main, Suite 810, Wichita, KS 67202, (316) 264-9351.

City of Garden City, Kansas
By Stacey L. Frizzell, City Clerk
City Administrative Center, 301 N. 8th
Garden City, KS 67846
(620) 276-1100
Fax (620) 276-1169

Doc. No. 037039

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 29-May 6 by the 2009 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2401, An act concerning the Kansas bioscience authority; relating to the bioscience development and investment fund; amending K.S.A. 2008 Supp. 74-99b34 and repealing the existing section, by Committee on Appropriations.

HB 2402, An act concerning fair pricing of crude oil, by Committee on Federal and State Affairs.

HB 2403, An act creating the transparency and accountability in purchasing and state spending act, by Committee on Appropriations.

HB 2404, An act concerning taxation; relating to income taxation; deductions; determination of Kansas adjusted gross income; credits; amending K.S.A. 2008 Supp. 79-32,117, 79-32,120, 79-32,138 and 79-32,205 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Appropriations.

(continued)

HB 2405, An act concerning taxation; relating to corporate income tax rates; distribution of mineral severance tax to oil and gas valuation depletion trust fund; amending K.S.A. 2008 Supp. 79-32,110 and 79-4227 and repealing the existing sections, by Committee on Appropriations.

HB 2406, An act concerning sales taxation; relating to exemptions; goodwill industries; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

HB 2407, An act concerning taxation; relating to rates and continuation of estate tax; income tax credits; time of payment and returns of mineral severance tax; rates and continuation of franchise tax; amending K.S.A. 40-253a, 79-4220 and 79-4221 and K.S.A. 2008 Supp. 40-2803, 40-2804, 74-50,208, 79-15,203, 79-15,251, 79-32,117, 79-32,215 and 79-5401 and repealing the existing sections; also repealing K.S.A. 79-32,194 and 79-32,199 and K.S.A. 2008 Supp. 79-15,253, 79-32,117m, 79-32,195, 79-32,196, 79-32,197, 79-32,197a, 79-32,198, 79-32,199a and 79-32,199b, by Committee on Appropriations.

House Concurrent Resolutions

HCR 5023, A concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

House Resolutions

HR 6028, A resolution in memory of Richard E. "Dick" Eckert.

HR 6029, A resolution recognizing May as lyme disease awareness month and commending and congratulating those groups who help raise awareness about lyme disease.

HR 6030, A resolution designating May 8 as Military Family Appreciation Day.

Senate Bills

SB 332, An act concerning annexation; relating to lands located within the territory of a rural water district; repealing K.S.A. 12-527, by Committee on Ways and Means.

SB 333, An act concerning the Kansas parole board; authorizing charging fees for applications for pardon, commutation of sentence and early release; creating the Kansas parole board fee fund; amending K.S.A. 22-3701 and 22-3722 and repealing the existing sections, by Committee on Ways and Means.

SB 334, An act concerning taxation; relating to estate tax rates; franchise tax rates; amending K.S.A. 2008 Supp. 79-15,203, 79-15,251, 79-15,253 and 79-5401 and repealing the existing sections, by Committee on Ways and Means.

SB 335, An act concerning taxation; relating to income taxation; deductions; determination of Kansas adjusted gross income; credits; amending K.S.A. 2008 Supp. 79-32,117, 79-32,120, 79-32,138 and 79-32,205 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Ways and Means.

SB 336, An act reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 16a-6-117, as amended by section 23 of 2009 Senate Bill No. 240, 20-3201, 21-3826, as amended by section 1 of 2009 Senate Bill No. 237, and 72-4423, as amended by section 11 of 2009 House Bill No. 2003, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 Senate Bill No. 275, 8-1567, as amended by section 5 of 2009 Senate Substitute for House Bill No. 2096, 8-2110, as amended by section 1 of 2009 Senate Bill No. 158, 12-5242, 19-101a, 20-367, 22-3716, 25-4156, 25-4169a, 28-172a, as amended by section 15 of 2009 Senate Bill No. 66, 38-2211, 38-2255, as amended by section 6 of 2009 Senate Bill No. 134, 45-221, as amended by section 27 of 2009 House Bill No. 2052, 59-104, as amended by section 19 of 2009 Senate Bill No. 66, 60-1621, as amended by section 22 of 2009 Senate Bill No. 66, 60-2001, as amended by section 23 of 2009 Senate Bill No. 66, 60-4104, as amended by section 1 of 2009 Substitute for Senate Bill No. 28, 61-2704, as amended by section 25 of 2009 Senate Bill No. 66, 61-4001, as amended by section 26 of 2009 Senate Bill No. 66, 65-1643, 65-2878, 66-2005, 72-6448, 75-7c04, as amended by section 2 of 2009 House Bill No. 2308, 75-7427, 76-3110, 79-213, 79-5a27 and 79-32,117 and section 16 of 2009 House Bill No. 2236 and repealing the existing sections; also repealing K.S.A. 20-3201, as amended by section 1 of 2009 House Bill No. 2111, 21-3826, as amended by section 27 of 2009 House Bill No. 2236, 65-4142, as amended by section 1 of 2009 House Bill No. 2059, and 76-3110, as amended by section 36 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 House Bill No. 2152, 8-1567, as amended by section 19 of 2009 House Bill No. 2236, 8-2110, as amended by section 3 of 2009

Senate Bill No. 66, 12-1773a, 12-5242a, 12-5242b, 19-101m, 20-376, as amended by section 2 of 2009 House Bill No. 2111, 22-3716a, 25-4156a, 25-4169b, 28-172a, as amended by section 3 of 2009 House Bill No. 2111, 38-2211a, 38-2255, as amended by section 47 of 2009 House Bill No. 2236, 39-756d, 45-221, as amended by section 2 of 2009 Senate Bill No. 87, 45-229b, 59-104, as amended by section 4 of 2009 House Bill No. 2111, 60-1621, as amended by section 5 of 2009 House Bill No. 2111, 60-2001, as amended by section 6 of 2009 House Bill No. 2111, 60-2102a, 60-2403a, 60-4104, as amended by section 51 of 2009 House Bill No. 2236, 61-2704, as amended by section 7 of 2009 House Bill No. 2111, 61-3003a, 61-4001, as amended by section 8 of 2009 House Bill No. 2111, 65-1643b, 65-2878b, 66-2005a, 72-6433c, 72-6448, as amended by section 1 of 2009 House Bill No. 2002, 75-7c04, as amended by section 60 of 2009 House Bill No. 2236, 75-7427a, 79-213e, 79-5a27a and 79-32,117m and section 1 of 2009 Senate Substitute for House Bill No. 2126, by Committee on Ways and Means.

SB 337, An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest on certain unpaid taxes; procedures and requirements of program, by Committee on Ways and Means.

SB 338, An act concerning taxation; relating to tax on privilege of selling alcoholic liquor; distribution of revenue; local alcoholic liquor fund; amending K.S.A. 79-41a04 and K.S.A. 2008 Supp. 79-41a03 and repealing the existing sections, by Committee on Ways and Means.

SB 339, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections; also repealing K.S.A. 19-101a, as amended by section 7 of 2009 Senate Bill No. 336, and 19-101m.

Senate Resolutions

SR 1874, A resolution congratulating the Basehor-Linwood boy's basketball program for winning the Class 4A state championship.

SR 1875, A resolution congratulating and commending Marie Clement for being named Ms. Wheelchair Kansas 2009.

SR 1876, A resolution urging the extension of the influenza vaccination season.

SR 1877, A resolution congratulating and commending the University of Kansas debate team.

SR 1878, A resolution in memory of Senator James B. Pearson.

SR 1879, A resolution congratulating and commending Shalee Lehn-ing.

SR 1880, A resolution congratulating and commending Ron Wood for his many years of community service and volunteer efforts in the Chetopa area and beyond.

SR 1881, A resolution congratulating and commending Lucas Vincent and Chaz Lawrence.

SR 1882, A resolution congratulating and commending Clark Thomas.

SR 1883, A resolution congratulating and commending the Olathe East High School boys swimming team.

SR 1884, A resolution congratulating the Olathe South High School boys soccer team.

SR 1885, A resolution congratulating and commending the Olathe East High School girls gymnastics team.

SR 1886, A resolution supporting an EcoPartnership between the city of Wichita, Kansas, and the city of Wuxi, China.

SR 1887, A resolution honoring and thanking Emalene G. Correll.

SR 1888, A resolution recognizing the observance of an annual Juneteenth Day.

Doc. No. 037033

**State of Kansas
Kansas Insurance Department**

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the state of Kansas. **Humana, Inc., Pharmacy Network** has notified the Insurance Department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective			
Patterson Health Care Pharmacy	Abilene	1/2/2009	Wal-Mart Pharmacy #100372	Dodge City	1/27/2009
Walgreen Drug Store #5840	Andover	1/2/2009	Walgreen Drug Store #7817	Dodge City	1/2/2009
Dillon Pharmacy #615038	Arkansas City	2/3/2009	Corner Drug And Gift Inc	Downs	1/2/2009
Graves Drug Store #11	Arkansas City	2/3/2009	Miller Pharmacy	Edwardsville	1/2/2009
K And D Pharmacy LLC	Arkansas City	1/2/2009	Dillon Pharmacy #615029	El Dorado	2/3/2009
Wal-Mart Pharmacy #100978	Arkansas City	1/27/2009	El Dorado Truecare Pharmacy	El Dorado	1/2/2009
Walgreen Drug Store #11369	Arkansas City	1/2/2009	Wal-Mart Pharmacy #100186	El Dorado	1/27/2009
Arma Drug	Arma	1/2/2009	Walgreen Drug Store #10721	El Dorado	1/2/2009
Ball Brothers Pharmacy	Atchison	1/2/2009	Seitz Drug Company Inc.	Ellsworth	1/2/2009
Reynolds Pharmacy	Atchison	1/2/2009	Medicine Shoppe #1430	Emporia	1/2/2009
Wal-Mart Pharmacy #101054	Atchison	1/27/2009	The Medicine Shoppe #1236	Emporia	3/17/2009
Cooper Drug Store	Augusta	1/2/2009	Wal-Mart Pharmacy #100557	Emporia	1/27/2009
Dillon Pharmacy #615018	Augusta	2/3/2009	Walgreens Drug Store #11167	Emporia	1/2/2009
Wal-Mart Pharmacy #100346	Augusta	1/27/2009	Byrnes Pharmacy Inc.	Eudora	1/2/2009
Auburn Pharmacy	Baldwin City	1/2/2009	Hen House Pharmacy #35	Fairway	1/2/2009
Roberts PBA Drug Store	Baldwin City	1/2/2009	Wal-Mart Pharmacy #100039	Fort Scott	1/27/2009
Baxter Drug	Baxter Springs	3/3/2009	Walgreens Drug Store #11086	Fort Scott	1/2/2009
Wal-Mart Pharmacy #100208	Baxter Springs	1/27/2009	Fredonia Pharmacy	Fredonia	1/2/2009
Wolkar Drug Inc.	Baxter Springs	1/2/2009	Woods Supermarket Pharmacy #46	Ft Scott	1/2/2009
Crossroads Pharmacy	Belleville	1/2/2009	Woods Supermarket Pharmacy #46	Ft Scott	1/2/2009
Crossroads Pharmacy	Belleville	1/2/2009	Dillon Pharmacy #615005	Garden City	2/3/2009
Yungeberg Drug	Blue Rapids	1/2/2009	Dillon Pharmacy #615060	Garden City	2/3/2009
Bonner Springs Price Chopper	Bonner Springs	1/2/2009	Garden Pharmacy	Garden City	1/2/2009
Miller Pharmacy	Bonner Springs	1/2/2009	Sams Pharmacy #4791	Garden City	1/20/2009
The Medicine Store	Bonner Springs	2/3/2009	Wal-Mart Pharmacy #100652	Garden City	1/27/2009
Wal-Mart Pharmacy #100486	Bonner Springs	1/27/2009	Walgreen Drug Store #7972	Garden City	1/2/2009
Medicine Shoppe #1490	Burlington	1/2/2009	Gardner Pharmacy	Gardner	1/2/2009
Prescription Centre	Burlington	1/2/2009	Price Chopper Pharmacy #117	Gardner	1/2/2009
Caldwell Pharmacy #8101	Caldwell	1/2/2009	Wal-Mart Pharmacy #105307	Gardner	1/27/2009
Caney Drug	Caney	1/2/2009	Walgreen Drug Store #10150	Gardner	1/2/2009
Carbondale Clinic Pharmacy Inc	Carbondale	1/2/2009	Auburn Pharmacy Inc.	Garnett	1/2/2009
Ashley Pharmacy	Chanute	1/2/2009	The Medicine Shoppe #1660	Garnett	1/2/2009
Cardinal Drug	Chanute	1/2/2009	Kombo Pharmacy	Goddard	1/2/2009
Medicap #8151	Chanute	1/2/2009	Wal-Mart Pharmacy #102562	Goodland	1/27/2009
Medicine Shoppe Pharmacy #1137	Chanute	1/2/2009	Dillon Pharmacy #615051	Great Bend	2/3/2009
Wal-Mart Pharmacy #100111	Chanute	1/27/2009	Medicine Shoppe #1196	Great Bend	1/2/2009
Cheney Pharmacy	Cheney	1/2/2009	Wal-Mart Pharmacy #100770	Great Bend	1/27/2009
Riggs Drugs Store	Chetopa	1/2/2009	Walgreen Drug Store #7818	Great Bend	1/2/2009
Clark Pharmacy Inc.	Cimarron	1/2/2009	Pierson Hanover Professional Pharmacy	Hanover	1/2/2009
Ferguson Rexall Drugs	Clay Center	1/2/2009	Dillon Pharmacy #615014	Hays	2/3/2009
Patterson Family Apothecary	Clay Center	1/2/2009	Dillon Pharmacy #615061	Hays	2/3/2009
Patterson Healthmart Pharmacy	Clay Center	1/2/2009	Medical Pavilion Pharmacy	Hays	2/17/2009
Bales Pharmacy	Clearwater	1/2/2009	U Save Pharmacy	Hays	1/2/2009
Med Econ Pharmacy	Coffeyville	1/2/2009	Wal-Mart Pharmacy #100664	Hays	1/27/2009
Medicine Shoppe #1153	Coffeyville	1/2/2009	Walgreen Drug Store #6285	Hays	1/2/2009
The Prescription Shop Inc.	Coffeyville	1/2/2009	Haysville Health Mart Pharmacy	Haysville	1/2/2009
Wal-Mart Pharmacy #100042	Coffeyville	1/27/2009	Hesston Pharmacy Inc.	Hesston	1/2/2009
Dillon Pharmacy #615050	Colby	2/3/2009	Steves Corner Drug	Hiawatha	1/2/2009
Wal-Mart Pharmacy #101214	Colby	1/27/2009	Tice Healthmart	Hiawatha	1/2/2009
Evans Drug Inc.	Columbus	1/2/2009	Wal-Mart Pharmacy #100342	Hiawatha	1/27/2009
Funk Pharmacy	Concordia	1/2/2009	Wise Drug Inc.	Hill City	1/2/2009
Palmquist Drug Inc.	Concordia	1/2/2009	Greenhaw Pharmacy Inc.	Hillsboro	2/3/2009
Wal-Mart Pharmacy #101282	Concordia	1/27/2009	Medical Pharmacy	Holton	1/2/2009
Cedar Creek Pharmacy	De Soto	1/2/2009	Wal-Mart Pharmacy #100378	Holton	1/27/2009
Dillon Pharmacy #615004	Derby	2/3/2009	Horton Pharmacy	Horton	1/2/2009
Target Pharmacy #2448	Derby	3/3/2009	Batsons Drug Store	Howard	1/2/2009
Wal-Mart Pharmacy #100592	Derby	1/27/2009	Mahanna Pharmacy Inc.	Hoxie	2/3/2009
Walgreen Drug Store #6707	Derby	1/2/2009	Bloodhart Drug	Hugoton	1/2/2009
Dighton Drug	Dighton	1/2/2009	Humboldt Pharmacy	Humboldt	3/3/2009
Dillon Pharmacy #615001	Dodge City	2/3/2009	Coberly Drug Co. Inc.	Hutchinson	1/2/2009
Gibson Pharmacy of Dodge City	Dodge City	1/2/2009	Dillon Pharmacy #615010	Hutchinson	2/3/2009
			Dillon Pharmacy #615025	Hutchinson	2/3/2009
			Dillon Pharmacy #615048	Hutchinson	2/3/2009
			Hutchinson Clinic Pharmacy	Hutchinson	1/2/2009
			Kmart Pharmacy #3184	Hutchinson	1/2/2009
			Medical Center Pharmacy	Hutchinson	1/2/2009
			Medicine Shoppe #0045	Hutchinson	1/2/2009
			Wal-Mart Pharmacy #100794	Hutchinson	1/27/2009
			Walgreen Drug Store #7148	Hutchinson	1/2/2009
			Independence Pharmacy	Independence	1/2/2009
			The Medicine Shoppe #1191	Independence	1/2/2009
			Wal-Mart Pharmacy #102893	Independence	1/27/2009
			Walgreen Drug Store #9454	Independence	1/2/2009
			Gericare LTC	Iola	1/2/2009

(continued)

Iola Pharmacy	Iola	1/2/2009	Global Medical Direct	Lenexa	1/2/2009
Iola Pharmacy Clinic	Iola	1/2/2009	Great Plains Compounding Ctr	Lenexa	1/2/2009
Wal-Mart Pharmacy #101187	Iola	1/27/2009	Kmart Pharmacy #3656	Lenexa	1/2/2009
Renos Pharmacy	Jetmore	1/2/2009	Sams Pharmacy #108208	Lenexa	1/27/2009
Waldrons Pharmacy	Johnson	1/2/2009	US Bio Services	Lenexa	3/3/2009
Dillon Pharmacy #615044	Junction City	2/3/2009	Walgreen Drug Store #4186	Lenexa	1/2/2009
Kolling Pharmacy	Junction City	1/2/2009	Wichita County Pharmacy	Leoti	1/2/2009
Wal-Mart Pharmacy #100043	Junction City	1/27/2009	Dillon Pharmacy #615073	Liberal	2/3/2009
Abrams Pharmacy Inc.	Kansas City	1/2/2009	El Kan PBA Drug Inc.	Liberal	1/2/2009
Bond Pharmacy	Kansas City	1/2/2009	Wal-Mart Pharmacy #100799	Liberal	1/27/2009
CVS Pharmacy #08584	Kansas City	1/2/2009	Walgreens Drug Store #10722	Liberal	1/2/2009
CVS Pharmacy #08600	Kansas City	1/2/2009	Auburn Pharmacy	Louisburg	3/17/2009
CVS Pharmacy #08603	Kansas City	1/2/2009	McKeever's Pharmacy #002	Louisburg	1/2/2009
CVS Pharmacy #08608	Kansas City	1/2/2009	Pamida Pharmacy #670	Lyons	1/2/2009
Degoler Pharmacy #1	Kansas City	1/2/2009	Candlewood Health Mart Pharmacy	Manhattan	1/2/2009
Degoler Pharmacy #3	Kansas City	1/2/2009	Dillon Pharmacy #615015	Manhattan	2/3/2009
Degoler Pharmacy #4	Kansas City	1/2/2009	Dillon Pharmacy #615046	Manhattan	2/3/2009
Degolers Care Midwest Pharmacy	Kansas City	1/2/2009	Kellstrom Pharmacy	Manhattan	1/2/2009
Degolers Pharmacy #2	Kansas City	1/2/2009	Kmart Pharmacy #7037	Manhattan	1/2/2009
Genoa Healthcare #40	Kansas City	1/2/2009	Lafene Health Center Pharmacy	Manhattan	1/2/2009
Hassig Drugs Inc.	Kansas City	1/2/2009	Medicine Shoppe Pharmacy #1299	Manhattan	1/2/2009
Hen House Pharmacy #27	Kansas City	1/2/2009	Target Pharmacy #1821	Manhattan	1/2/2009
Kmart Pharmacy #4215	Kansas City	1/2/2009	Wal-Mart Pharmacy #100035	Manhattan	1/27/2009
Medicine Shoppe #0188	Kansas City	1/2/2009	Walgreen Drug Store #7060	Manhattan	1/2/2009
Medicine Shoppe #1059	Kansas City	1/2/2009	Mankato Professional Pharmacy	Mankato	2/3/2009
Target Pharmacy #2222	Kansas City	1/2/2009	Marion Healthmart Pharmacy	Marion	1/2/2009
Wal-Mart Pharmacy #101151	Kansas City	1/27/2009	Wal-Mart Pharmacy #100341	Marysville	1/27/2009
Walgreen Drug Store #7550	Kansas City	1/2/2009	Medical Center Pharmacy	McPherson	1/2/2009
Walgreens Drug Store #10125	Kansas City	1/2/2009	Dillon Pharmacy #615036	McPherson	2/3/2009
Kingman Drug Inc.	Kingman	1/2/2009	Wal-Mart Pharmacy #100993	McPherson	1/27/2009
Kiowas Prescriptions Plus	Kiowa	1/2/2009	Hibbards Prescriptions Plus	Medicine Lodge	1/2/2009
Hoyt Health Mart Pharmacy	La Crosse	1/2/2009	Meriden Pharmacy	Meriden	1/2/2009
Silver Creek Pharmacy and Gift	La Cygne	1/2/2009	Georgetown Pharmacy	Merriam	3/3/2009
J And J Pharmacy	Lakin	1/2/2009	Hen House Pharmacy #31	Merriam	1/2/2009
Lansing Pharmacy Healthmart Pharmacy	Lansing	1/2/2009	Walgreen Drug Store #6478	Merriam	1/2/2009
Pamida Pharmacy #674	Larned	1/2/2009	City Pharmacy Llc	Minneapolis	1/2/2009
Reed Discount Pharmacy	Larned	1/2/2009	CVS Pharmacy #05272	Mission	1/2/2009
CVS Pharmacy #00676	Lawrence	1/2/2009	Hy Vee Pharmacy #1422	Mission	1/2/2009
Dillon Pharmacy #615019	Lawrence	2/3/2009	Target Pharmacy #1487	Mission	1/2/2009
Dillon Pharmacy #615043	Lawrence	2/3/2009	Montezuma Drug	Montezuma	1/2/2009
Dillon Pharmacy #615068	Lawrence	2/3/2009	Auburn Pharmacy	Mound City	1/2/2009
Dillon Pharmacy #615070	Lawrence	2/3/2009	Moundridge Pharmacy	Moundridge	1/2/2009
Haskell Ihs Pharmacy	Lawrence	1/2/2009	Porter Drugs	Neodesha	1/2/2009
Heartland Homecare Services In	Lawrence	1/2/2009	G And L Pharmacy	Ness City	1/2/2009
Hy Vee Pharmacy #1377	Lawrence	1/2/2009	Dillon Pharmacy #615077	Newton	2/3/2009
Hy Vee Pharmacy 2 #1379	Lawrence	1/2/2009	Dillon Pharmacy #615084	Newton	2/3/2009
Jayhawk Pharmacy	Lawrence	1/2/2009	Dillon Pharmacy #615206	Newton	2/3/2009
Kindred Care	Lawrence	1/2/2009	Wal-Mart Pharmacy #102428	Newton	1/27/2009
Medical Arts Pharmacy	Lawrence	1/2/2009	Walgreen Drug Store #7152	Newton	1/2/2009
Orchards Drug LC	Lawrence	1/2/2009	Moffet Drug Store	Norton	1/2/2009
Qualicare Inc.	Lawrence	1/2/2009	Pamida Pharmacy #236	Norton	1/2/2009
Round Corner Drug Company Inc.	Lawrence	1/2/2009	Oakley Health Mart	Oakley	1/2/2009
Sigler Pharmacy	Lawrence	1/2/2009	Ward Drug Store	Oberlin	1/2/2009
Sigler Pharmacy Lawrence Family	Lawrence	1/2/2009	CVS Pharmacy #05156	Olathe	1/2/2009
Sunflower Pharmacy Inc.	Lawrence	1/2/2009	CVS Pharmacy #05257	Olathe	1/2/2009
Target Pharmacy #0531	Lawrence	1/2/2009	CVS Pharmacy #05274	Olathe	1/2/2009
Wal-Mart Pharmacy #100484	Lawrence	1/27/2009	CVS Pharmacy #08569	Olathe	1/2/2009
Walgreen Drug Store #3055	Lawrence	1/2/2009	Four B Corp #42	Olathe	1/2/2009
Walgreen Drug Store #3056	Lawrence	1/2/2009	Hen House Pharmacy #32	Olathe	1/2/2009
Walgreen Drug Store #09985	Lea Wood	1/2/2009	Hy Vee Pharmacy #1463	Olathe	1/2/2009
CVS Pharmacy #05268	Leavenworth	1/2/2009	Hy Vee Pharmacy 2 #1464	Olathe	1/2/2009
Dillon Pharmacy #615040	Leavenworth	1/2/2009	Kmart Pharmacy #3322	Olathe	1/2/2009
Kmart Pharmacy #9647	Leavenworth	1/2/2009	Medicine Store	Olathe	1/2/2009
The Corner Pharmacy	Leavenworth	1/2/2009	Pharmacy Express	Olathe	1/2/2009
Wal-Mart Pharmacy #100026	Leavenworth	1/27/2009	Price Chopper #26	Olathe	1/2/2009
CVS Pharmacy #08237	Leawood	1/2/2009	Price Chopper #40	Olathe	1/2/2009
CVS Pharmacy #08588	Leawood	1/2/2009	Target Pharmacy #1543	Olathe	1/2/2009
Hy Vee Pharmacy #1378	Leawood	1/2/2009	Target Pharmacy #1756	Olathe	1/2/2009
Price Chopper Pharmacy #121	Leawood	1/2/2009	Wal-Mart Pharmacy #100577	Olathe	1/27/2009
Price Chopper Pharmacy #500	Leawood	1/2/2009	Wal-Mart Pharmacy #104475	Olathe	1/20/2009
Allegre Rexall Drugs	Lebo	1/2/2009	Walgreen Drug Store #4183	Olathe	1/2/2009
Caremark	Lenexa	2/10/2009	Walgreen Drug Store #4665	Olathe	1/2/2009
Costco Pharmacy #349	Lenexa	1/2/2009	Walgreen Drug Store #6112	Olathe	1/2/2009
CVS Pharmacy #05265	Lenexa	1/2/2009	Gibson Truecare Pharmacy Inc	Osage City	1/2/2009
CVS Pharmacy #08561	Lenexa	1/2/2009	Schroeder Drugs	Osage City	2/24/2009

Main Street Drug	Osborne	1/2/2009	Wal-Mart Pharmacy #102490	Roeland Park	1/27/2009
Kramer Pharmacy	Ottawa	1/2/2009	Walgreen Drug Store #4185	Roeland Park	1/2/2009
Wal-Mart Pharmacy #100382	Ottawa	1/27/2009	Ashcraft Pharmacy	S. Hutchinson	1/2/2009
Walgreen Drug Store #09376	Ottawa	1/2/2009	Sabetha Family Pharmacy	Sabetha	1/2/2009
Costco Pharmacy #369	Overland Park	1/2/2009	Sabetha Healthmart	Sabetha	1/2/2009
CVS Pharmacy #05271	Overland Park	1/2/2009	St. Marys Pharmacy	St. Marys	1/2/2009
CVS Pharmacy #08573	Overland Park	1/2/2009	B And K Prescription Shop	Salina	1/2/2009
CVS Pharmacy #08582	Overland Park	1/2/2009	Dillon Pharmacy #615041	Salina	2/3/2009
CVS Pharmacy #08585	Overland Park	1/2/2009	Dillon Pharmacy #615074	Salina	2/3/2009
CVS Pharmacy #08586	Overland Park	1/2/2009	Gibson Pharmacy	Salina	1/2/2009
CVS Pharmacy #08601	Overland Park	1/2/2009	Key Rexall Pharmacy	Salina	1/2/2009
CVS Pharmacy #08602	Overland Park	1/2/2009	Kmart Pharmacy #7169	Salina	1/2/2009
CVS Pharmacy #08606	Overland Park	1/2/2009	Sams Pharmacy #106426	Salina	1/27/2009
Hen House Pharmacy #1	Overland Park	1/2/2009	Wal-Mart Pharmacy #100558	Salina	1/27/2009
Hen House Pharmacy #33	Overland Park	1/2/2009	Walgreen Drug Store #5539	Salina	1/2/2009
Hlthone Pharmacy of KC	Overland Park	1/2/2009	Satanta Retail Pharmacy	Satanta	1/2/2009
Hy Vee Pharmacy #1508	Overland Park	1/2/2009	Long Term Care Specialists	Scott City	1/2/2009
Hy Vee Pharmacy 2 #1509	Overland Park	1/2/2009	Scott City Pharmacy	Scott City	1/2/2009
Hy Vee Pharmacy 3 #1510	Overland Park	1/2/2009	Sedan Pharmacy	Sedan	1/2/2009
Hy-Vee Pharmacy #1512	Overland Park	1/2/2009	Medical Arts Pharmacy	Seneca	1/2/2009
Kmart Pharmacy #4443	Overland Park	1/2/2009	Pamida Pharmacy #651	Seneca	1/2/2009
Medicine Shoppe #1336	Overland Park	1/2/2009	CVS Pharmacy #04521	Shawnee	1/2/2009
Medicine Shoppe #1450	Overland Park	1/2/2009	CVS Pharmacy #05266	Shawnee	1/2/2009
Perry Drug Inc.	Overland Park	1/2/2009	CVS Pharmacy #08580	Shawnee	1/2/2009
Price Chopper #25	Overland Park	1/2/2009	Hy Vee Pharmacy #1560	Shawnee	1/2/2009
Price Chopper Pharmacy	Overland Park	1/2/2009	Price Chopper #39	Shawnee	1/2/2009
Price Chopper Pharmacy	Overland Park	1/2/2009	Target Pharmacy #1759	Shawnee	1/2/2009
Price Chopper Pharmacy #600	Overland Park	1/2/2009	Wal-Mart Pharmacy #102855	Shawnee	1/27/2009
Saint Lukes Retail Pharmacy	Overland Park	1/2/2009	Wal-Mart Pharmacy #105308	Shawnee	1/27/2009
Sams Pharmacy #104707	Overland Park	1/27/2009	Walgreen Drug Store #5263	Shawnee	1/2/2009
Stark Edler Apothecary	Overland Park	1/2/2009	Walgreens #09425	Shawnee	1/20/2009
Stark Pharmacy	Overland Park	1/2/2009	Kmart Pharmacy #4222	Shawnee Mission	1/2/2009
Stark Pharmacy	Overland Park	1/2/2009	Medical Center Pharmacy	Shawnee Mission	1/2/2009
Target Pharmacy #1757	Overland Park	1/2/2009	Pamida Pharmacy #664	Smith Center	1/2/2009
Target Pharmacy #1842	Overland Park	1/2/2009	Price Chopper Pharmacy #7	Spring Hill	1/2/2009
Target Pharmacy #2043	Overland Park	1/2/2009	Price Chopper Pharmacy #6	Stanley	1/2/2009
Wal-Mart Pharmacy #101599	Overland Park	1/27/2009	Reed Pharmacy	Sterling	1/2/2009
Wal-Mart Pharmacy #101691	Overland Park	1/27/2009	Hamilton County Drug Store	Syracuse	1/2/2009
Wal-Mart Pharmacy #103273	Overland Park	1/27/2009	The Medicine Store	Tonganoxie	2/3/2009
Wal-Mart Pharmacy #105180	Overland Park	1/27/2009	CVS Pharmacy #08605	Topeka	1/2/2009
Wal-Mart Pharmacy #105207	Overland Park	1/27/2009	Dillon Pharmacy #615028	Topeka	2/3/2009
Walgreen Drug Store #4221	Overland Park	1/2/2009	Dillon Pharmacy #615037	Topeka	1/2/2009
Walgreen Drug Store #4234	Overland Park	1/2/2009	Dillon Pharmacy #615047	Topeka	2/3/2009
Walgreen Drug Store #6920	Overland Park	1/2/2009	Dillon Pharmacy #615054	Topeka	2/3/2009
Walgreen Drug Store #9424	Overland Park	1/2/2009	Dillon Pharmacy #615058	Topeka	2/3/2009
Auburn Pharmacy	Paola	1/2/2009	Dillon Pharmacy #615064	Topeka	2/3/2009
Miller Pharmacy	Paola	1/27/2009	Dillon Pharmacy #615067	Topeka	2/3/2009
Wal-Mart Pharmacy #100242	Paola	1/27/2009	Dillon Pharmacy #615087	Topeka	2/3/2009
Auburn Pharmacy	Parsons	1/2/2009	Hy Vee Pharmacy #1658	Topeka	1/2/2009
Bowen Pharmacy	Parsons	1/2/2009	Kmart Pharmacy #7409	Topeka	1/2/2009
Medicine Shoppe Pharmacy #1148	Parsons	1/2/2009	Kmart Pharmacy #7444	Topeka	1/2/2009
Parsons Family Pharmacy	Parsons	1/2/2009	Medical Arts Pba Pharmacy	Topeka	1/2/2009
Wal-Mart Pharmacy #100368	Parsons	1/27/2009	Sams Pharmacy #108176	Topeka	1/27/2009
Walgreen Drug Store #9455	Parsons	1/2/2009	Senior Rx Care of Kansas LLC	Topeka	2/3/2009
Dons Rexall Drug	Peabody	1/2/2009	Wal-Mart Pharmacy #101802	Topeka	1/27/2009
Wenzl Drug Inc.	Phillipsburg	1/2/2009	Wal-Mart Pharmacy #102131	Topeka	1/27/2009
Witmer Drug Store Inc.	Phillipsburg	1/2/2009	Wal-Mart Pharmacy #105441	Topeka	1/27/2009
Dillon Pharmacy #615108	Pittsburg	2/3/2009	Walgreen Drug Store #2846	Topeka	1/2/2009
Lindburg Pharmacy Inc.	Pittsburg	1/2/2009	Walgreen Drug Store #2888	Topeka	1/2/2009
Medicine Shoppe Pharmacy #1293	Pittsburg	1/2/2009	Walgreen Drug Store #3069	Topeka	1/2/2009
Wal-Mart Pharmacy #100072	Pittsburg	1/27/2009	Walgreen Drug Store #3772	Topeka	1/2/2009
Walgreen Drug Store #9049	Pittsburg	1/2/2009	Walgreen Drug Store #4557	Topeka	1/2/2009
Unrein Drug Store	Plainville	1/2/2009	Walgreen Drug Store #4782	Topeka	1/2/2009
Maschino Pharmacy	Pleasanton	1/2/2009	Walgreen Drug Store #4981	Topeka	1/2/2009
Pleasanton Family Practice	Pleasanton	1/2/2009	Walgreen Drug Store #7778	Topeka	1/2/2009
Bruce Smith Drugs	Prairie Village	1/2/2009	Grant County Drug Co.	Ulysses	1/2/2009
Cvs Pharmacy #05261	Prairie Village	1/2/2009	Valley Falls Hlthmart Pharmacy	Valley Falls	1/2/2009
Hy Vee Pharmacy #1532	Prairie Village	1/2/2009	Wamego Drug Store	Wamego	1/2/2009
Dillon Pharmacy #615023	Pratt	2/3/2009	Washington Health Mart	Washington	1/20/2009
Pratt Medical Arts PBA Pharmacy	Pratt	1/2/2009	Washington Pharmacy	Washington	1/2/2009
Wal-Mart Pharmacy #100419	Pratt	1/27/2009	Dillon Pharmacy #615063	Wellington	2/3/2009
Rays Pharmacy	Quinter	3/3/2009	Dillon Pharmacy #615063	Wellington	2/3/2009
McClain Medical Clinic	Ransom	1/2/2009	Wal-Mart Pharmacy #100370	Wellington	1/27/2009
CVS Pharmacy #08599	Roeland Park	1/2/2009	Auburn Pharmacy LLC	Wellsville	1/2/2009
Price Chopper #12	Roeland Park	1/2/2009			

(continued)

White Cloud IHS Pharmacy	White Cloud	1/2/2009
Barneys Pharmacy Inc.	Wichita	1/2/2009
Broadway Pharmacy	Wichita	1/2/2009
Clifton Family Prescription	Wichita	1/2/2009
Comcare Family Prescription	Wichita	1/2/2009
Consumers Pharmacy Inc.	Wichita	1/2/2009
Dandurand Drug	Wichita	2/3/2009
Dandurand Inc.	Wichita	1/2/2009
Dillon Pharmacy #615012	Wichita	2/3/2009
Dillon Pharmacy #615016	Wichita	2/3/2009
Dillon Pharmacy #615020	Wichita	2/3/2009
Dillon Pharmacy #615021	Wichita	2/3/2009
Dillon Pharmacy #615033	Wichita	2/3/2009
Dillon Pharmacy #615034	Wichita	2/3/2009
Dillon Pharmacy #615049	Wichita	2/3/2009
Dillon Pharmacy #615062	Wichita	1/2/2009
Dillon Pharmacy #615065	Wichita	2/3/2009
Dillon Pharmacy #615066	Wichita	2/3/2009
Dillon Pharmacy #615072	Wichita	2/3/2009
Dillon Pharmacy #615081	Wichita	1/2/2009
Dillon Pharmacy #615089	Wichita	2/3/2009
Dillon Pharmacy #615091	Wichita	2/3/2009
Dillon Pharmacy #615092	Wichita	2/3/2009
Family Prescription Shop #1	Wichita	1/2/2009
Gessler Normandie	Wichita	1/2/2009
Gessler Westlink	Wichita	1/2/2009
Hart Pharmacy Inc	Wichita	1/2/2009
Heartland Homecare Services	Wichita	1/2/2009
JCB Laboratories	Wichita	1/2/2009
Ken Mar Family Drugs	Wichita	1/2/2009
Kmart Pharmacy #3358	Wichita	1/2/2009
Kmart Pharmacy #4171	Wichita	1/2/2009
Leekers Family Pharmacy	Wichita	1/2/2009
NCS Healthcare of Wichita	Wichita	3/24/2009
Parklane Pharmacy	Wichita	1/2/2009
Preston Socora Pharmacy	Wichita	1/2/2009
Professional Pharmacy	Wichita	3/10/2009
RCR East LLC	Wichita	1/2/2009
Richardsons Custom Rx	Wichita	1/2/2009
Salyer Pharmacy	Wichita	1/2/2009
Sams Pharmacy #106418	Wichita	1/27/2009
Sams Pharmacy #108254	Wichita	1/27/2009
Target Pharmacy #0092	Wichita	1/2/2009
Target Pharmacy #1943	Wichita	1/2/2009
Target Pharmacy #1944	Wichita	1/2/2009
Target Pharmacy #1945	Wichita	1/2/2009
The Medicine Shoppe #1301	Wichita	1/2/2009
Wal-Mart Pharmacy #101099	Wichita	1/27/2009
Wal-Mart Pharmacy #101221	Wichita	1/27/2009
Wal-Mart Pharmacy #101507	Wichita	1/27/2009
Wal-Mart Pharmacy #103283	Wichita	1/27/2009
Wal-Mart Pharmacy #103492	Wichita	1/27/2009
Wal-Mart Pharmacy #104321	Wichita	1/27/2009
Walgreen Drug Store #2750	Wichita	1/2/2009
Walgreen Drug Store #2751	Wichita	1/2/2009
Walgreen Drug Store #5768	Wichita	1/2/2009
Walgreen Drug Store #5769	Wichita	1/2/2009
Walgreen Drug Store #5770	Wichita	1/2/2009
Walgreen Drug Store #5793	Wichita	1/2/2009
Walgreen Drug Store #6005	Wichita	1/2/2009
Walgreen Drug Store #6006	Wichita	1/2/2009
Walgreen Drug Store #6113	Wichita	1/2/2009
Walgreen Drug Store #6170	Wichita	1/2/2009
Walgreen Drug Store #6361	Wichita	1/2/2009
Walgreen Drug Store #6362	Wichita	1/2/2009
Walgreen Drug Store #6363	Wichita	1/2/2009
Walgreen Drug Store #7147	Wichita	1/2/2009
Wesley Outpatient Pharmacy	Wichita	1/2/2009
Winchester Pharmacy	Winchester	1/2/2009
Dillon Pharmacy #615045	Winfield	2/3/2009
Graves Drug Store	Winfield	1/2/2009
Medicap Pharmacy #8121	Winfield	1/2/2009
Wal-Mart Pharmacy #100369	Winfield	1/27/2009
Winfield Pharmacy Inc.	Winfield	1/2/2009
Dillon Pharmacy #615056	Wichita	1/2/2009

Any questions should be directed to the Insurance Department at (785) 296-3071.

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 037042

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:

05/27/2009	12233	Printing, Yearbook
05/27/2009	12235	Crack Seal Machines Pull Type
05/27/2009	12236	Asphalt Distributor and Truck
05/27/2009	12237	Air Compressors, Portable
05/27/2009	12239	Pothole Patcher, Pull Type
05/27/2009	12244	Traffic Control Devices
05/28/2009	12234	Taxicab Service (Safe Ride Program)
05/28/2009	12240	Message Boards, Solar Powered, Trailer Mounted
05/28/2009	12241	Rollers, Self-Propelled, Pneumatic
05/28/2009	12242	Skid Steer Loaders and Attachments
05/28/2009	12243	Roller, Self-Propelled Combination Wheel Vibratory
05/28/2009	12252	Abandoned Well Plugging — Van Druff-McLouth City #01
05/29/2009	12245	Conveyor, Portable for Salt Handling
05/29/2009	12254	Derrick, Hydraulic, Truck Mounted

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 by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

06/04/2009	A-010837	Renovation — Eastman Building, Department of Labor, Topeka
06/04/2009	A-010865	Reroof — Cardwell Hall, Kansas State University, Manhattan
06/09/2009	A-010906	Campus Sidewalk Repairs — Various Locations, Wichita State University, Wichita
06/09/2009	A-10908	Lighting Upgrades — Campus Exterior, Wichita State University, Wichita
06/09/2009	A-010913	Repair Patio — Jardine Hall, Wichita State University, Wichita

Chris Howe
Director of Purchases

Doc. No. 037041

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 4.—ACCIDENT AND HEALTH INSURANCE

40-4-37v. Long-term care; agent training. (a) On and after July 1, 2010, each licensed insurance agent who is an individual and who sells, solicits, or negotiates a long-term care partnership program policy shall have four hours of initial training in courses certified by the commissioner of insurance as long-term care partnership program training. For each biennium after obtaining the initial training, each licensed insurance agent who is an individual and who sells, solicits, or negotiates a long-term care partnership program policy shall obtain at least one hour of training in any course certified by the commissioner of insurance as long-term care partnership program training.

(b) The number of hours required by this regulation may be used to meet the requirements of K.S.A. 40-4903, and amendments thereto, if the training is submitted to and approved by the commissioner of insurance for continuing education credit. (Authorized by K.S.A. 2008 Supp. 40-2137; implementing K.S.A. 2008 Supp. 40-2136; effective May 29, 2009.)

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 037044

State of Kansas

Board of Accountancy

Permanent Administrative
RegulationsArticle 4.—PERMITS TO PRACTICE AND
CONTINUING PROFESSIONAL EDUCATION
REQUIREMENTS

74-4-7. Continuing professional education requirements. (a)(1) Each applicant for renewal of a permit to practice as a certified public accountant in Kansas shall have completed 80 hours of acceptable continuing professional education (CPE) during each biennial period for renewal. Each applicant for renewal of a permit shall have completed two hours in professional ethics relating to the practice of certified public accountancy as part of the continuing professional education requirement.

(2) Ethics courses, which shall be defined as courses dealing with regulatory and behavioral ethics, shall be limited to courses on the following:

- (A) Professional standards;
- (B) licenses and renewals;
- (C) SEC oversight;
- (D) competence;
- (E) acts discreditable;
- (F) advertising and other forms of solicitation;
- (G) independence;
- (H) integrity and objectivity;
- (I) confidential client information;

- (J) contingent fees;
- (K) commissions;
- (L) conflicts of interest;
- (M) full disclosure;
- (N) malpractice;
- (O) record retention;
- (P) professional conduct;
- (Q) ethical practice in business;
- (R) personal ethics;
- (S) ethical decision making; and
- (T) corporate ethics and risk management as these topics relate to malpractice and relate solely to the practice of certified public accountancy.

(3) The subject of circular no. 230 issued by the federal department of the treasury shall not qualify for ethics CPE credit but shall qualify for non-ethics CPE credit.

(b) Each applicant for renewal of a permit to practice as a licensed municipal public accountant in Kansas shall have completed a 16-hour program of acceptable continuing professional education during each year within the biennial period. At least eight of the 16 hours shall be in the area of municipal accounting or auditing.

(c) The standards used to determine acceptable continuing professional education shall include the following:

(1) One hour of credit shall be granted for each 50 minutes of participation in a group, independent study, or self-study program. One-half hour of credit shall be granted for each 25-minute period after the first hour of credit has been earned.

(2) Hours devoted to actual preparation time by an instructor, discussion leader, or speaker for formal programs shall be computed at a maximum of up to twice the number of continuing professional education credits that a participant would be entitled to receive, in addition to the time for presentation. No CPE credit shall be granted for time devoted to preparation by a participant.

(3) Hours served as an instructor, discussion leader, or speaker shall be included to the extent that they contribute to the professional competence of the applicant. Repeated presentations of the same course shall not be counted unless it is demonstrated that the program content involved was substantially changed and the change required significant additional study or research.

(4) Hours devoted to actual preparation as specified in paragraph (c)(2) and hours served as an instructor, discussion leader, or speaker as specified in paragraph (c)(3) shall not exceed, alone or in combination, 50 percent of the total number of continuing education hours required for permit renewal.

(d) The requirements of subsection (a) may be waived by the board for reasons of health, military service, foreign residence, or retirement, or for other good cause determined by the board.

(e) Any applicant for renewal of a permit to practice as a certified public accountant may carry over a maximum of 20 hours of continuing professional education earned in the previous renewal period. Any professional ethics hours that exceed the two-hour requirement may be included in the 20-hour carryover, but these hours shall not be used to meet the professional ethics requirement for any subsequent renewal period.

(continued)

(f) If an applicant for renewal fails to obtain the continuing professional education required by this regulation, the applicant may be required by the board to obtain an additional eight hours of continuing professional education within a period of time specified by the board before the applicant's permit to practice is renewed. (Authorized by K.S.A. 1-202 and K.S.A. 75-1119; implementing K.S.A. 1-202, K.S.A. 2007 Supp. 1-310, and K.S.A. 75-1119; effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985; amended July 13, 1992; amended Sept. 25, 1998; amended Nov. 17, 2000; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 19, 2006; amended May 23, 2008; amended May 29, 2009.)

74-4-8. Continuing professional education programs; requirements. (a) A program designed to allow a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting, or by using the internet may be approved for continuing professional education credit under K.A.R. 74-4-7 if the program meets the following conditions:

(1) It is a formal program of learning that maintains or improves the professional competence of a permit holder and requires attendance.

(2) An outline of the program is prepared in advance and provided to the permit holder.

(3) The program is at least 50 minutes in length.

(4) The program is conducted by a person qualified in the subject area.

(5) A record of registration and attendance is retained for five years by the program sponsor.

(b) The following types of programs shall qualify as acceptable continuing professional education if they meet the requirements of subsection (a):

(1) Professional development programs of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(2) technical sessions at meetings of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(3) university or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit;

(4) university or college non-credit courses. These courses shall qualify for continuing professional education credit that equals the number of actual, full 50-minute class hours attended;

(5) formal, organized, in-firm or interfirm educational programs;

(6) programs in accounting, auditing, consulting services, specialized knowledge and applications, taxation, management of a practice, or ethics; and

(7) personal development courses. Hours from personal development courses shall not exceed 30 percent of the total number of continuing education hours required for permit renewal. Personal development courses, which shall be defined as courses dealing with self-management and self-improvement both inside and outside of the business environment, shall be limited to courses on com-

munication, leadership, character development, dealing effectively with others, interviewing, counseling, career planning, emotional growth and learning, and social interactions and relationships.

(c) Any author of a published article or book and any writer of a continuing professional education program may receive continuing professional education credit for the actual research and writing time if all of the following conditions are met:

(1) The board determines that the research and writing maintain or improve the professional competence of the author or writer.

(2) The number of credit hours claimed is consistent with the quality and scope of the article, book, or program.

(3) The article or book has been published or the program was created during the biennial period for which credit is claimed.

(d) Individual self-study programs that allow a participant to learn a particular subject without the major involvement of an instructor may be eligible for continuing education credit if all of the following conditions are met:

(1) The program meets one of the following requirements:

(A) Has been approved by NASBA's national registry of continuing professional education sponsors or NASBA's quality assurance service;

(B) is sponsored through the American institute of certified public accountants; or

(C) is sponsored through a state society of certified public accountants.

(2) The program requires registration.

(3) The program includes a final examination.

(4) The participant scores at least 70 percent on the final examination.

(5) The participant provides certificates of satisfactory completion.

(e) The amount of credit for self-study programs shall be determined by the board, as follows:

(1) Self-study programs may be approved for one hour of continuing professional education credit for each 50 minutes of participation and one-half credit for each 25-minute period of participation after the first hour of credit has been earned.

(2) The amount of credit shall not exceed the number of recommended hours assigned by the program sponsor.

(f) Independent study programs that are designed to allow a participant to learn a given subject under the guidance of a continuing professional education program sponsor may be eligible for continuing professional education credit if all of the following conditions are met:

(1) The program meets one of the following requirements:

(A) Has been approved by NASBA's national registry of continuing professional education sponsors or NASBA's quality assurance service;

(B) is sponsored through the American institute of certified public accountants; or

(C) is sponsored through a state society of certified public accountants.

(2) The participant has a written learning contract with a program sponsor that contains a recommendation of the

number of credit hours to be awarded upon successful completion of the program.

(3) The program sponsor reviews and signs a report indicating that all of the requirements of the independent study program, as outlined in the learning contract, are satisfied.

(4) The program is completed in 15 weeks or less.

(g) A participant in an independent study program may receive up to one hour of credit for each 50 minutes of participation and one-half hour of credit for each 25-minute period of participation after the first hour of credit has been earned. (Authorized by K.S.A. 1-202 and K.S.A. 75-1119; implementing K.S.A. 1-202, K.S.A. 2007 Supp. 1-310, and K.S.A. 75-1119; effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985; amended Feb. 14, 1994; amended Sept. 25, 1998; amended Nov. 2, 2001; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 27, 2005; amended May 19, 2006; amended May 23, 2008; amended May 29, 2009.)

Article 5.—CODE OF PROFESSIONAL CONDUCT

74-5-2. Definitions. Each of the following terms, wherever used in this article, shall have the meaning specified in this regulation:

(a) "AICPA" means the American institute of certified public accountants.

(b) "AICPA professional standards" means the standards, including definitions and interpretations, in "AICPA professional standards," volumes 1 and 2, published by the AICPA, as in effect on June 1, 2008, which are hereby adopted by reference, except for the following portions of volume 2:

(1) Pages 5301 through 6209, bylaws of the AICPA;

(2) pages 22,001 through 22,073, continuing professional education;

(3) pages 4451 through 4472, section 191 under rules 101 and 102;

(4) pages 4901 through 4917, section 591 under rules 501, 502, and 503;

(5) pages 4891 through 4892, section 505;

(6) pages 4691 through 4697, section 391 under rules 301 and 302;

(7) pages 4571 through 4581, sections 202 and 203; and

(6) pages 4601 through 4603, section 291 under rules 201, 202, and 203.

(c) "Audit" means an independent examination of financial information or assertions of any entity, regardless of profit orientation, size, and legal form, if the examination is conducted to express an opinion thereon.

(d) "Board" means the Kansas state board of accountancy.

(e) "Certified public accountant" and "CPA" mean any of the following:

(1) A holder of a Kansas certificate;

(2) a person practicing certified public accountancy under the authorization to practice by notification as provided in K.S.A. 1-322 and amendments thereto; or

(3) a firm.

(f) "Compilation" shall have the meaning specified in K.S.A. 1-321 and amendments thereto.

(g) "Firm" shall have the meaning specified in K.S.A. 1-308 and amendments thereto.

(h) "Generally accepted accounting principles" and "GAAP" mean the following standards, as applicable, in effect as specified and hereby adopted by reference:

(1) "Federal accounting standards," issued by the federal accounting standards advisory board as follows:

(A) "Statements of federal financial accounting concepts and standards," (SFFAS), including the appendices, as in effect on June 30, 2007;

(B) statement of federal financial accounting technical release 8, "clarification of standards relating to inter-entity costs," including the appendix, as in effect on February 20, 2008;

(C) statement of federal financial accounting technical release 9, "implementation guide for statement of federal financial accounting standards 29: heritage assets and stewardship land," including the appendices, dated February 20, 2008; and

(D) statement of federal financial accounting concepts 5, "definitions of elements and basic recognition criteria for accrual-basis financial statements," including the appendices, dated December 26, 2007;

(2) "current text," volumes I and II, except for pages iii through xii, issued by the financial accounting standards board, as in effect on June 1, 2008;

(3) "governmental accounting and financial reporting standards," except for pages vii through xv and appendices B and C, issued by the governmental accounting standards board, as in effect on June 30, 2008; and

(4) "international financial reporting standards (IFRSs®) 2008," issued by the international accounting standards board, as in effect on January 1, 2008.

(i) "Government auditing standards" means the "government auditing standards," July 2007 revision, except for appendix II, which is hereby adopted by reference.

(j) "Licensed municipal public accountant" and "LMPA" mean a holder of a permit issued under the laws of Kansas to practice as a municipal public accountant.

(k) "Practice of certified public accountancy" means performing or offering to perform attest or nonattest services for the public while using the designation "certified public accountant" or "CPA" in conjunction with these services. "Attest" and "nonattest" services shall have the meaning specified in K.S.A. 1-321 and amendments thereto.

(l) "PCAOB" means the public company accounting oversight board created by the Sarbanes-Oxley act of 2002.

(m) "Standards of the PCAOB" means the following standards as in effect on October 1, 2008, and related rules in "bylaws and rules of the public accounting oversight board" as in effect on October 1, 2008, which are hereby adopted by reference:

(1) Auditing standards numbers 1, 3, 4, and 5; and

(2) rules, section 3, "professional standards," part 1, "general requirements," and part 5, "ethics."

(n) "Staff accountant" means a certified public accountant who meets the following requirements:

(1) Holds both a Kansas certificate and a Kansas permit;

(continued)

(2) is employed by a firm that is the certified public accountant's primary employer; and

(3) works at least 1,040 hours for the firm during a calendar year. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1979; amended May 1, 1985; amended July 22, 1991; amended July 13, 1992; amended April 5, 1993; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Jan. 8, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended Jan. 11, 2008; amended May 29, 2009.)

74-5-2a. Definitions of terms in the AICPA professional standards. The definitions of the terms in section 92 of the "AICPA professional standards," as adopted by reference in K.A.R. 74-5-2, shall be applicable wherever these terms are used in this article, including any document adopted by reference in this article. (Authorized by and implementing K.S.A. 1-202; effective May 29, 2009.)

74-5-101. Independence. (a) Each certified public accountant and each licensed municipal public accountant who performs professional services requiring independence shall comply with the following standards, as applicable:

(1) Rule 101 of the code of professional conduct, including the interpretations under rule 101, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2;

(2) chapter three of the government auditing standards adopted by reference in K.A.R. 74-5-2;

(3) regulation S-X codified at 17 C.F.R. Part 210, as in effect on September 18, 2007, which is hereby adopted by reference; and

(4) PCAOB rules, section 3, "professional standards," part 5, "ethics," as adopted by reference in K.A.R. 74-5-2.

(b) In determining whether a certified public accountant's or a licensed municipal public accountant's independence is impaired, any other circumstances, relationship, or activity that the board determines could impair independence may be considered by the board. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985; amended Nov. 15, 2002; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended Jan. 11, 2008; amended May 29, 2009.)

74-5-102. Integrity and objectivity. (a) In the performance of professional services, each certified public accountant and each licensed municipal public accountant shall maintain objectivity and integrity, shall be free of conflicts of interest, and shall not knowingly misrepresent facts to others or subordinate the accountant's or firm's judgment to another's judgment. In tax practice, any certified public accountant or licensed municipal public accountant may resolve doubt in favor of the client if there is reasonable support for that position.

(b) Each certified public accountant and each licensed municipal public accountant shall comply with the following applicable standards:

(1) Rule 102 of the code of professional conduct, including the interpretations under rule 102, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2, which shall be used in determining whether integrity and objectivity have been maintained;

(2) chapter three of the government auditing standards adopted by reference in K.A.R. 74-5-2; and

(3) PCAOB rules, section 3, "professional standards," part 5, "ethics," as adopted by reference in K.A.R. 74-5-2. (Authorized by and implementing K.S.A. 1-202 and K.S.A. 75-1119; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985; amended Nov. 15, 2002; amended May 27, 2005; amended May 19, 2006; amended May 29, 2009.)

74-5-103. Commissions and referral fees. Each certified public accountant shall comply with rule 503 of the code of professional conduct regarding commissions and referral fees, including the interpretations under rule 503, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2. (Authorized by and implementing K.S.A. 1-202; effective May 1, 1978; amended July 13, 1992; amended Jan. 12, 1996; amended Jan. 8, 1999; amended Sept. 10, 1999; amended May 27, 2005; amended May 29, 2009.)

74-5-201. General standards. Each certified public accountant or licensed municipal public accountant shall comply with rule 201 of the code of professional conduct regarding general standards, including the interpretations under rule 201, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985; amended May 27, 2005; amended Jan. 11, 2008; amended May 29, 2009.)

74-5-202. Compliance with standards. (a) Each certified public accountant who performs auditing, attestation, review, compilation, management consulting, tax, or other professional services shall comply with the applicable professional standards promulgated by the following entities, which are adopted by reference in K.A.R. 74-5-2 and this regulation:

- (1) The federal accounting standards advisory board;
- (2) the financial accounting standards board;
- (3) the governmental accounting standards board;
- (4) the AICPA accounting and review services committee;
- (5) the AICPA auditing standards board;
- (6) the AICPA management consulting services executive committee;
- (7) the AICPA tax executive committee;
- (8) the AICPA forensic and valuation services executive committee;
- (9) the AICPA professional ethics executive committee;
- (10) the PCAOB;
- (11) the international accounting standards board; and
- (12) the municipal accounting section of the division of accounts and reports, department of administration.

(b) Each licensed municipal public accountant shall comply with applicable, generally accepted auditing standards in the 2008 revised "Kansas municipal audit guide," including appendices A through L, prescribed by the municipal accounting section of the division of accounts and reports, department of administration, and hereby adopted by reference. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 22, 1989; amended Jan. 7, 1991; amended July 13, 1992; amended Aug. 23, 1993; amended Sept. 26, 1994; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended Jan. 11, 2008; amended May 29, 2009.)

74-5-301. Confidential client information. (a) A certified public accountant shall not disclose any confidential client information without the consent of the client.

(b) Rule 301 of the code of professional conduct, including the interpretations under rule 301 of the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2, shall be used by the board in determining compliance with subsection (a). (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended Sept. 25, 1998; amended May 27, 2005; amended May 29, 2009.)

74-5-302. Retention of client records. Each certified public accountant shall comply with rule 501, including the interpretations under rule 501, as adopted by reference in K.A.R. 74-5-401. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended Nov. 2, 2001; amended Nov. 15, 2002; amended May 29, 2009.)

74-5-401. Acts discreditable. (a) A certified public accountant shall not commit any act discreditable to the profession.

(b) Rule 501 of the code of professional conduct, including the terminology and interpretations under rule 501 of the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2. Rule 501, including the interpretations, shall be used by the board in determining whether a certified public accountant has committed an act discreditable to the profession. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended Nov. 15, 2002; amended May 27, 2005; amended May 29, 2009.)

74-5-403. Advertising. (a) A certified public accountant shall not advertise in a manner that is false, misleading, or deceptive.

(b) The use of any non-CPA's name or the name of any entity not registered with the board as a CPA firm in any advertisement or publication or under any heading used for certified public accountants shall be prohibited.

(c) Rule 502 of the code of professional conduct, including the interpretations under rule 502 as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2, shall be used by the board in determining whether a certified public accountant has violated subsection (a). (Authorized by and implementing K.S.A. 1-202; effective May 1, 1978; amended May 1, 1985; amended July 22, 1991; amended May 27, 2005; amended Feb. 16, 2007; amended May 29, 2009.)

74-5-405a. Certified public accountants who own a separate business. Each certified public accountant in the practice of certified public accountancy who owns an interest in a separate business shall comply with interpretation 505-2 of the code of professional conduct, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2. (Authorized by K.S.A. 1-202; implementing K.S.A. 1-202 and K.S.A. 2007 Supp. 1-311; effective Jan. 11, 2008; amended May 29, 2009.)

74-5-406. Firm names. (a) A certified public accountant shall not practice public accountancy under a firm name or advertise a firm name that includes descriptive words relating to the quality of services offered or that is misleading concerning the legal form or the persons who are partners, officers, members, managers, or shareholders of the firm.

(b) A firm name shall not be considered to be misleading solely because it contains words describing the geographical area in which the services are offered or words describing the type of services actually being performed by the certified public accountants who are owners, partners, officers, members, managers, or shareholders of the firm.

(c) A firm name or designation shall be considered to be misleading in any of the following instances:

(1) The name contains a misrepresentation of facts.

(2) The name is intended or is likely to create false or unjustified expectations of favorable results.

(3) The name implies education, professional attainment, or licensing recognition of its owners, partners, officers, members, managers, or shareholders that is not supported by facts.

(4) The name of a firm that is a Kansas professional corporation or association, limited liability company, limited liability partnership, or general corporation does not include its full legal name each time the firm name is used.

(5) The terms "& Company," "& Associate," or "Group" are used, but the firm does not include, in addition to the named partner, shareholder, owner, or member, at least one other unnamed partner, shareholder, owner, member, or staff accountant holding both a Kansas certificate and a Kansas permit to practice.

(6) The plural term "& Associates" is used, but the firm does not include, in addition to the named partner, shareholder, owner, or member, at least two other unnamed partners, shareholders, owners, members, or staff accountants holding both a Kansas certificate and a Kansas permit to practice.

(continued)

(7) The name of the firm contains the name or names of one or more former partners, shareholders, or owners without their written consent.

(d) A fictitious firm name shall be defined as a name that does not contain the name or names of one or more present or former partners, members, or shareholders. A fictitious firm name may be used by a firm if the name is registered with the board and is not false or misleading as determined by the board.

(e) A fictitious firm name that uses the terms “& Company,” “& Associate,” or “Group” shall be considered misleading if the firm has only one partner, shareholder, owner, or member and no other partner, shareholder, owner, member, or staff accountant holding both a Kansas certificate and a Kansas permit to practice.

(f) A fictitious firm name that uses the term “& Associates” shall be considered misleading if the firm has only one partner, shareholder, owner, or member and only one or no other partner, shareholder, owner, member, or staff accountant holding both a Kansas certificate and a Kansas permit to practice.

(g) Each firm that falls out of compliance with this regulation due to any change in firm ownership or personnel shall notify the board within 30 days after the change. A reasonable period of time may be granted by the board for a firm to take corrective action.

(h) If a firm does not have an office in Kansas but is required to register as a firm with the board pursuant to K.S.A. 1-308(d) and amendments thereto, the name of that firm shall not be considered misleading even if the name meets the criteria for being “misleading” as specified in paragraph (c) (5) or (6) or subsection (e) or (f) of this regulation. (Authorized by K.S.A. 1-202; implementing K.S.A. 1-202 and K.S.A. 2007 Supp. 1-308; effective May 1, 1978; amended Oct. 8, 1990; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 15, 2002; amended Jan. 11, 2008; amended May 29, 2009.)

Article 7.—FIRM REGISTRATION

74-7-4. Notification; firm registration; sole proprietors. Each certified public accountant who is an unincorporated sole proprietor shall perform the following, upon the issuance of the first report subject to peer review:

- (a) Notify the board, on a form provided by the board;
- (b) register as a firm with the board in compliance with K.S.A. 1-308 and amendments thereto; and
- (c) provide a peer review letter of completion to the board within 18 months after the date on which the report subject to peer review was issued. (Authorized by K.S.A. 1-202; implementing K.S.A. 1-202 and K.S.A. 1-308; effective Nov. 15, 2002; amended May 29, 2009.)

Article 11.—PEER REVIEW PROGRAM

74-11-6. Definitions. Each of the following terms, wherever used in this article, shall have the meaning specified in this regulation:

(a) “AICPA” means the American institute of certified public accountants.

(b) “AICPA professional standards” means the “AICPA professional standards,” volumes 1 and 2, published by the AICPA, as in effect on June 1, 2008, which are adopted by reference in K.A.R. 74-5-2.

(c) “Firm” shall have the meaning specified in K.S.A. 1-308 and amendments thereto.

(d) “Peer review” means a review of a firm’s accounting and auditing practice in accordance with the standards for performing and reporting on peer reviews.

(e) “Peer review team” means persons or organizations participating in the peer review program required by the regulations in this article. This term shall specifically include the team captain, team members, review captain, the report acceptance committee, and the oversight body, but shall not include the board.

(f) “Standards for performing and reporting on peer reviews” means the AICPA “standards for performing and reporting on peer reviews” contained in volume two of the AICPA professional standards, as adopted by reference in K.A.R. 74-5-2.

(g)(1) “Substantially similar program” means a peer review program that meets the following requirements:

(A) The peer review team shall be approved by a nationally recognized accounting organization as having the qualifications, training, and experience to perform the peer review function required by this regulation.

(B)(i) The peer review shall be conducted pursuant to peer review standards as issued by a nationally recognized peer review program that has received prior approval by the board; or

(ii) the peer review shall be conducted pursuant to a written submission detailing the qualifications of the peer review team to conduct the peer review and providing a written plan for the peer review illustrating the means of compliance with this regulation with the prior specific approval of the board.

(2) Each inspection performed by the public company accounting oversight board of areas of a firm’s practice related to audits of issuers, as defined by the public company accounting oversight board, shall be deemed to satisfy the peer review requirements related to this element of the firm’s practice.

(h) For peer reviews commencing on and after January 1, 2009, “modified peer review report” shall mean a peer review report with a peer review rating of “pass with deficiencies,” as defined in the AICPA standards for performing and reporting on peer reviews.

(i) For peer reviews commencing on and after January 1, 2009, “adverse peer review report” shall mean a peer review report with a peer review rating of “fail,” as defined in the AICPA standards for performing and reporting on peer reviews. (Authorized by and implementing K.S.A. 1-202, K.S.A. 1-312, and K.S.A. 1-501; effective Feb. 14, 1994; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended May 29, 2009.)

Susan L. Somers
Executive Director

Doc. No. 037034

State of Kansas

Department on Aging

Permanent Administrative
Regulations

Article 39.—ADULT CARE HOMES

26-39-243. (Authorized by and implementing K.S.A. 2004 Supp. 39-923, K.S.A. 2004 Supp. 39-925, and K.S.A. 39-932; effective Nov. 4, 2005; revoked May 29, 2009.)

26-39-278. (Authorized by and implementing K.S.A. 2004 Supp. 39-923, K.S.A. 2004 Supp. 39-925, and K.S.A. 39-932; effective Nov. 4, 2005; revoked May 29, 2009.)

26-39-427. (Authorized by and implementing K.S.A. 2004 Supp. 39-923, K.S.A. 2004 Supp. 39-925, and K.S.A. 39-932; effective Nov. 4, 2005; revoked May 29, 2009.)

Article 41.—ASSISTED LIVING FACILITIES AND
RESIDENTIAL HEALTH CARE FACILITIES

26-41-101. Administration. (a) Administrator and operator responsibilities. The administrator or operator of each assisted living facility or residential health care facility ("facility") shall ensure that the facility is operated in a manner so that each resident receives care and services in accordance with each resident's functional capacity screening and negotiated service agreement.

(b) Administrator and operator criteria. Each licensee shall appoint an administrator or operator who meets the following criteria:

- (1) Is at least 21 years of age;
- (2) possesses a high school diploma or the equivalent;
- (3) holds a Kansas license as an adult care home administrator or has successfully completed an operator training course and passed the test approved by the secretary of Kansas department of health and environment pursuant to K.S.A. 39-923 and amendments thereto; and
- (4) has authority and responsibility for the operation of the facility and compliance with licensing requirements.

(c) Administrator and operator position description. Each licensee shall adopt a written position description for the administrator or operator that includes responsibilities for the following:

- (1) Planning, organizing, and directing the facility;
- (2) implementing operational policies and procedures for the facility; and
- (3) authorizing, in writing, a responsible employee who is 18 years old or older to act on the administrator's or operator's behalf in the absence of the administrator or operator.

(d) Resident rights. Each administrator or operator shall ensure the development and implementation of written policies and procedures that incorporate the principles of individuality, autonomy, dignity, choice, privacy, and a home environment for each resident. The following provisions shall be included in the policies and procedures:

(1) The recognition of each resident's rights, responsibilities, needs, and preferences;

(2) the freedom of each resident or the resident's legal representative to select or refuse a service and to accept responsibility for the consequences;

(3) the development and maintenance of social ties for each resident by providing opportunities for meaningful interaction and involvement within the facility and the community;

(4) furnishing and decorating each resident's personal space;

(5) the recognition of each resident's personal space as private and the sharing of an apartment or individual living unit only when agreed to by the resident;

(6) the maintenance of each resident's lifestyle if there are not adverse effects on the rights and safety of other residents; and

(7) the resolution of grievances through a specific process that includes a written response to each written grievance within 30 days.

(e) Resident liability. Each resident shall be liable only for the charges disclosed to the resident or the resident's legal representative and documented in a signed agreement at admission and in accordance with K.A.R. 26-39-103.

(1) A resident who is involuntarily discharged, including discharge due to death, shall not be responsible for the following:

(A) Fees for room and board beyond the date established in the signed contractual agreement or the date of actual discharge if an appropriate discharge notice has been given to the resident or the resident's legal representative in accordance with K.A.R. 26-39-102; and

(B) fees for any services specified in the negotiated services agreement after the date the resident has vacated the facility and no longer receives these services.

(2) A resident who is voluntarily discharged shall not be responsible for the following:

(A) Fees for room and board accrued beyond the end of the 30-day period following the facility's receipt of a written notice of voluntary discharge submitted by the resident or resident's legal representative or the date of actual discharge if this date extends beyond the 30-day period; and

(B) fees for any services specified in the negotiated services agreement after the date the resident has vacated the facility and no longer receives these services.

(f) Staff treatment of residents. Each administrator or operator shall ensure the development and implementation of written policies and procedures that prohibit the abuse, neglect, and exploitation of residents by staff. The administrator or operator shall ensure that all of the following requirements are met:

(1) No resident shall be subjected to any of the following:

(A) Verbal, mental, sexual, or physical abuse, including corporal punishment and involuntary seclusion;

(B) neglect; or

(C) exploitation.

(2) The facility shall not employ any individual who has been identified on a state nurse aide registry as hav-

(continued)

ing abused, neglected, or exploited any resident in an adult care home.

(3) Each allegation of abuse, neglect, or exploitation shall be reported to the administrator or operator of the facility as soon as staff is aware of the allegation and to the department within 24 hours. The administrator or operator shall ensure that all of the following requirements are met:

(A) An investigation shall be started when the administrator or operator, or the designee, receives notification of an alleged violation.

(B) Immediate measures shall be taken to prevent further potential abuse, neglect, or exploitation while the investigation is in progress.

(C) Each alleged violation shall be thoroughly investigated within five working days of the initial report. Results of the investigation shall be reported to the administrator or operator.

(D) Appropriate corrective action shall be taken if the alleged violation is verified.

(E) The department's complaint investigation report shall be completed and submitted to the department within five working days of the initial report.

(F) A written record shall be maintained of each investigation of reported abuse, neglect, or exploitation.

(g) Availability of policies and procedures. Each administrator or operator shall ensure that policies and procedures related to resident services are available to staff at all times and are available to each resident, legal representatives of residents, case managers, and families during normal business hours. A notice of availability shall be posted in a place readily accessible to residents.

(h) Power of attorney, guardianship, and conservatorship. Authority as a power of attorney, durable power of attorney for health care decisions, guardian, or conservator shall not be exercised by anyone employed by or having a financial interest in the facility, unless the person is related to the resident within the second degree.

(i) Reports. Each administrator or operator shall ensure the accurate completion and electronic submission of annual and semiannual statistical reports regarding residents, employees, and facility occupancy to the department no later than 20 days following the last day of the period being reported. The administrator or operator shall ensure the submission of any other reports required by the department.

(j) Emergency telephone. Each administrator or operator shall ensure that the residents and employees have access to a telephone for emergency use at no cost. The administrator or operator shall ensure that the names and telephone numbers of persons or places commonly required in emergencies are posted adjacent to this telephone.

(k) Ombudsman. Each administrator or operator shall ensure the posting of the names, addresses, and telephone numbers of the Kansas department on aging and the office of the long-term care ombudsman with information that these agencies can be contacted to report actual or potential abuse, neglect, or exploitation of residents or to register complaints concerning the operation of the facility. The administrator or operator shall ensure

that this information is posted in an area readily accessible to all residents and the public.

(l) Survey report and plan of correction. Each administrator or operator shall ensure that a copy of the most recent survey report and plan of correction is available in a public area to residents and any other individuals wishing to examine survey results. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-102. Staff qualifications. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the provision of a sufficient number of qualified personnel to provide each resident with services and care in accordance with that resident's functional capacity screening, health care service plan, and negotiated service agreement.

(b) Direct care staff or licensed nursing staff shall be awake and responsive at all times.

(c) A registered professional nurse shall be available to provide supervision to licensed practical nurses, pursuant to K.S.A. 65-1113 and amendments thereto.

(d) The employee records and agency staff records shall contain the following documentation:

(1) Evidence of licensure, registration, certification, or a certificate of successful completion of a training course for each employee performing a function that requires specialized education or training;

(2) supporting documentation for criminal background checks of facility staff and contract staff, excluding any staff licensed or registered by a state agency, pursuant to K.S.A. 39-970 and amendments thereto;

(3) supporting documentation from the Kansas nurse aide registry that the individual does not have a finding of having abused, neglected, or exploited a resident in an adult care home; and

(4) supporting documentation that the individual does not have a finding of having abused, neglected, or exploited any resident in an adult care home, from the nurse aide registry in each state in which the individual has been known to have worked as a certified nurse aide. (Authorized by K.S.A. 39-932 and K.S.A. 2008 Supp. 39-936; implementing K.S.A. 39-932, K.S.A. 2008 Supp. 39-936, and K.S.A. 2008 Supp. 39-970; effective May 29, 2009.)

26-41-103. Staff development. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the provision of orientation to new employees and regular in-service education for all employees to ensure that the services provided assist residents to attain and maintain their individuality, autonomy, dignity, independence, and ability to make choices in a home environment.

(b) The topics for orientation and in-service education shall include the following:

(1) Principles of assisted living;

(2) fire prevention and safety;

(3) disaster procedures;

(4) accident prevention;

(5) resident rights;

(6) infection control; and

(7) prevention of abuse, neglect, and exploitation of residents.

(c) If the facility admits residents with dementia, the administrator or operator shall ensure the provision of staff orientation and in-service education on the treatment and appropriate response to persons who exhibit behaviors associated with dementia. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-104. Disaster and emergency preparedness.

(a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the provision of a sufficient number of staff members to take residents who would require assistance in an emergency or disaster to a secure location.

(b) Each administrator or operator shall ensure the development of a detailed written emergency management plan to manage potential emergencies and disasters, including the following:

- (1) Fire;
- (2) flood;
- (3) severe weather;
- (4) tornado;
- (5) explosion;
- (6) natural gas leak;
- (7) lack of electrical or water service;
- (8) missing residents; and
- (9) any other potential emergency situations.

(c) Each administrator or operator shall ensure the establishment of written agreements that will provide for the following if an emergency or disaster occurs:

- (1) Fresh water;
- (2) evacuation site; and
- (3) transportation of residents to an evacuation site.

(d) Each administrator or operator shall ensure disaster and emergency preparedness by ensuring the performance of the following:

- (1) Orientation of new employees at the time of employment to the facility's emergency management plan;
- (2) education of each resident upon admission to the facility regarding emergency procedures;
- (3) quarterly review of the facility's emergency management plan with employees and residents; and
- (4) an emergency drill, which shall be conducted at least annually with staff and residents. This drill shall include evacuation of the residents to a secure location.

(e) Each administrator or operator shall make the emergency management plan available to the staff, residents, and visitors. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-105. Resident records. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the maintenance of a record for each resident in accordance with accepted professional standards and practices.

(1) Designated staff shall maintain the record of each discharged resident who is 18 years of age or older for at least five years after the discharge of the resident.

(2) Designated staff shall maintain the record of each discharged resident who is less than 18 years of age for at least five years after the resident reaches 18 years of age or at least five years after the date of discharge, whichever time period is longer.

(b) Each administrator or operator shall ensure that all information in each resident's record, regardless of the form or storage method for the record, is kept confidential, unless release is required by any of the following:

- (1) Transfer of the resident to another health care facility;
- (2) law;
- (3) third-party payment contract; or
- (4) the resident or legal representative of the resident.

(c) Each administrator or operator shall ensure the safeguarding of resident records against the following:

- (1) Loss;
- (2) destruction;
- (3) fire;
- (4) theft; and
- (5) unauthorized use.

(d) Each administrator or operator shall ensure the accuracy and confidentiality of all resident information transmitted by means of a facsimile machine.

(e) If electronic medical records are used, each administrator or operator shall ensure the development of policies addressing the following requirements:

- (1) Protection of electronic medical records, including entries by only authorized users;
- (2) safeguarding of electronic medical records against unauthorized alteration, loss, destruction, and use;
- (3) prevention of the unauthorized use of electronic signatures;
- (4) confidentiality of electronic medical records; and
- (5) preservation of electronic medical records.

(f) Each resident record shall contain at least the following:

- (1) The resident's name;
- (2) the dates of admission and discharge;
- (3) the admission agreement and any amendments;
- (4) the functional capacity screenings;
- (5) the health care service plan, if applicable;
- (6) the negotiated service agreement and any revisions;
- (7) the name, address, and telephone number of the physician and the dentist to be notified in an emergency;
- (8) the name, address, and telephone number of the legal representative or the individual of the resident's choice to be notified in the event of a significant change in condition;
- (9) the name, address, and telephone number of the case manager, if applicable;

(10) records of medications, biologicals, and treatments administered and each medical care provider's order if the facility is managing the resident's medications and medical treatments; and

(11) documentation of all incidents, symptoms, and other indications of illness or injury including the date, time of occurrence, action taken, and results of the action. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-106. Community governance. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the facilitation of the organization of at least one resident council, each of which shall meet at least quarterly to provide residents

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with a forum to provide input into community governance.

(b) Each administrator or operator shall ensure the accommodation of the council process by providing space for the meetings, posting notices of the meetings, and assisting residents who wish to attend the meetings.

(c) In order to permit a free exchange of ideas and concerns, each administrator or operator shall ensure that all meetings are conducted without the presence of facility staff, unless allowed by the residents.

(d) Each administrator or operator shall respond to each written idea and concern received from the council, in writing, within 30 days after the meeting at which the written ideas and concerns were collected. The administrator or operator shall ensure that a copy of each written idea or concern and each response is available to surveyors. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-200. Resident criteria. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the development and implementation of written admission, transfer, and discharge policies that protect the rights of each resident, pursuant to K.A.R. 26-39-102. In addition, the administrator or operator shall ensure that any resident who has one or more of the following conditions is not admitted or retained unless the negotiated service agreement includes services sufficient to meet the needs of the resident:

(1) Incontinence, if the resident cannot or will not participate in management of the problem;

(2) immobility, if the resident is totally dependent on another person's assistance to exit the building;

(3) any ongoing condition requiring two or more persons to physically assist the resident;

(4) any ongoing, skilled nursing intervention needed 24 hours a day; or

(5) any behavioral symptom that exceeds manageability.

(b) Each administrator or operator shall ensure that any resident whose clinical condition requires the use of physical restraints is not admitted or retained. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-201. Resident functional capacity screening. (a) On or before each individual's admission to an assisted living facility or residential health care facility, a licensed nurse, a licensed social worker, or the administrator or operator shall conduct a screening to determine the individual's functional capacity and shall record all findings on a screening form specified by the department. The administrator or operator may integrate the department's screening form into a form developed by the facility, which shall include each element and definition specified by the department.

(b) A licensed nurse shall assess any resident whose functional capacity screening indicates the need for health care services.

(c) Designated facility staff shall conduct a screening to determine each resident's functional capacity according to the following requirements:

(1) At least once every 365 days;

(2) following any significant change in condition as defined in K.A.R. 26-39-100; and

(3) at least quarterly if the resident receives assistance with eating from a paid nutrition assistant.

(d) Designated facility staff shall ensure that each resident's functional capacity at the time of screening is accurately reflected on that resident's screening form.

(e) Designated facility staff shall use the results of the functional capacity screening as a basis for determining the services to be included in the resident's negotiated service agreement. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-202. Negotiated service agreement. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the development of a written negotiated service agreement for each resident, based on the resident's functional capacity screening, service needs, and preferences, in collaboration with the resident or the resident's legal representative, the case manager, and, if agreed to by the resident or the resident's legal representative, the resident's family. The negotiated service agreement shall provide the following information:

(1) A description of the services the resident will receive;

(2) identification of the provider of each service; and

(3) identification of each party responsible for payment if outside resources provide a service.

(b) The negotiated service agreement shall promote the dignity, privacy, choice, individuality, and autonomy of the resident.

(c) Each administrator or operator shall ensure the development of an initial negotiated service agreement at admission.

(d) Each administrator or operator shall ensure the review and, if necessary, revision of each negotiated service agreement according to the following requirements:

(1) At least once every 365 days;

(2) following any significant change in condition, as defined in K.A.R. 26-39-100;

(3) at least quarterly, if the resident receives assistance with eating from a paid nutrition assistant; and

(4) if requested by the resident or the resident's legal representative, facility staff, the case manager, or, if agreed to by the resident or the resident's legal representative, the resident's family.

(e) A licensed nurse shall participate in the development, review, and revision of the negotiated service agreement if the resident's functional capacity screening indicates the need for health care services.

(f) If a resident or the resident's legal representative refuses a service that the administrator or operator, the licensed nurse, the resident's medical care provider, or the case manager believes is necessary for the resident's health and safety, the negotiated service agreement shall include the following:

(1) The service or services refused;

(2) identification of any potential negative outcomes for the resident if the service or services are not provided;

(3) evidence of the provision of education to the resident or the resident's legal representative of the potential

risk of any negative outcomes if the service or services are not provided; and

(4) an indication of acceptance by the resident or the resident's legal representative of the potential risk.

(g) The negotiated service agreement shall not include circumstances in which the lack of a service has the potential to affect the health and safety of other residents, facility staff, or the public.

(h) Each individual involved in the development of the negotiated service agreement shall sign the agreement. The administrator or operator shall ensure that a copy of the initial agreement and any subsequent revisions are provided to the resident or the resident's legal representative.

(i) Each administrator or operator shall ensure that each resident receives services according to the provisions of that resident's negotiated service agreement.

(j) If a resident's negotiated service agreement includes the use of outside resources, the designated facility staff shall perform the following:

(1) Provide the resident, the resident's legal representative, the case manager, and, if agreed to by the resident or the resident's legal representative, the resident's family, with a list of providers available to provide needed services;

(2) assist the resident, if requested, in contacting outside resources for services; and

(3) monitor the services provided by outside resources and act as an advocate for the resident if services do not meet professional standards of practice. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-203. General services. (a) Range of services. The administrator or operator of each assisted living facility or residential health care facility shall ensure the provision or coordination of the range of services specified in each resident's negotiated service agreement. The range of services may include the following:

(1) Daily meal service based on each resident's needs;

(2) health care services based on an assessment by a licensed nurse and in accordance with K.A.R. 26-41-204;

(3) housekeeping services essential for the health, comfort, and safety of each resident;

(4) medical, dental, and social transportation;

(5) planned group and individual activities that meet the needs and interests of each resident; and

(6) other services necessary to support the health and safety of each resident.

(b) Adult day care services. Any administrator or operator of an assisted living facility or residential health care facility may provide adult day care services to any individual who meets the facility's admission and retention criteria and receives services less than 24 hours a day if the administrator or operator ensures that all of the following conditions are met:

(1) Written policies are developed and procedures are implemented for the provision of adult day care services.

(2) All the requirements for admission of a resident to an assisted living facility or residential health care facility are met for an individual admitted for adult day care services.

(3) At least 60 square feet of common use living, dining, and activity space is available in the facility for each res-

ident of the facility and each resident receiving adult day care services.

(4) The provision of adult day care services does not adversely affect the care and services offered to other residents of the facility.

(c) Respite care services. Any administrator or operator of an assisted living facility or residential health care facility may provide respite care services to individuals who meet the facility's admission and retention criteria on a short-term basis if the administrator or operator ensures that the following conditions are met:

(1) Written policies are developed and procedures are implemented for the provision of respite care services.

(2) All the requirements for admission of a resident to an assisted living facility or residential health care facility are met for an individual admitted for respite care services.

(d) Special care. Any administrator or operator of an assisted living facility or residential health care facility may choose to serve residents who do not exceed the facility's admission and retention criteria and who have special needs in a special care section of the facility or the entire facility, if the administrator or operator ensures that all of the following conditions are met:

(1) Written policies and procedures are developed and are implemented for the operation of the special care section or facility.

(2) Admission and discharge criteria are in effect that identify the diagnosis, behavior, or specific clinical needs of the residents to be served. The medical diagnosis, medical care provider's progress notes, or both shall justify admission to the special care section or the facility.

(3) A written order from a medical care provider is obtained for admission.

(4) The functional capacity screening indicates that the resident would benefit from the services and programs offered by the special care section or facility.

(5) Before the resident's admission to the special care section or facility, the resident or resident's legal representative is informed, in writing, of the available services and programs that are specific to the needs of the resident.

(6) Direct care staff are present in the special care section or facility at all times.

(7) Before assignment to the special care section or facility, each staff member is provided with a training program related to specific needs of the residents to be served, and evidence of completion of the training is maintained in the employee's personnel records.

(8) Living, dining, activity, and recreational areas are provided within the special care section, except when residents are able to access living, dining, activity, and recreational areas in another section of the facility.

(9) The control of exits in the special care section is the least restrictive possible for the residents in that section.

(e) Maintenance. Designated staff shall provide routine maintenance, including the control of pests and rodents, and repairs in each resident's bedroom and common areas inside and outside the facility as specified in the admission agreement.

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(f) Services not provided. If an administrator or operator of an assisted living facility or residential health care facility chooses not to provide or coordinate any service as specified in subsection (a), the administrator or operator shall notify the resident, in writing, on or before the resident's admission to the facility. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-204. Health care services. (a) The administrator or operator in each assisted living facility or residential health care facility shall ensure that a licensed nurse provides or coordinates the provision of necessary health care services that meet the needs of each resident and are in accordance with the functional capacity screening and the negotiated service agreement.

(b) If the functional capacity screening indicates that a resident is in need of health care services, a licensed nurse, in collaboration with the resident, the resident's legal representative, the case manager, and, if agreed to by the resident or resident's legal representative, the resident's family, shall develop a health care service plan to be included as part of the negotiated service agreement.

(c) The health care services provided by or coordinated by a licensed nurse may include the following:

(1) Personal care provided by direct care staff or by certified or licensed nursing staff employed by a home health agency or a hospice;

(2) personal care provided gratuitously by friends or family members; and

(3) supervised nursing care provided by, or under the guidance of, a licensed nurse.

(d) The negotiated service agreement shall contain a description of the health care services to be provided and the name of the licensed nurse responsible for the implementation and supervision of the plan.

(e) A licensed nurse may delegate nursing procedures not included in the nurse aide or medication aide curriculums to nurse aides or medication aides, respectively, under the Kansas nurse practice act, K.S.A. 65-1124 and amendments thereto.

(f) Each administrator or operator shall ensure that a licensed nurse is available to provide immediate direction to medication aides and nurse aides for residents who have unscheduled needs.

(g) Skilled nursing care shall be provided in accordance with K.S.A. 39-923 and amendments thereto.

(1) The health care service plan shall include the skilled nursing care to be provided and the name of the licensed nurse or agency responsible for providing each service.

(2) The licensed nurse providing the skilled nursing care shall document the service and the outcome of the service in the resident's record.

(3) A medical care provider's order for skilled nursing care shall be documented in the resident's record in the facility. A copy of the medical care provider's order from a home health agency or hospice may be used. Medical care provider orders in the clinical records of a home health agency located in the same building as the facility may also be used if the clinical records are available to licensed nurses and direct care staff of the facility.

(4) The administrator or operator shall ensure that a licensed nurse is available to meet each resident's unscheduled needs related to skilled nursing services.

(h) A licensed nurse may provide wellness and health monitoring as specified in the resident's negotiated service agreement.

(i) All health care services shall be provided to residents by qualified staff in accordance with acceptable standards of practice. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-205. Medication management. (a) Self-administration of medication. Any resident may self-administer and manage medications independently or by using a medication container or syringe prefilled by a licensed nurse or pharmacist or by a family member or friend providing this service gratuitously, if a licensed nurse has performed an assessment and determined that the resident can perform this function safely and accurately without staff assistance.

(1) An assessment shall be completed before the resident initially begins self-administration of medication, if the resident experiences a significant change of condition, and annually.

(2) Each assessment shall include an evaluation of the resident's physical, cognitive, and functional ability to safely and accurately self-administer and manage medications independently or by using a prefilled medication container or prefilled syringe.

(3) The resident's clinical record shall contain documentation of the assessment and the determination.

(4) If a resident self-administers medication with a prefilled medication container or syringe, the prefilled medication container or syringe shall have a label with the resident's name and the date the container or syringe was prefilled. The label, or a medication administration record provided to the resident, shall also include the name and dosage of each medication and the time or event at which the medication is to be self-administered. Facility staff may remind residents to take medications or inquire as to whether medications were taken.

(b) Administration of select medications. Any resident who self-administers medication may select some medications to be administered by a licensed nurse or medication aide. The negotiated service agreement shall reflect this service and identify who is responsible for the administration and management of selected medications.

(c) Administration of medication by family or friends. Any resident may choose to have personal medication administered by family members or friends gratuitously, pursuant to K.S.A. 65-1124 and amendments thereto.

(d) Facility administration of resident's medications. If a facility is responsible for the administration of a resident's medications, the administrator or operator shall ensure that all medications and biologicals are administered to that resident in accordance with a medical care provider's written order, professional standards of practice, and each manufacturer's recommendations. The administrator or operator shall ensure that all of the following are met:

(1) Only licensed nurses and medication aides shall administer and manage medications for which the facility has responsibility.

(2) Medication aides shall not administer medication through the parenteral route.

(3) A licensed nurse or medication aide shall perform the following:

(A) Administer only the medication that the licensed nurse or medication aide has personally prepared;

(B) identify the resident before medication is administered;

(C) remain with the resident until the medication is ingested or applied; and

(D) document the administration of each resident's medication in the resident's medication administration record immediately before or following completion of the task. If the medication administration record identifies only time intervals or events for the administration of medication, the licensed nurse or medication aide shall document the actual clock time the medication is administered.

(4) Any licensed nurse may delegate nursing procedures not included in the medication aide curriculum to medication aides under the Kansas nurse practice act, K.S.A. 65-1124 and amendments thereto.

(e) Medication orders. Only a licensed nurse or a licensed pharmacist may receive verbal orders for medication from a medical care provider. The licensed nurse shall ensure that all verbal orders are signed by the medical care provider within seven working days of receipt of the verbal order.

(f) Standing orders. Only a licensed nurse shall make the decision for implementation of standing orders for specified medications and treatments formulated and signed by the resident's medical care provider. Standing orders of medications shall not include orders for the administration of schedule II medications or psychopharmacological medications.

(g) Ordering, labeling, and identifying. All medications and biologicals administered by licensed nurses or medication aides shall be ordered from a pharmacy pursuant to a medical care provider's written order.

(1) Any resident who self-administers and manages personal medications may request that a licensed nurse or medication aide reorder the resident's medication from a pharmacy of the resident's choice.

(2) Each prescription medication container shall have a label that was provided by a dispensing pharmacist or affixed to the container by a dispensing pharmacist in accordance with K.A.R. 68-7-14.

(3) A licensed nurse or medication aide may accept over-the-counter medication only in its original, unbroken manufacturer's package. A licensed pharmacist or licensed nurse shall place the full name of the resident on the package. If the original manufacturer's package of an over-the-counter medication contains a medication in a container, bottle, or tube that can be removed from the original package, the licensed pharmacist or a licensed nurse shall place the full name of the resident on both the original manufacturer's medication package and the medication container.

(4) Licensed nurses and medication aides may administer sample medications and medications from indigent medication programs if the administrator or operator ensures the development of policies and implementation of procedures for receiving and identifying sample medi-

cations and medications from indigent medication programs that include all of the following conditions:

(A) The medication is not a controlled medication.

(B) A medical care provider's written order accompanies the medication, stating the resident's name; the medication name, strength, dosage, route, and frequency of administration; and any cautionary instructions regarding administration.

(C) A licensed nurse or medication aide receives the medication in its original, unbroken manufacturer's package.

(D) A licensed nurse documents receipt of the medication by entering the resident's name and the medication name, strength, and quantity into a log.

(E) A licensed nurse places identification information on the medication or package containing the medication that includes the medical care provider's name; the resident's name; the medication name, strength, dosage, route, and frequency of administration; and any cautionary instructions as documented on the medical care provider's order. Facility staff consisting of either two licensed nurses or a licensed nurse and a medication aide shall verify that the information on the medication matches the information on the medical care provider's order.

(F) A licensed nurse informs the resident or the resident's legal representative that the medication did not go through the usual process of labeling and initial review by a licensed pharmacist pursuant to K.S.A. 65-1642 and amendments thereto, which requires the identification of both adverse drug interactions or reactions and potential allergies. The resident's clinical record shall contain documentation that the resident or the resident's legal representative has received the information and accepted the risk of potential adverse consequences.

(h) Storage. Licensed nurses and medication aides shall ensure that all medications and biologicals are securely and properly stored in accordance with each manufacturer's recommendations or those of the pharmacy provider and with federal and state laws and regulations.

(1) Licensed nurses or medication aides shall store non-controlled medications and biologicals managed by the facility in a locked medication room, cabinet, or medication cart. Licensed nurses and medication aides shall store controlled medications managed by the facility in separately locked compartments within a locked medication room, cabinet, or medication cart. Only licensed nurses and medication aides shall have access to the stored medications and biologicals.

(2) Each resident managing and self-administering medication shall store medications in a place that is accessible only to the resident, licensed nurses, and medication aides.

(3) Any resident who self-administers medication and is unable to provide proper storage as recommended by the manufacturer or pharmacy provider may request that the medication be stored by the facility.

(4) A licensed nurse or medication aide shall not administer medication beyond the manufacturer's or pharmacy provider's recommended date of expiration.

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(i) Accountability and disposition of medications. Licensed nurses and medication aides shall maintain records of the receipt and disposition of all medications managed by the facility in sufficient detail for an accurate reconciliation.

(1) Records shall be maintained documenting the destruction of any deteriorated, outdated, or discontinued controlled medications and biologicals according to acceptable standards of practice by one of the following combinations:

- (A) Two licensed nurses; or
- (B) a licensed nurse and a licensed pharmacist.

(2) Records shall be maintained documenting the destruction of any deteriorated, outdated, or discontinued non-controlled medications and biologicals according to acceptable standards of practice by any of the following combinations:

- (A) Two licensed nurses;
- (B) a licensed nurse and a medication aide;
- (C) a licensed nurse and a licensed pharmacist; or
- (D) a medication aide and a licensed pharmacist.

(j) Medications sent for short-term absence. A licensed nurse or medication aide shall provide the resident's medication to the resident or the designated responsible party for the resident's short-term absences from the facility, upon request.

(k) Clinical record. The administrator or operator, or the designee, shall ensure that the clinical record of each resident for whom the facility manages medication or prefills medication containers or syringes contains the following documentation:

- (1) A medical care provider's order for each medication;
- (2) the name of the pharmacy provider of the resident's choice;
- (3) any known medication allergies; and
- (4) the date and the 12-hour or 24-hour clock time any medication is administered to the resident.

(l) Medication regimen review. A licensed pharmacist shall conduct a medication regimen review at least quarterly for each resident whose medication is managed by the facility and each time the resident experiences any significant change in condition.

(1) The medication regimen review shall identify any potential or current medication-related problems, including the following:

- (A) Lack of clinical indication for use of medication;
- (B) the use of a subtherapeutic dose of any medication;
- (C) failure of the resident to receive an ordered medication;
- (D) medications administered in excessive dosage, including duplicate therapy;
- (E) medications administered in excessive duration;
- (F) adverse medication reactions;
- (G) medication interactions; and
- (H) lack of adequate monitoring.

(2) The licensed pharmacist or licensed nurse shall notify the medical care provider upon discovery of any variance identified in the medication regimen review that requires immediate action by the medical care provider. The licensed pharmacist shall notify a licensed nurse within 48 hours of any variance identified in the resi-

dent's regimen review that does not require immediate action by the medical care provider and specify a time within which the licensed nurse must notify the resident's medical care provider. The licensed nurse shall seek a response from the medical care provider within five working days of the medical care provider's notification of a variance.

(3) The administrator or operator, or the designee, shall ensure that the medication regimen review is kept in each resident's clinical record.

(4) The administrator or operator, or the designee, shall offer each resident who self-administers medication a medication regimen review to be conducted by a licensed pharmacist at least quarterly and each time a resident experiences a significant change in condition. A licensed nurse shall document the resident's decision in the resident's clinical record. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-206. Dietary services. (a) Provision of dietary services. The administrator or operator of each assisted living facility or residential health care facility shall ensure the provision or coordination of dietary services to residents as identified in each resident's negotiated service agreement. If the administrator or operator of the facility establishes a contract with another entity to provide or coordinate the provision of dietary services to the residents, the administrator or operator shall ensure that entity's compliance with these regulations.

(b) Staff. The supervisory responsibility for dietetic services shall be assigned to one employee.

(1) A dietetic services supervisor or licensed dietitian shall provide scheduled on-site supervision in each facility with 11 or more residents.

(2) If a resident's negotiated service agreement includes the provision of a therapeutic diet, mechanically altered diet, or thickened consistency of liquids, a medical care provider's order shall be on file in the resident's clinical record, and the diet or liquids, or both, shall be prepared according to instructions from a medical care provider or licensed dietitian.

(c) Menus. A dietetic services supervisor or licensed dietitian or, in any assisted living facility or residential health care facility with fewer than 11 residents, designated facility staff shall plan menus in advance and in accordance with the dietary guidelines adopted by reference in K.A.R. 26-39-105.

(1) Menu plans shall be available to each resident on at least a weekly basis.

(2) A method shall be established to incorporate input by residents in the selection of food to be served and scheduling of meal service.

(d) Food preparation. Food shall be prepared using safe methods that conserve the nutritive value, flavor, and appearance and shall be served at the proper temperature.

(1) Food used by facility staff to serve to the residents, including donated food, shall meet all applicable federal, state, and local laws and regulations.

(2) Food in cans that have significant defects, including swelling, leakage, punctures, holes, fractures, pitted rust, or denting severe enough to prevent normal stacking or opening with a manual, wheel-type can opener, shall not be used.

(3) Food provided by a resident's family or friends for individual residents shall not be required to meet federal, state, and local laws and regulations.

(e) Food storage. Facility staff shall store all food under safe and sanitary conditions.

(1) Containers of poisonous compounds and cleaning supplies shall not be stored in the areas used for food storage, preparation, or serving.

(2) Any resident may obtain, prepare, and store food in the resident's apartment or individual living unit if doing so does not present a health or safety hazard to that resident or any other individual. The administrator or operator shall ensure that residents are provided assistance with obtaining food if that service is included in the negotiated service agreement. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-41-207. Infection control. (a) The administrator or operator of each assisted living facility or residential health care facility shall ensure the provision of a safe, sanitary, and comfortable environment for residents.

(b) Each administrator or operator shall ensure the development of policies and implementation of procedures to prevent the spread of infections. These policies and procedures shall include the following requirements:

(1) Using universal precautions to prevent the spread of blood-borne pathogens;

(2) techniques to ensure that hand hygiene meets professional health care standards;

(3) techniques to ensure that the laundering and handling of soiled and clean linens meet professional health care standards;

(4) providing sanitary conditions for food service;

(5) prohibiting any employee with a communicable disease or any infected skin lesions from coming in direct contact with any resident, any resident's food, or resident care equipment until the condition is no longer infectious;

(6) providing orientation to new employees and employee in-service education at least annually on the control of infections in a health care setting; and

(7) transferring a resident with an infectious disease to an appropriate health care facility if the administrator or operator is unable to provide the isolation precautions necessary to protect the health of other residents.

(c) Each administrator or operator shall ensure the facility's compliance with the department's tuberculosis guidelines for adult care homes adopted by reference in K.A.R. 26-39-105. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

Article 42.—HOMES PLUS

26-42-101. Administration. (a) Administrator and operator responsibilities. The administrator or operator of each home plus ("home") shall ensure that the home is operated in a manner so that each resident receives care and services in accordance with each resident's functional capacity screening and negotiated service agreement.

(b) Administrator and operator criteria. Each licensee shall appoint an administrator or operator who meets the following criteria:

(1) Is at least 21 years of age;

(2) possesses a high school diploma or the equivalent;

(3) holds a Kansas license as an adult care home administrator or has successfully completed an operator training course and passed the test approved by the secretary of Kansas department of health and environment pursuant to K.S.A. 39-923 and amendments thereto; and

(4) has authority and responsibility for the operation of the home and compliance with licensing requirements.

(c) Administrator and operator position description. Each licensee shall adopt a written position description for the administrator or operator that includes responsibilities for the following:

(1) Planning, organizing, and directing the home;

(2) implementing operational policies and procedures for the home; and

(3) authorizing, in writing, a responsible employee who is 18 years old or older to act on the administrator's or operator's behalf in the absence of the administrator or operator.

(d) Resident rights. Each administrator or operator shall ensure the development and implementation of written policies and procedures that incorporate the principles of individuality, autonomy, dignity, choice, privacy, and a home environment for each resident. The following provisions shall be included in the policies and procedures:

(1) The recognition of each resident's rights, responsibilities, needs, and preferences;

(2) the freedom of each resident or the resident's legal representative to select or refuse a service and to accept responsibility for the consequences;

(3) the development and maintenance of social ties for each resident by providing opportunities for meaningful interaction and involvement within the home and the community;

(4) furnishing and decorating each resident's personal space;

(5) the recognition of each resident's personal space as private and the sharing of a bedroom only when agreed to by the resident;

(6) the maintenance of each resident's lifestyle if there are not adverse effects on the rights and safety of other residents; and

(7) the resolution of grievances through a specific process that includes a written response to each written grievance within 30 days.

(e) Resident liability. Each resident shall be liable only for the charges disclosed to the resident or the resident's legal representative and documented in a signed agreement at admission and in accordance with K.A.R. 26-39-103.

(1) A resident who is involuntarily discharged, including discharge due to death, shall not be responsible for the following:

(A) Fees for room and board beyond the date established in the signed contractual agreement or the date of actual discharge if an appropriate discharge notice has been given to the resident or the resident's legal representative in accordance with K.A.R. 26-39-102; and

(B) fees for any services specified in the negotiated services agreement after the date the resident has vacated the facility and no longer receives these services.

(continued)

(2) A resident who is voluntarily discharged shall not be responsible for the following:

(A) Fees for room and board accrued beyond the end of the 30-day period following the home's receipt of a written notice of voluntary discharge submitted by the resident or resident's legal representative or the date of actual discharge if this date extends beyond the 30-day period; and

(B) fees for any services specified in the negotiated service agreement after the date the resident has vacated the home and no longer receives these services.

(f) Staff treatment of residents. Each administrator or operator shall ensure the development and implementation of written policies and procedures that prohibit the abuse, neglect, and exploitation of residents by staff. The administrator or operator shall ensure that all of the following requirements are met:

(1) No resident shall be subjected to any of the following:

(A) Verbal, mental, sexual, or physical abuse, including corporal punishment and involuntary seclusion;

(B) neglect; or

(C) exploitation.

(2) The home shall not employ any individual who has been identified on a state nurse aide registry as having abused, neglected, or exploited any resident in an adult care home.

(3) Each allegation of abuse, neglect, or exploitation shall be reported to the administrator or operator of the home as soon as staff is aware of the allegation and to the department within 24 hours. The administrator or operator shall ensure that all of the following requirements are met:

(A) An investigation shall be started when the administrator or operator, or the designee, receives notification of an alleged violation.

(B) Immediate measures shall be taken to prevent further potential abuse, neglect, or exploitation while the investigation is in progress.

(C) Each alleged violation shall be thoroughly investigated within five working days of the initial report. Results of the investigation shall be reported to the administrator or operator.

(D) Appropriate corrective action shall be taken if the alleged violation is verified.

(E) The department's complaint investigation report shall be completed and submitted to the department within five working days of the initial report.

(F) A written record shall be maintained of each investigation of reported abuse, neglect, or exploitation.

(g) Availability of policies and procedures. Each administrator or operator shall ensure that policies and procedures related to resident services are available to staff at all times and are available to each resident, legal representatives of residents, case managers, and families during normal business hours. A notice of availability shall be posted in a place readily accessible to residents.

(h) Power of attorney, guardianship, and conservatorship. Authority as a power of attorney, durable power of attorney for health care decisions, guardian, or conservator shall not be exercised by anyone employed by or

having a financial interest in the home, unless the person is related to the resident within the second degree.

(i) Reports. Each administrator or operator shall ensure the accurate completion and electronic submission of annual and semiannual statistical reports regarding residents, employees, and home occupancy to the department no later than 20 days following the last day of the period being reported. The administrator or operator shall ensure the submission of any other reports required by the department.

(j) Emergency telephone. Each administrator or operator shall ensure that the residents and employees have access to a telephone for emergency use at no cost. Each administrator or operator shall ensure that the names and telephone numbers of persons or places commonly required in emergencies are posted adjacent to this telephone.

(k) Ombudsman. Each administrator or operator shall ensure the posting of the names, addresses, and telephone numbers of the Kansas department on aging and the office of the long-term care ombudsman with information that these agencies can be contacted to report actual or potential abuse, neglect, or exploitation of residents or to register complaints concerning the operation of the home. The administrator or operator shall ensure that this information is posted in a common area accessible to all residents and the public.

(l) Survey report and plan of correction. Each administrator or operator shall ensure that a copy of the most recent survey report and plan of correction is available in a common area to residents and any other individuals wishing to examine survey results. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-102. Staff qualifications. (a) The administrator or operator of each home plus shall ensure the provision of a sufficient number of qualified personnel to provide each resident with services and care in accordance with that resident's functional capacity screening, health care service plan, and negotiated service agreement.

(b) Direct care staff or licensed nursing staff shall be in attendance and responsive at all times.

(c) A registered professional nurse shall be available to provide supervision to licensed practical nurses, pursuant to K.S.A. 65-1113 and amendments thereto.

(d) The employee records and agency staff records shall contain the following information:

(1) Evidence of licensure, registration, certification, or a certificate of successful completion of a training course for each employee performing a function that requires specialized education or training;

(2) supporting documentation for criminal background checks of facility staff and contract staff, excluding any staff licensed or registered by a state agency, pursuant to K.S.A. 39-970 and amendments thereto;

(3) supporting documentation from the Kansas nurse aide registry that the individual does not have a finding of having abused, neglected, or exploited a resident in an adult care home; and

(4) supporting documentation that the individual does not have a finding of having abused, neglected, or ex-

ploited any resident in an adult care home, from the nurse aide registry in each state in which the individual has been known to work as a certified nurse aide. (Authorized by K.S.A. 39-932 and K.S.A. 2007 Supp. 39-936; implementing K.S.A. 39-932, K.S.A. 2007 Supp. 39-936, and K.S.A. 2007 Supp. 39-970; effective May 29, 2009.)

26-42-103. Reserve.

26-42-104. Disaster and emergency preparedness.

(a) The administrator or operator of each home plus shall ensure the provision of a sufficient number of staff members to take residents who would require assistance in an emergency or disaster to a secure location.

(b) Each administrator or operator shall ensure the development of a detailed written emergency management plan to manage potential emergencies and disasters, including the following:

- (1) Fire;
- (2) flood;
- (3) severe weather;
- (4) tornado;
- (5) explosion;
- (6) natural gas leak;
- (7) lack of electrical or water service;
- (8) missing residents; and
- (9) any other potential emergency situations.

(c) Each administrator or operator shall ensure the establishment of written agreements that will provide for the following if an emergency or disaster occurs:

- (1) Fresh water;
- (2) evacuation site; and
- (3) transportation of residents to an evacuation site.

(d) Each administrator or operator shall ensure disaster and emergency preparedness by ensuring the performance of the following:

- (1) Orientation of new employees at the time of employment to the home's emergency management plan;
- (2) education of each resident upon admission to the home regarding emergency procedures;
- (3) quarterly review of the home's emergency management plan with employees and residents; and
- (4) an emergency drill, which shall be conducted at least annually with staff and residents. This drill shall include evacuation of the residents to a secure location.

(e) Each administrator or operator shall make the emergency management plan available to the staff, residents, and visitors. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-105. Resident records. (a) The administrator or operator of each home plus shall ensure the maintenance of a record for each resident in accordance with accepted professional standards and practices.

(1) Designated staff shall maintain the record of each discharged resident who is 18 years of age or older for at least five years after the discharge of the resident.

(2) Designated staff shall maintain the record of each discharged resident who is less than 18 years of age for at least five years after the resident reaches 18 years of age or at least five years after the date of discharge, whichever time period is longer.

(b) Each administrator or operator shall ensure that all information in each resident's record, regardless of the form or storage method for the record, is kept confidential, unless release is required by any of the following:

- (1) Transfer of the resident to another health care facility;
 - (2) law;
 - (3) third-party payment contract; or
 - (4) the resident or legal representative of the resident.
- (c) Each administrator or operator shall ensure the safeguarding of resident records against the following:
- (1) Loss;
 - (2) destruction;
 - (3) fire;
 - (4) theft; and
 - (5) unauthorized use.

(d) Each administrator or operator shall ensure the accuracy and confidentiality of all resident information transmitted by means of a facsimile machine.

(e) If electronic medical records are used, each administrator or operator shall ensure the development of policies addressing the following requirements:

- (1) Protection of electronic medical records, including entries by only authorized users;
- (2) safeguarding of electronic medical records against unauthorized alteration, loss, destruction, and use;
- (3) prevention of the unauthorized use of electronic signatures;
- (4) confidentiality of electronic medical records; and
- (5) preservation of electronic medical records.

(f) Each resident record shall contain at least the following:

- (1) The resident's name;
- (2) the dates of admission and discharge;
- (3) the admission agreement and any amendments;
- (4) the functional capacity screenings;
- (5) the health care service plan, if applicable;
- (6) the negotiated service agreement and any revisions;
- (7) the name, address, and telephone number of the physician and the dentist to be notified in an emergency;
- (8) the name, address, and telephone number of the legal representative or the individual of the resident's choice to be notified in the event of a significant change in condition;
- (9) the name, address, and telephone number of the case manager, if applicable;

(10) records of medications, biologicals, and treatments administered and each medical care provider's order if the facility is managing the resident's medications and medical treatments; and

(11) documentation of all incidents, symptoms, and other indications of illness or injury including the date, time of occurrence, action taken, and results of the action. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-106. Reserve.

26-42-200. Resident criteria. (a) The administrator or operator of each home plus shall ensure the development and implementation of written admission, transfer, and discharge policies that protect the rights of each res-

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ident, pursuant to K.A.R. 26-39-102. In addition, the administrator or operator shall ensure that any resident who has one or more of the following conditions is not admitted or retained unless the negotiated service agreement includes services sufficient to meet the needs of the resident:

- (1) Incontinence, if the resident cannot or will not participate in management of the problem;
- (2) immobility, if the resident is totally dependent on another person's assistance to exit the building;
- (3) any ongoing condition requiring two or more persons to physically assist the resident;
- (4) any ongoing, skilled nursing intervention needed 24 hours a day; or
- (5) any behavioral symptom that exceeds manageability.

(b) Each administrator or operator shall ensure that any resident whose clinical condition requires the use of physical restraints is not admitted or retained. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-201. Resident functional capacity screening. (a) On or before each individual's admission to a home plus, a licensed nurse, a licensed social worker, or the administrator or operator shall conduct a screening to determine the individual's functional capacity and shall record all findings on a screening form specified by the department. The administrator or operator may integrate the department's screening form into a form developed by the home, which shall include each element and definition specified by the department.

(b) A licensed nurse shall assess any resident whose functional capacity screening indicates the need for health care services.

(c) Designated staff shall conduct a screening to determine each resident's functional capacity according to the following requirements:

- (1) At least once every 365 days;
- (2) following any significant change in condition as defined in K.A.R. 26-39-100; and
- (3) at least quarterly if the resident receives assistance with eating from a paid nutrition assistant.

(d) Designated staff shall ensure that each resident's functional capacity at the time of screening is accurately reflected on that resident's screening form.

(e) Designated staff shall use the results of the functional capacity screening as a basis for determining the services to be included in the resident's negotiated service agreement. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-202. Negotiated service agreement. (a) The administrator or operator of each home plus shall ensure the development of a written negotiated service agreement for each resident, based on the resident's functional capacity screening, service needs, and preferences, in collaboration with the resident or the resident's legal representative, the case manager, and, if agreed to by the resident or the resident's legal representative, the resident's family. The negotiated service agreement shall provide the following information:

(1) A description of the services the resident will receive;

(2) identification of the provider of each service; and
(3) identification of each party responsible for payment if outside resources provide a service.

(b) The negotiated service agreement shall promote the dignity, privacy, choice, individuality, and autonomy of the resident.

(c) Each administrator or operator shall ensure the development of an initial negotiated service agreement at admission.

(d) Each administrator or operator shall ensure the review and, if necessary, revision of each negotiated service agreement according to the following requirements:

- (1) At least once every 365 days;
- (2) following any significant change in condition, as defined in K.A.R. 26-39-100;
- (3) at least quarterly if the resident receives assistance with eating from a paid nutrition assistant; and
- (4) if requested by the resident or the resident's legal representative, staff, the case manager, or, if agreed to by the resident or the resident's legal representative, the resident's family.

(e) A licensed nurse shall participate in the development, review, and revision of the negotiated service agreement if the resident's functional capacity screening indicates the need for health care services.

(f) If a resident or the resident's legal representative refuses a service that the administrator or operator, the licensed nurse, the resident's medical care provider, or the case manager believes is necessary for the resident's health and safety, the negotiated service agreement shall include the following:

- (1) The service or services refused;
- (2) identification of any potential negative outcomes for the resident if the service or services are not provided;
- (3) evidence of the provision of education to the resident or the resident's legal representative of the potential risk of any negative outcomes if the service or services are not provided; and
- (4) an indication of acceptance by the resident or the resident's legal representative of the potential risk.

(g) The negotiated service agreement shall not include circumstances in which the lack of a service has the potential to affect the health and safety of other residents, staff, or the public.

(h) Each individual involved in the development of the negotiated service agreement shall sign the agreement. The administrator or operator shall ensure that a copy of the initial agreement and any subsequent revisions are provided to the resident or the resident's legal representative.

(i) Each administrator or operator shall ensure that each resident receives services according to the provisions of that resident's negotiated service agreement.

(j) If a resident's negotiated service agreement includes the use of outside resources, the designated staff shall perform the following:

- (1) Provide the resident, the resident's legal representative, the case manager, and, if agreed to by the resident or resident's legal representative, the resident's family, with a list of providers available to provide needed services;

(2) assist the resident, if requested, in contacting outside resources for services; and

(3) monitor the services provided by outside resources and act as an advocate for the resident if services do not meet professional standards of practice. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-203. General services. (a) Range of services. The administrator or operator of each home plus shall ensure the provision or coordination of the range of services specified in each resident's negotiated service agreement. The range of services may include the following:

- (1) Daily meal service based on each resident's needs;
- (2) health care services based on an assessment by a licensed nurse and in accordance with K.A.R. 26-42-204;
- (3) housekeeping services essential for the health, comfort, and safety of each resident;
- (4) medical, dental, and social transportation;
- (5) planned group and individual activities that meet the needs and interests of each resident; and
- (6) other services necessary to support the health and safety of each resident.

(b) Adult day care services. Any administrator or operator of a home plus may provide adult day care services to any individual who meets the home's admission and retention criteria and receives services less than 24 hours a day if the administrator or operator ensures that all of the following conditions are met:

- (1) Written policies are developed and procedures are implemented for the provision of adult day care services.
- (2) All requirements for admission of a resident to a home plus are met for an individual admitted for adult day care services.
- (3) At least 60 square feet of common use living, dining, and activity space is available in the home for each resident of the home and each resident receiving adult day care services.
- (4) The provision of adult day care services does not adversely affect the care and services offered to other residents of the home.

(c) Respite care services. Any administrator or operator of a home plus may provide respite care services to individuals who meet the home's admission and retention criteria on a short-term basis if the administrator or operator ensures that the following conditions are met:

- (1) Written policies are developed and procedures are implemented for the provision of respite care services.
- (2) All the requirements for admission of a resident to a home plus are met for an individual admitted for respite care services.
- (d) Maintenance. Designated staff shall provide routine maintenance, including the control of pests and rodents, and repairs in each resident's bedroom and common areas inside and outside the home as specified in the admission agreement.

(e) Services not provided. If the administrator or operator of a home plus chooses not to provide or coordinate any service as specified in subsection (a), the administrator or operator shall notify the resident, in writing, on or before the resident's admission to the home. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-204. Health care services. (a) The administrator or operator in each home plus shall ensure that a licensed nurse provides or coordinates the provision of necessary health care services that meet the needs of each resident and are in accordance with the functional capacity screening and the negotiated service agreement.

(b) If the functional capacity screening indicates that a resident is in need of health care services, a licensed nurse, in collaboration with the resident, the resident's legal representative, the case manager, and, if agreed to by the resident or resident's legal representative, the resident's family, shall develop a health care service plan to be included as part of the negotiated service agreement.

(c) The health care services provided by or coordinated by a licensed nurse may include the following:

- (1) Personal care provided by direct care staff or by certified or licensed nursing staff employed by a home health agency or a hospice;
- (2) personal care provided gratuitously by friends or family members; and
- (3) supervised nursing care provided by, or under the guidance of, a licensed nurse.

(d) The negotiated service agreement shall contain a description of the health care services to be provided and the name of the licensed nurse responsible for the implementation and supervision of the plan.

(e) A licensed nurse may delegate nursing procedures not included in the nurse aide or medication aide curriculums to nurse aides or medication aides, respectively, under the Kansas nurse practice act, K.S.A. 65-1124 and amendments thereto.

(f) Each administrator or operator shall ensure that a licensed nurse is available to provide immediate direction to medication aides and nurse aides for residents who have unscheduled needs.

(g) Skilled nursing care shall be provided in accordance with K.S.A. 39-923 and amendments thereto.

(1) The health care service plan shall include the skilled nursing care to be provided and the name of the licensed nurse or agency responsible for providing each service.

(2) The licensed nurse providing the skilled nursing care shall document the service and the outcome of the service in the resident's record.

(3) A medical care provider's order for skilled nursing care shall be documented in the resident's record in the home. A copy of the medical care provider's order from a home health agency or hospice may be used.

(4) The administrator or operator shall ensure that a licensed nurse is available to meet each resident's unscheduled needs related to skilled nursing services.

(h) A licensed nurse may provide wellness and health monitoring as specified in the resident's negotiated service agreement.

(i) All health care services shall be provided to residents by qualified staff in accordance with acceptable standards of practice. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-205. Medication management. (a) Self-administration of medication. Any resident may self-administer and manage medications independently or by using
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a medication container or syringe prefilled by a licensed nurse or pharmacist or by a family member or friend providing this service gratuitously, if a licensed nurse has performed an assessment and determined that the resident can perform this function safely and accurately without staff assistance.

(1) An assessment shall be completed before the resident initially begins self-administration of medication, if the resident experiences a significant change of condition, and annually.

(2) Each assessment shall include an evaluation of the resident's physical, cognitive, and functional ability to safely and accurately self-administer and manage medications independently or by using a prefilled medication container or prefilled syringe.

(3) The resident's clinical record shall contain documentation of the assessment and the determination.

(4) If a resident self-administers medication with a prefilled medication container or syringe, the prefilled medication container or syringe shall have a label with the resident's name and the date the container or syringe was prefilled. The label, or a medication administration record provided to the resident, shall also include the name and dosage of each medication and the time or event at which the medication is to be self-administered. Facility staff may remind residents to take medications or inquire as to whether medications were taken.

(b) Administration of select medications. Any resident who self-administers medication may select some medications to be administered by a licensed nurse or medication aide. The negotiated service agreement shall reflect this service and identify who is responsible for the administration and management of selected medications.

(c) Administration of medication by family or friends. Any resident may choose to have personal medication administered by family members or friends gratuitously, pursuant to K.S.A. 65-1124 and amendments thereto.

(d) Home administration of resident's medications. If a home is responsible for the administration of a resident's medications, the administrator or operator shall ensure that all medications and biologicals are administered to that resident in accordance with a medical care provider's written order, professional standards of practice, and each manufacturer's recommendations. The administrator or operator shall ensure that all of the following are met:

(1) Only licensed nurses and medication aides shall administer and manage medications for which the home has responsibility.

(2) Medication aides shall not administer medication through the parenteral route.

(3) A licensed nurse or medication aide shall perform the following:

(A) Administer only the medication that the licensed nurse or medication aide has personally prepared;

(B) identify the resident before medication is administered;

(C) remain with the resident until the medication is ingested or applied; and

(D) document the administration of each resident's medication in the resident's medication administration record immediately before or following completion of the

task. If the medication administration record identifies only time intervals or events for the administration of medication, the licensed nurse or medication aide shall document the actual clock time the medication is administered.

(4) Any licensed nurse may delegate nursing procedures not included in the medication aide curriculum to medication aides under the Kansas nurse practice act, K.S.A. 65-1124 and amendments thereto.

(e) Medication orders. Only a licensed nurse or a licensed pharmacist may receive verbal orders for medication from a medical care provider. The licensed nurse shall ensure that all verbal orders are signed by the medical care provider within seven working days of receipt of the verbal order.

(f) Standing orders. Only a licensed nurse shall make the decision for implementation of standing orders for specified medications and treatments formulated and signed by the resident's medical care provider. Standing orders of medications shall not include orders for the administration of schedule II medications or psychopharmacological medications.

(g) Ordering, labeling, and identifying. All medications and biologicals administered by licensed nurses or medication aides shall be ordered from a pharmacy pursuant to a medical care provider's written order.

(1) Any resident who self-administers and manages personal medications may request that a licensed nurse or medication aide reorder the resident's medication from a pharmacy of the resident's choice.

(2) Each prescription medication container shall have a label that was provided by a dispensing pharmacist or affixed to the container by a dispensing pharmacist in accordance with K.A.R. 68-7-14.

(3) A licensed nurse or medication aide may accept over-the-counter medication only in its original, unbroken manufacturer's package. A licensed pharmacist or licensed nurse shall place the full name of the resident on the package. If the original manufacturer's package of an over-the-counter medication contains a medication in a container, bottle, or tube that can be removed from the original package, the licensed pharmacist or a licensed nurse shall place the full name of the resident on both the original manufacturer's medication package and the medication container.

(4) Licensed nurses and medication aides may administer sample medications and medications from indigent medication programs if the administrator or operator ensures the development of policies and implementation of procedures for receiving and identifying sample medications and medications from indigent medication programs that include all of the following conditions:

(A) The medication is not a controlled medication.

(B) A medical care provider's written order accompanies the medication, stating the resident's name; the medication name, strength, dosage, route, and frequency of administration; and any cautionary instructions regarding administration.

(C) A licensed nurse or medication aide receives the medication in its original, unbroken manufacturer's package.

(D) A licensed nurse documents receipt of the medication by entering the resident's name and the medication name, strength, and quantity into a log.

(E) A licensed nurse places identification information on the medication or package containing the medication that includes the medical care provider's name; the resident's name; the medication name, strength, dosage, route, and frequency of administration; and any cautionary instructions as documented on the medical care provider's order. Staff consisting of either two licensed nurses or a licensed nurse and a medication aide shall verify that the information on the medication matches the information on the medical care provider's order.

(F) A licensed nurse informs the resident or the resident's legal representative that the medication did not go through the usual process of labeling and initial review by a licensed pharmacist pursuant to K.S.A. 65-1642 and amendments thereto, which requires the identification of both adverse drug interactions or reactions and potential allergies. The resident's clinical record shall contain documentation that the resident or resident's legal representative has received the information and accepted the risk of potential adverse consequences.

(h) Storage. Licensed nurses and medication aides shall ensure that all medications and biologicals are securely and properly stored in accordance with each manufacturer's recommendations or those of the pharmacy provider and with federal and state laws and regulations.

(1) Licensed nurses or medication aides shall store non-controlled medications and biologicals managed by the home in a locked medication room, cabinet, or medication cart. Licensed nurses and medication aides shall store controlled medications managed by the home in separately locked compartments within a locked medication room, cabinet, or medication cart. Only licensed nurses and medication aides shall have access to the stored medications and biologicals.

(2) Each resident managing and self-administering medication shall store medications in a place that is accessible only to the resident, licensed nurses, and medication aides.

(3) Any resident who self-administers medication and is unable to provide proper storage as recommended by the manufacturer or pharmacy provider may request that the medication be stored by the home.

(4) A licensed nurse or medication aide shall not administer medication beyond the manufacturer's or pharmacy provider's recommended date of expiration.

(i) Accountability and disposition of medications. Licensed nurses and medication aides shall maintain records of the receipt and disposition of all medications managed by the home in sufficient detail for an accurate reconciliation.

(1) Records shall be maintained documenting the destruction of any deteriorated, outdated, or discontinued controlled medications and biologicals according to acceptable standards of practice by one of the following combinations:

- (A) Two licensed nurses; or
- (B) a licensed nurse and a licensed pharmacist.

(2) Records shall be maintained documenting the destruction of any deteriorated, outdated, or discontinued

non-controlled medications and biologicals according to acceptable standards of practice by any of the following combinations:

- (A) Two licensed nurses;
- (B) a licensed nurse and a medication aide;
- (C) a licensed nurse and a licensed pharmacist; or
- (D) a medication aide and a licensed pharmacist.

(j) Medications sent for short-term absence. A licensed nurse or medication aide shall provide the resident's medication to the resident or the designated responsible party for the resident's short-term absences from the home, upon request.

(k) Clinical record. The administrator or operator, or the designee, shall ensure that the clinical record of each resident for whom the home manages the resident's medication or prefills medication containers or syringes contains the following documentation:

- (1) A medical care provider's order for each medication;
- (2) the name of the pharmacy provider of the resident's choice;
- (3) any known medication allergies; and
- (4) the date and the 12-hour or 24-hour clock time any medication is administered to the resident.

(l) Medication regimen review. A licensed pharmacist or licensed nurse shall conduct a medication regimen review at least quarterly for each resident whose medication is managed by the home and each time the resident experiences any significant change in condition.

(1) The medication regimen review shall identify any potential or current medication-related problems, including the following:

- (A) Lack of clinical indication for use of medication;
- (B) the use of a subtherapeutic dose of any medication;
- (C) failure of the resident to receive an ordered medication;
- (D) medications administered in excessive dosage, including duplicate therapy;
- (E) medications administered in excessive duration;
- (F) adverse medication reactions;
- (G) medication interactions; and
- (H) lack of adequate monitoring.

(2) The licensed pharmacist or licensed nurse shall notify the medical care provider upon discovery of any variance identified in the medication regimen review that requires immediate action by the medical care provider. The licensed pharmacist shall notify a licensed nurse within 48 hours of any variance identified in the resident's regimen review that does not require immediate action by the medical care provider and specify a time within which the licensed nurse must notify the resident's medical care provider. The licensed nurse shall seek a response from the medical care provider within five working days of the medical care provider's notification of a variance.

(3) The administrator or operator, or the designee, shall ensure that the medication regimen review is kept in each resident's clinical record.

(4) The administrator or operator, or the designee, shall offer each resident who self-administers medication a medication regimen review to be conducted by a licensed

(continued)

pharmacist or licensed nurse at least quarterly and each time the resident experiences a significant change in condition. A licensed nurse shall maintain documentation of the resident's decision in the resident's clinical record. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-206. Dietary services. (a) The administrator or operator of each home plus shall ensure the provision or coordination of dietary services to residents as identified in each resident's negotiated service agreement.

(b) The supervisory responsibility for dietetic services shall be assigned to one employee.

(c) If a resident's negotiated service agreement includes the provision of a therapeutic diet, mechanically altered diet, or thickened consistency of liquids, a medical care provider's order shall be on file in the resident's clinical record, and the diet or liquids, or both, shall be prepared according to instructions from a medical care provider or licensed dietitian.

(d) The menus shall be planned in advance and in accordance with the dietary guidelines adopted by reference in K.A.R. 26-39-105.

(1) Menu plans shall be available to each resident on at least a weekly basis.

(2) A method shall be established to incorporate input by residents in the selection of food to be served and scheduling of meal service.

(e) Food shall be prepared using safe methods that conserve the nutritive value, flavor, and appearance and shall be served at the proper temperature.

(1) Food used by facility staff to serve to the residents, including donated food, shall meet all applicable federal, state, and local laws and regulations.

(2) Food in cans that have significant defects, including swelling, leakage, punctures, holes, fractures, pitted rust, or denting severe enough to prevent normal stacking or opening with a manual, wheel-type can opener, shall not be used.

(3) Food provided by a resident's family or friends for individual residents shall not be required to meet federal, state, and local laws and regulations.

(f) Staff shall store all food under safe and sanitary conditions. Containers of poisonous compounds and cleaning supplies shall not be stored in the areas used for food storage, preparation, or serving.

(g) Each home shall maintain at least a three-day supply of food to meet the requirements of the planned menus. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-42-207. Infection control. (a) The administrator or operator of each home plus shall ensure the provision of a safe, sanitary, and comfortable environment for residents.

(b) Each administrator or operator shall ensure the development of policies and implementation of procedures to prevent the spread of infections. These policies and procedures shall include the following requirements:

(1) Using universal precautions to prevent the spread of blood-borne pathogens;

(2) techniques to ensure that hand hygiene meets professional health care standards;

(3) techniques to ensure that the laundering and handling of soiled and clean linens meet professional health care standards;

(4) providing sanitary conditions for food service;

(5) prohibiting any employee with a communicable disease or any infected skin lesions from coming in direct contact with any resident, any resident's food, or resident care equipment until the condition is no longer infectious;

(6) providing orientation to new employees and employee in-service education at least annually on the control of infections in a health care setting; and

(7) transferring a resident with an infectious disease to an appropriate health care facility if the administrator or operator is unable to provide the isolation precautions necessary to protect the health of other residents.

(c) Each administrator or operator shall ensure the home's compliance with the department's tuberculosis guidelines for adult care homes adopted by reference in K.A.R. 26-39-105. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

Article 43.—ADULT DAY CARE FACILITIES

26-43-101. Administration. (a) Administrator and operator responsibilities. The administrator or operator of each adult day care facility ("facility") shall ensure that the facility is operated in a manner so that each resident receives care and services in accordance with each resident's functional capacity screening and negotiated service agreement.

(b) Administrator and operator criteria. Each licensee shall appoint an administrator or operator who meets the following criteria:

(1) Is at least 21 years of age;

(2) possesses a high school diploma or the equivalent;

(3) holds a Kansas license as an adult care home administrator or has successfully completed an operator training course and passed the test approved by the secretary of Kansas department of health and environment pursuant to K.S.A. 39-923 and amendments thereto; and

(4) has authority and responsibility for the operation of the facility and compliance with licensing requirements.

(c) Administrator and operator position description. Each licensee shall adopt a written position description for the administrator or operator that includes responsibilities for the following:

(1) Planning, organizing, and directing the facility;

(2) implementing operational policies and procedures for the facility; and

(3) authorizing, in writing, a responsible employee who is 18 years old or older to act on the administrator's or operator's behalf in the absence of the administrator or operator.

(d) Resident rights. Each administrator or operator shall ensure the development and implementation of written policies and procedures that incorporate the principles of individuality, autonomy, dignity, choice, privacy, and a home environment for each resident. The following provisions shall be included in the policies and procedures:

(1) The recognition of each resident's rights, responsibilities, needs, and preferences;

(2) the freedom of each resident or the resident's legal representative to select or refuse a service and to accept responsibility for the consequences;

(3) the development and maintenance of social ties for each resident by providing opportunities for meaningful interaction and involvement within the facility and the community;

(4) the maintenance of each resident's lifestyle if there are not adverse effects on the rights and safety of other residents; and

(5) the resolution of grievances through a specific process that includes a written response to each written grievance within 30 days.

(e) Resident liability. Each resident shall be liable only for the charges disclosed to the resident or the resident's legal representative and documented in a signed agreement at admission and in accordance with K.A.R. 26-39-103.

(f) Staff treatment of residents. Each administrator or operator shall ensure the development and implementation of written policies and procedures that prohibit the abuse, neglect, and exploitation of residents by staff. The administrator or operator shall ensure that all of the following requirements are met:

(1) No resident shall be subjected to any of the following:

(A) Verbal, mental, sexual, or physical abuse, including corporal punishment and involuntary seclusion;

(B) neglect; or

(C) exploitation.

(2) The facility shall not employ any individual who has been identified on a state nurse aide registry as having abused, neglected, or exploited any resident in an adult care home.

(3) Each allegation of abuse, neglect, or exploitation shall be reported to the administrator or operator of the facility as soon as staff is aware of the allegation and to the department within 24 hours. The administrator or operator shall ensure that all of the following requirements are met:

(A) An investigation shall be started when the administrator or operator, or the designee, receives notification of an alleged violation.

(B) Immediate measures shall be taken to prevent further potential abuse, neglect, or exploitation while the investigation is in progress.

(C) Each alleged violation shall be thoroughly investigated within five working days of the initial report. Results of the investigation shall be reported to the administrator or operator.

(D) Appropriate corrective action shall be taken if the alleged violation is verified.

(E) The department's complaint investigation report shall be completed and submitted to the department within five working days of the initial report.

(F) A written record shall be maintained of each investigation of reported abuse, neglect, or exploitation.

(g) Availability of policies and procedures. Each administrator or operator shall ensure that policies and procedures related to resident services are available to staff at all times and are available to each resident, legal representatives of residents, case managers, and families

during normal business hours. A notice of availability shall be posted in a place readily accessible to residents and the public.

(h) Power of attorney, guardianship, and conservatorship. Authority as a power of attorney, durable power of attorney for health care decisions, guardian, or conservator shall not be exercised by anyone employed by or having a financial interest in the facility, unless the person is related to the resident within the second degree.

(i) Reports. Each administrator or operator shall ensure the accurate completion and electronic submission of annual and semiannual statistical reports regarding residents, employees, and facility occupancy to the department no later than 20 days following the last day of the period being reported. The administrator or operator shall ensure the submission of any other reports required by the department.

(j) Emergency telephone. Each administrator or operator shall ensure that the residents and employees have access to a telephone for emergency use at no cost. The administrator or operator shall ensure that the names and telephone numbers of persons or places commonly required in emergencies are posted adjacent to this telephone.

(k) Ombudsman. Each administrator or operator shall ensure the posting of the names, addresses, and telephone numbers of the Kansas department on aging and the office of the long-term care ombudsman with information that these agencies can be contacted to report actual or potential abuse, neglect, or exploitation of residents or to register complaints concerning the operation of the facility. The administrator or operator shall ensure that this information is posted in an area readily accessible to all residents and the public.

(l) Survey report and plan of correction. Each administrator or operator shall ensure that a copy of the most recent survey report and plan of correction is available in a public area to residents and any other individuals wishing to examine survey results. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-102. Staff qualifications. (a) The administrator or operator of each adult day care facility shall ensure the provision of a sufficient number of qualified personnel to provide each resident with services and care in accordance with that resident's functional capacity screening, health care service plan, and negotiated service agreement.

(b) Direct care staff or licensed nursing staff shall be in attendance and responsive at all times.

(c) A registered professional nurse shall be available to provide supervision to licensed practical nurses, pursuant to K.S.A. 65-1113 and amendments thereto.

(d) The employee records and agency staff records shall contain the following documentation:

(1) Evidence of licensure, registration, certification, or a certificate of successful completion of a training course for each employee performing a function that requires specialized education or training;

(2) supporting documentation for criminal background checks of facility staff and contract staff, excluding any

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staff licensed or registered by a state agency, pursuant to K.S.A. 39-970 and amendments thereto;

(3) supporting documentation from the Kansas nurse aide registry that the individual does not have a finding of having abused, neglected, or exploited a resident in an adult care home; and

(4) supporting documentation that the individual does not have a finding of having abused, neglected, or exploited any resident in an adult care home, from the nurse aide registry in each state in which the individual has been known to work. (Authorized by K.S.A. 39-932 and K.S.A. 2007 Supp. 39-936; implementing K.S.A. 39-932, K.S.A. 2007 Supp. 39-936, and K.S.A. 2007 Supp. 39-970; effective May 29, 2009.)

26-43-103. Staff development. (a) The administrator or operator of each adult day care facility shall ensure the provision of orientation to new employees and regular in-service education for all employees to ensure that the services provided assist residents to attain and maintain their individuality, autonomy, dignity, independence, and ability to make choices in a home environment.

(b) The topics for orientation and in-service education shall include the following:

- (1) Principles of adult day care;
- (2) fire prevention and safety;
- (3) disaster procedures;
- (4) accident prevention;
- (5) resident rights;
- (6) infection control; and
- (7) prevention of abuse, neglect, and exploitation of residents.

(c) If the facility admits residents with dementia, the administrator or operator shall ensure the provision of staff orientation and in-service education on the treatment and appropriate response to persons who exhibit behaviors associated with dementia. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-104. Disaster and emergency preparedness.

(a) The administrator or operator of each adult day care facility shall ensure the provision of a sufficient number of staff members to take residents who would require assistance in an emergency or disaster to a secure location.

(b) Each administrator or operator shall ensure the development of a detailed written emergency management plan to manage potential emergencies and disasters, including the following:

- (1) Fire;
- (2) flood;
- (3) severe weather;
- (4) tornado;
- (5) explosion;
- (6) natural gas leak;
- (7) lack of electrical or water service;
- (8) missing residents; and
- (9) any other potential emergency situations.

(c) Each administrator or operator shall ensure the establishment of written agreements that will provide for the following if an emergency or disaster occurs:

- (1) Fresh water;
- (2) evacuation site; and
- (3) transportation of residents to an evacuation site.

(d) Each administrator or operator shall ensure disaster and emergency preparedness by ensuring the performance of the following:

- (1) Orientation of new employees at the time of employment to the facility's emergency management plan;
- (2) education of each resident upon admission to the facility regarding emergency procedures;
- (3) quarterly review of the facility's emergency management plan with employees and residents; and
- (4) an emergency drill, which shall be conducted at least annually with staff and residents. This drill shall include evacuation of the residents to a secure location.

(e) Each administrator or operator shall make the emergency management plan available to the staff, residents, and visitors. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-105. Resident records. (a) The administrator or operator of each adult day care facility shall ensure the maintenance of a record for each resident in accordance with accepted professional standards and practices.

(1) Designated staff shall maintain the record of each discharged resident who is 18 years of age or older for at least five years after the discharge of the resident.

(2) Designated staff shall maintain the record of each discharged resident who is less than 18 years of age for at least five years after the resident reaches 18 years of age or at least five years after the date of discharge, whichever time period is longer.

(b) Each administrator or operator shall ensure that all information in each resident's record, regardless of the form or storage method for the record, is kept confidential, unless release is required by any of the following:

- (1) Transfer of the resident to another health care facility;
- (2) law;
- (3) third-party payment contract; or
- (4) the resident or legal representative of the resident.

(c) Each administrator or operator shall ensure the safeguarding of resident records against the following:

- (1) Loss;
- (2) destruction;
- (3) fire;
- (4) theft; and
- (5) unauthorized use.

(d) Each administrator or operator shall ensure the accuracy and confidentiality of all resident information transmitted by means of a facsimile machine.

(e) If electronic medical records are used, each administrator or operator shall ensure the development of policies addressing the following requirements:

- (1) Protection of electronic medical records, including entries by only authorized users;
- (2) safeguarding of electronic medical records against unauthorized alteration, loss, destruction, and use;
- (3) prevention of the unauthorized use of electronic signatures;
- (4) confidentiality of electronic medical records; and
- (5) preservation of electronic medical records.

(f) Each resident record shall contain at least the following:

- (1) The resident's name;

- (2) the dates of admission and discharge;
- (3) the admission agreement and any amendments;
- (4) the functional capacity screenings;
- (5) the health care service plan, if applicable;
- (6) the negotiated service agreement and any revisions;
- (7) the name, address, and telephone number of the physician and the dentist to be notified in an emergency;
- (8) the name, address, and telephone number of the legal representative or the individual of the resident's choice to be notified in the event of a significant change in condition;
- (9) the name, address, and telephone number of the case manager, if applicable;
- (10) records of medications, biologicals, and treatments administered and each medical care provider's order if the facility is managing the resident's medications and medical treatments; and
- (11) documentation of all incidents, symptoms, and other indications of illness or injury including the date, time of occurrence, action taken, and results of the action. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-106. Community governance. (a) The administrator or operator of each adult day care facility shall ensure the facilitation of the organization of at least one resident council, each of which shall meet at least quarterly to provide residents with a forum to provide input into community governance.

(b) Each administrator or operator shall ensure the accommodation of the council process by providing space for the meetings, posting notices of the meetings, and assisting residents who wish to attend the meetings.

(c) In order to permit a free exchange of ideas and concerns, each administrator or operator shall ensure that all meetings are conducted without the presence of facility staff, unless allowed by the residents.

(d) Each administrator or operator shall respond to each written idea and concern received from the council, in writing, within 30 days after the meeting at which the written ideas and concerns were collected. The administrator or operator shall ensure that a copy of each written idea or concern and each response is available to surveyors. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-200. Resident criteria. (a) The administrator or operator of each adult day care facility shall ensure the development and implementation of written admission, transfer, and discharge policies that protect the rights of each resident, pursuant to K.A.R. 26-39-102. In addition, the administrator or operator shall ensure that any resident who has one or more of the following conditions is not admitted or retained unless the negotiated service agreement includes services sufficient to meet the needs of the resident while in the facility:

- (1) Incontinence, if the resident cannot or will not participate in management of the problem;
- (2) immobility, if the resident is totally dependent on another person's assistance to exit the building;
- (3) any ongoing condition requiring two or more persons to physically assist the resident; or

(4) any behavioral symptom that exceeds manageability.

(b) Each administrator or operator shall ensure that any resident whose clinical condition requires the use of physical restraints is not admitted or retained. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-201. Resident functional capacity screening. (a) On or before each individual's admission to an adult day care facility, a licensed nurse, a licensed social worker, or the administrator or operator shall conduct a screening to determine the individual's functional capacity and shall record all findings on a screening form specified by the department. The administrator or operator may integrate the department's screening form into a form developed by the facility, which shall include each element and definition specified by the department.

(b) A licensed nurse shall assess any resident whose functional capacity screening indicates the need for health care services.

(c) Designated facility staff shall conduct a screening to determine each resident's functional capacity according to the following requirements:

- (1) At least once every 365 days;
- (2) following any significant change in condition as defined in K.A.R. 26-39-100; and
- (3) at least quarterly if the resident receives assistance with eating from a paid nutrition assistant.

(d) Designated facility staff shall ensure that each resident's functional capacity at the time of screening is accurately reflected on that resident's screening form.

(e) Designated facility staff shall use the results of the functional capacity screening as a basis for determining the services to be included in the resident's negotiated service agreement. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-202. Negotiated service agreement. (a) The administrator or operator of each adult day care facility shall ensure the development of a written negotiated service agreement for each resident, based on the resident's functional capacity screening, service needs, and preferences, in collaboration with the resident or the resident's legal representative, the case manager, and, if agreed to by the resident or the resident's legal representative, the resident's family. The negotiated service agreement shall provide the following information:

- (1) A description of the services the resident will receive;
- (2) identification of the provider of each service; and
- (3) identification of each party responsible for payment if outside resources provide a service.

(b) The negotiated service agreement shall promote the dignity, privacy, choice, individuality, and autonomy of the resident.

(c) Each administrator or operator shall ensure the development of an initial negotiated service agreement at admission.

(d) Each administrator or operator shall ensure the review and, if necessary, revision of each negotiated service agreement according to the following requirements:

- (1) At least once every 365 days;

(continued)

(2) following any significant change in condition, as defined in K.A.R. 26-39-100;

(3) at least quarterly, if the resident receives assistance with eating from a paid nutrition assistant; and

(4) if requested by the resident or the resident's legal representative, facility staff, the case manager, or, if agreed to by the resident or the resident's legal representative, the resident's family.

(e) A licensed nurse shall participate in the development, review, and revision of the negotiated service agreement if the resident's functional capacity screening indicates the need for health care services.

(f) If a resident or the resident's legal representative refuses a service that the administrator or operator, the licensed nurse, the resident's medical care provider, or the case manager believes is necessary for the resident's health and safety, the negotiated service agreement shall include the following:

(1) The service or services refused;

(2) identification of any potential negative outcomes for the resident if the service or services are not provided;

(3) evidence of the provision of education to the resident or the resident's legal representative of the potential risk of any negative outcomes if the service or services are not provided; and

(4) an indication of acceptance by the resident or the resident's legal representative of the potential risk.

(g) The negotiated service agreement shall not include circumstances in which the lack of a service has the potential to affect the health and safety of other residents, facility staff, or the public.

(h) Each individual involved in the development of the negotiated service agreement shall sign the agreement. The administrator or operator shall ensure that a copy of the initial agreement and any subsequent revisions are provided to the resident or the resident's legal representative.

(i) Each administrator or operator shall ensure that each resident receives services according to the provisions of that resident's negotiated service agreement.

(j) If a resident's negotiated service agreement includes the use of outside resources, the designated facility staff shall perform the following:

(1) Provide the resident, the resident's legal representative, the case manager, and, if agreed to by the resident or resident's legal representative, the resident's family, with a list of providers available to provide needed services;

(2) assist the resident, if requested, in contacting outside resources for services; and

(3) monitor the services provided by outside resources and act as an advocate for the resident if services do not meet professional standards of practice. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-203. General services. (a) Range of services. The administrator or operator of each adult day care facility shall ensure the provision or coordination of the range of services specified in each resident's negotiated service agreement. The range of services may include the following:

(1) Daily meal service based on each resident's needs;

(2) health care services based on an assessment by a licensed nurse and in accordance with K.A.R. 26-43-204;

(3) medical, dental, and social transportation;

(4) planned group and individual activities that meet the needs and interests of each resident; and

(5) other services necessary to support the health and safety of each resident.

(b) Special care. Any administrator or operator of an adult day care facility may choose to serve residents who do not exceed the facility's admission and retention criteria and who have special needs in a special care section of the facility or the entire facility, if the administrator or operator ensures that all of the following conditions are met:

(1) Written policies are developed and procedures are implemented for the operation of the special care section or facility.

(2) Admission and discharge criteria are in effect that identify the diagnosis, behavior, or specific clinical needs of the residents to be served. The medical diagnosis, medical care provider's progress notes, or both shall justify admission to the special care section or the facility.

(3) A medical care provider's written order is obtained for admission.

(4) The functional capacity screening indicates that the resident would benefit from the services and programs offered by the special care section or facility.

(5) Before the resident's admission to the special care section or facility, the resident or resident's legal representative is informed, in writing, of the available services and programs that are specific to the needs of the resident.

(6) Direct care staff are present in the special care section or facility at all times.

(7) Before assignment to the special care section or facility employment, each staff member is provided with a training program related to specific needs of the residents to be served, and evidence of completion of the training is maintained in the employee's personnel records.

(8) Living, dining, activity, and recreational areas are provided within the special care section, except when residents are able to access living, dining, activity, and recreational areas in another section of the facility.

(9) The control of exits in the special care section is the least restrictive possible for the residents in the section.

(c) Maintenance. Designated staff shall provide routine maintenance, including the control of pests and rodents, and repairs in common areas inside and outside the facility.

(d) Services not provided. If an administrator or operator of an adult day care facility chooses not to provide or coordinate any service as specified in subsection (a), the administrator or operator shall notify the resident, in writing, on or before the resident's admission to the facility. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-204. Health care services. (a) The administrator or operator in each adult day care facility shall ensure that a licensed nurse provides or coordinates the provision of necessary health care services that meet the needs of each resident and are in accordance with the

functional capacity screening and the negotiated service agreement.

(b) If the functional capacity screening indicates that a resident is in need of health care services, a licensed nurse, in collaboration with the resident, the resident's legal representative, the case manager, and, if agreed to by the resident or resident's legal representative, the resident's family, shall develop a health care service plan to be included as part of the negotiated service agreement.

(c) The health care services provided by or coordinated by a licensed nurse may include the following:

(1) Personal care provided by direct care staff or by certified or licensed nursing staff employed by a home health agency or a hospice;

(2) personal care provided gratuitously by friends or family members; and

(3) supervised nursing care provided by, or under the guidance of, a licensed nurse.

(d) The negotiated service agreement shall contain a description of the health care services to be provided and the name of the licensed nurse responsible for the implementation and supervision of the plan.

(e) A licensed nurse may delegate nursing procedures not included in the nurse aide or medication aide curriculums to nurse aides or medication aides, respectively, under the Kansas nurse practice act, K.S.A. 65-1124 and amendments thereto.

(f) Each administrator or operator shall ensure that a licensed nurse is available to provide immediate direction to medication aides and nurse aides for residents who have unscheduled needs.

(g) Skilled nursing care shall be provided in accordance with K.S.A. 39-923 and amendments thereto.

(1) The health care service plan shall include the skilled nursing care to be provided and the name of the licensed nurse or agency responsible for providing each service.

(2) The licensed nurse providing the skilled nursing care shall document the service and the outcome of the service in the resident's record.

(3) A medical care provider's order for skilled nursing care shall be documented in the resident's record in the facility. A copy of the medical care provider's order from a home health agency or hospice may be used. Medical care provider orders in the clinical records of a home health agency located in the same building as the facility may also be used if the clinical records are available to licensed nurses and direct care staff of the facility.

(4) The administrator or operator shall ensure that a licensed nurse is available to meet each resident's unscheduled needs related to skilled nursing services.

(h) A licensed nurse may provide wellness and health monitoring as specified in the resident's negotiated service agreement.

(i) All health care services shall be provided to residents by qualified staff in accordance with acceptable standards of practice. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-205. Medication management. (a) Self-administration of medication. Any resident may self-administer and manage medications independently or by using a medication container or syringe prefilled by a licensed

nurse or pharmacist or by a family member or friend providing this service gratuitously, if a licensed nurse has performed an assessment and determined that the resident can perform this function safely and accurately without staff assistance.

(1) An assessment shall be completed before the resident initially begins self-administration of medication, if the resident experiences a significant change of condition, and annually.

(2) Each assessment shall include an evaluation of the resident's physical, cognitive, and functional ability to safely and accurately self-administer and manage medications independently or by using a prefilled medication container or prefilled syringe.

(3) The resident's clinical record shall contain documentation of the assessment and the determination.

(4) If a resident self-administers medication with a prefilled medication container or syringe, the prefilled medication container or syringe shall have a label with the resident's name and the date the container or syringe was prefilled. The label, or a medication administration record provided to the resident, shall also include the name and dosage of each medication and the time or event at which the medication is to be self-administered. Facility staff may remind residents to take medications or inquire as to whether medications were taken.

(b) Administration of select medications. Any resident who self-administers medication may select some medications to be administered by a licensed nurse or medication aide. The negotiated service agreement shall reflect this service and identify who is responsible for the administration and management of selected medications.

(c) Administration of medication by family or friends. Any resident may choose to have personal medication administered by family members or friends gratuitously, pursuant to K.S.A. 65-1124 and amendments thereto.

(d) Facility administration of resident's medications. If a facility is responsible for the administration of a resident's medications, the administrator or operator shall ensure that all medications and biologicals are administered to that resident in accordance with a medical care provider's written order, professional standards of practice, and each manufacturer's recommendations. The administrator or operator shall ensure that all of the following are met:

(1) Only licensed nurses and medication aides shall administer medications for which the facility has responsibility.

(2) Medication aides shall not administer medication through the parenteral route.

(3) A licensed nurse or medication aide shall perform the following:

(A) Administer only the medication that the licensed nurse or medication aide has personally prepared;

(B) identify the resident before medication is administered;

(C) remain with the resident until the medication is ingested or applied; and

(D) document the administration of each resident's medication in the resident's medication administration record immediately before or following completion of the

(continued)

task. If the medication administration record identifies only time intervals or events for the administration of medication, the licensed nurse or medication aide shall document the actual clock time the medication is administered.

(4) Any licensed nurse may delegate nursing procedures not included in the medication aide curriculum to medication aides under the Kansas nurse practice act, K.S.A. 65-1124 and amendments thereto.

(e) Medication orders. Only a licensed nurse or a licensed pharmacist may receive verbal orders for medication from a medical care provider. The licensed nurse shall ensure that all verbal orders are signed by the medical care provider within seven working days of receipt of the verbal order.

(f) Standing orders. Only a licensed nurse shall make the decision for implementation of standing orders for specified medications and treatments formulated and signed by the resident's medical care provider. Standing orders of medications shall not include orders for the administration of schedule II medications or psychopharmacological medications.

(g) Ordering, labeling, and identifying. All medications and biologicals administered by licensed nurses or medication aides shall be ordered from a pharmacy pursuant to a medical care provider's written order.

(1) Any resident who self-administers and manages personal medications may request that a licensed nurse or medication aide reorder the resident's medication from a pharmacy of the resident's choice.

(2) Each prescription medication container shall have a label that was provided by a dispensing pharmacist or affixed to the container by a dispensing pharmacist in accordance with K.A.R. 68-7-14.

(3) A licensed nurse or medication aide may accept over-the-counter medication only in its original, unbroken manufacturer's package. A licensed pharmacist or licensed nurse shall place the full name of the resident on the package. If the original manufacturer's package of an over-the-counter medication contains a medication in a container, bottle, or tube that can be removed from the original package, the licensed pharmacist or a licensed nurse shall place the full name of the resident on both the original manufacturer's medication package and the medication container.

(4) Licensed nurses and medication aides may administer sample medications and medications from indigent medication programs if the administrator or operator ensures the development of policies and implementation of procedures for receiving and identifying sample medications and medications from indigent medication programs that include all of the following conditions:

(A) The medication is not a controlled medication.

(B) A medical care provider's written order accompanies the medication, stating the resident's name; the medication name, strength, dosage, route, and frequency of administration; and any cautionary instructions regarding administration.

(C) A licensed nurse or medication aide receives the medication in its original, unbroken manufacturer's package.

(D) A licensed nurse documents receipt of the medication by entering the resident's name and the medication name, strength, and quantity into a log.

(E) A licensed nurse places identification information on the medication or package containing the medication that includes the medical care provider's name; the resident's name; the medication name, strength, dosage, route, and frequency of administration; and any cautionary instructions as documented on the medical care provider's order. Facility staff consisting of either two licensed nurses or a licensed nurse and a medication aide shall verify that the information on the medication matches the information on the medical care provider's order.

(F) A licensed nurse informs the resident or the resident's legal representative that the medication did not go through the usual process of labeling and initial review by a licensed pharmacist pursuant to K.S.A. 65-1642 and amendments thereto, which requires the identification of both adverse drug interactions or reactions and potential allergies. The resident's clinical record shall contain documentation that the resident or the resident's legal representative has received the information and accepted the risk of potential adverse consequences.

(h) Storage. Licensed nurses and medication aides shall ensure that all medications and biologicals are securely and properly stored in accordance with each manufacturer's recommendations or those of the pharmacy provider and with federal and state laws and regulations.

(1) Licensed nurses or medication aides shall store non-controlled medications and biologicals managed by the facility in a locked medication room, cabinet, or medication cart. Licensed nurses and medication aides shall store controlled medications managed by the facility in separately locked compartments within a locked medication room, cabinet, or medication cart. Only licensed nurses and medication aides shall have access to the stored medications and biologicals.

(2) Each resident managing and self-administering medication shall store medications in a place that is accessible only to the resident, licensed nurses, and medication aides.

(3) Any resident who self-administers medication and is unable to provide proper storage as recommended by the manufacturer or pharmacy provider may request that the medication be stored by the facility.

(4) A licensed nurse or medication aide shall not administer medication beyond the manufacturer's or pharmacy provider's recommended date of expiration.

(i) Accountability and disposition of medications. Licensed nurses and medication aides shall maintain records of the receipt and disposition of all medications managed by the facility in sufficient detail for an accurate reconciliation.

(1) Records shall be maintained documenting the destruction of any deteriorated, outdated, or discontinued controlled medications and biologicals according to acceptable standards of practice by one of the following combinations:

(A) Two licensed nurses; or

(B) a licensed nurse and a licensed pharmacist.

(2) Records shall be maintained documenting the destruction of any deteriorated, outdated, or discontinued non-controlled medications and biologicals according to acceptable standards of practice by any of the following combinations:

- (A) Two licensed nurses;
- (B) a licensed nurse and a medication aide;
- (C) a licensed nurse and a licensed pharmacist; or
- (D) a medication aide and a licensed pharmacist.

(j) Clinical record. The administrator or operator, or the designee, shall ensure that the clinical record of each resident for whom the facility manages the resident's medication or prefills medication containers or syringes contains the following documentation:

- (1) A medical care provider's order for each medication;
- (2) the name of the pharmacy provider of the resident's choice;
- (3) any known medication allergies; and
- (4) the date and the 12-hour or 24-hour clock time any medication is administered to the resident.

(k) Medication regimen review. The administrator or operator, or the designee, shall offer each resident a medication regimen review to be conducted by a licensed pharmacist or a licensed nurse at least quarterly and each time the resident experiences any significant change in condition. A licensed nurse shall document the resident's decision in the resident's clinical record.

(1) The medication regimen review shall identify any potential or current medication-related problems, including the following:

- (A) Lack of clinical indication for use of medication;
- (B) the use of subtherapeutic dose of any medication;
- (C) failure of the resident to receive an ordered medication;
- (D) medications administered in excessive dosage, including duplicate therapy;
- (E) medications administered in excessive duration;
- (F) adverse medication reactions;
- (G) medication interactions; and
- (H) lack of adequate monitoring.

(2) The licensed pharmacist or licensed nurse shall report each variance identified in the medication regimen review to the resident's medical care provider.

(3) The administrator or operator, or the designee, shall ensure that the medication regimen review is kept in each resident's clinical record.

(l) At least annually, the administrator or operator shall ensure that a licensed pharmacist or a licensed nurse conducts an educational program on medication usage and health-related topics for the residents, the residents' legal representatives, and the residents' families. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-206. Dietary services. (a) Provision of dietary services. The administrator or operator of each adult day care facility shall ensure the provision or coordination of dietary services to residents as identified in each resident's negotiated service agreement. If the administrator or operator of the facility establishes a contract with another entity to provide or coordinate the provision of

dietary services to the residents, the administrator or operator shall ensure that entity's compliance with these regulations.

(b) Staff. The supervisory responsibility for dietetic services shall be assigned to one employee.

(1) A dietetic services supervisor or licensed dietitian shall provide scheduled on-site supervision in each facility with 11 or more residents.

(2) If a resident's negotiated service agreement includes the provision of a therapeutic diet, mechanically altered diet, or thickened consistency of liquids, a medical care provider's order shall be on file in the resident's clinical record, and the diet or liquids, or both, shall be prepared according to instructions from a medical care provider or licensed dietitian.

(c) Menus. A dietetic services supervisor or licensed dietitian or, in any facility with fewer than 11 residents, designated facility staff shall plan menus in advance and in accordance with the dietary guidelines adopted by reference in K.A.R. 26-39-105.

(1) Menu plans shall be available to each resident on at least a weekly basis.

(2) A method shall be established to incorporate residents' input in the selection of food to be served and scheduling of meal service.

(d) Food preparation. Food shall be prepared using safe methods that conserve the nutritive value, flavor, and appearance and shall be served at the proper temperature.

(1) Food used by facility staff to serve to the residents, including donated food, shall meet all applicable federal, state, and local laws and regulations.

(2) Food in cans that have significant defects, including swelling, leakage, punctures, holes, fractures, pitted rust, or denting severe enough to prevent normal stacking or opening with a manual, wheel-type can opener, shall not be used.

(3) Food provided by a resident's family or friends for individual residents shall not be required to meet federal, state, and local laws and regulations.

(e) Food storage. Facility staff shall store all food under safe and sanitary conditions. Containers of poisonous compounds and cleaning supplies shall not be stored in the areas used for food storage, preparation, or serving. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

26-43-207. Infection control. (a) The administrator or operator of each adult day care facility shall ensure the provision of a safe, sanitary, and comfortable environment for residents.

(b) Each administrator or operator shall ensure the development of policies and implementation of procedures to prevent the spread of infections. These policies and procedures shall include the following requirements:

(1) Using universal precautions to prevent the spread of blood-borne pathogens;

(2) techniques to ensure that hand hygiene meets professional health care standards;

(3) techniques to ensure that the laundering and handling of soiled and clean linens meet professional health care standards;

(continued)

(4) providing sanitary conditions for food service;
 (5) prohibiting any employee with a communicable disease or any infected skin lesions from coming in direct contact with any resident, any resident's food, or resident care equipment until the condition is no longer infectious; and

(6) providing orientation to new employees and employee in-service education at least annually on the control of infections in a health care setting.

(c) Each administrator or operator shall ensure the facility's compliance with the department's tuberculosis guidelines for adult care homes adopted by reference in K.A.R. 26-39-105. (Authorized by and implementing K.S.A. 39-932; effective May 29, 2009.)

Article 39.—LICENSURE OF ADULT CARE HOMES

28-39-240. (Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997; amended Oct. 8, 1999; revoked May 29, 2009.)

28-39-241 through 28-39-244. (Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997; revoked May 29, 2009.)

28-39-245. (Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997; amended Oct. 8, 1999; revoked May 29, 2009.)

28-39-246. (Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997; revoked May 29, 2009.)

28-39-247. (Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997; amended Oct. 8, 1999; revoked May 29, 2009.)

28-39-248 through 28-39-253. (Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997; revoked May 29, 2009.)

28-39-275 through 28-39-288. (Authorized by and implementing K.S.A. 39-932; effective Oct. 8, 1999; revoked May 29, 2009.)

28-39-425 through 28-39-436. (Authorized by and implementing K.S.A. 39-932; effective Oct. 8, 1999; revoked May 29, 2009.)

Kathy Greenlee
 Secretary of Aging

Doc. No. 037036

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 2008 Supplement of the *Kansas Administrative Regulations*.

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3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New (T)	V. 27, p. 1091
3-3-2	New	V. 27, p. 1517

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4-6-3	New	V. 27, p. 1741
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
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4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-13-40	Amended	V. 27, p. 1023
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4-13-42	Revoked	V. 27, p. 1023
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4-13-61	Revoked	V. 27, p. 1023

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4-13-65	Amended	V. 27, p. 1024
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4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
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4-28-16	New	V. 27, p. 191-195

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5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
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5-5-6c	New	V. 27, p. 1556
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5-9-1d	New	V. 27, p. 1557, 1558
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44-6-127		
through		
44-6-132	New	V. 27, p. 1135-1138

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604

60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

**AGENCY 66: BOARD OF TECHNICAL
PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-10-1	Amended	V. 27, p. 317
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-12b	Amended	V. 27, p. 1518
68-7-20	Amended	V. 27, p. 435
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 28, p. 298

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-9-1		
through		
71-9-4	New	V. 27, p. 1878
71-10-1		
through		
71-10-4	New	V. 27, p. 1879

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
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

**AGENCY 81: OFFICE OF THE
SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-3-6	Amended	V. 28, p. 606
81-5-7	Amended	V. 27, p. 1156
81-5-14	Amended	V. 28, p. 571
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 28, p. 610

(continued)

81-14-9 Amended V. 27, p. 1163

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521
82-4-30a	Amended	V. 27, p. 1020

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
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
92-12-145	Amended	V. 28, p. 604
92-19-70	Revoked	V. 27, p. 868
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1	through	
92-28-4	New	V. 28, p. 113
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1	through	
94-2-5	Amended (T)	V. 27, p.1091-1093
94-2-1	through	
94-2-5	Amended	V. 27, p.1522-1524
94-2-8	through	
94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-8	through	
94-2-16	Amended	V. 27, p. 1524-1526
94-2-19	Amended (T)	V. 27, p. 1095
94-2-19	Amended	V. 27, p. 1527
94-2-20	Amended (T)	V. 27, p. 1096
94-2-20	Amended	V. 27, p. 1527
94-2-21	Amended (T)	V. 27, p. 1096
94-2-21	Amended	V. 27, p. 1528
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3	through	
97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4	through	
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-5	Amended	V. 28, p. 522
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-26-1	Amended	V. 28, p. 522
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 27, p. 1602
100-11-1	Amended	V. 28, p. 112
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended (T)	V. 27, p. 1602
100-28a-1	Amended	V. 28, p. 112
100-28a-10	Amended	V. 28, p. 572

100-29-7	Amended	V. 27, p. 209
100-54-4	Amended	V. 27, p. 209
100-55-4	Amended	V. 27, p. 209
100-55-9	Amended	V. 28, p. 572
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-69-10	Amended	V. 28, p. 572
100-72-1	Amended (T)	V. 27, p. 1602
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-11-1	Amended (T)	V. 27, p. 1233
105-11-1	Amended	V. 27, p. 1838

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 28, p. 574
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-3	Revoked	V. 28, p. 575
109-15-1	New	V. 28, p. 575
109-15-2	New	V. 28, p. 576

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1	through	
110-19-4	New	V. 27, p. 1064, 1065
110-20-1	through	
110-20-4	New	V. 27, p. 1065, 1066

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
111-2-211	New	V. 27, p. 992
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214	through	
111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383

111-2-217	Amended	V. 28, p. 383
111-2-219	through	
111-2-223	New	V. 28, p. 46, 47
111-4-2614	Amended	V. 27, p. 964
111-4-2645	through	
111-4-2656	New	V. 27, p. 436-442
111-4-2657	through	
111-4-2662	New	V. 27, p. 992-996
111-4-2663	New	V. 27, p. 1489
111-4-2664	through	
111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684	through	
111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703	through	
111-4-2710	New	V. 27, p. 1672-1677
111-4-2711	through	
111-4-2715	New	V. 27, p. 1677-1680
111-4-2716	through	
111-4-2726	New	V. 27, p. 1709-1718
111-4-2727	through	
111-4-2744	New	V. 27, p. 1746-1761
111-4-2745	through	
111-4-2754	New	V. 28, p. 11-20
111-4-2755	through	
111-4-2766	New	V. 28, p. 47-55
111-4-2767	through	
111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785	through	
111-4-2790	New	V. 28, p. 342-346
111-4-2791	through	
111-4-2799	New	V. 28, p. 383-389
111-4-2800	through	
111-4-2814	New	V. 28, p. 516-522
111-5-23	through	
111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490
111-5-83	Amended	V. 27, p. 1490
111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165	through	
111-5-169	New	V. 27, p. 1491-1493
111-5-170	through	
111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223	through	
111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233	through	
111-7-237	New	V. 28, p. 57, 58

111-7-238	through	
111-7-242	New	V. 28, p. 283, 284
111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-13-6	New	V. 28, p. 376
112-100-1	through	
112-100-7	New	V. 27, p. 1378
112-101-1	through	
112-101-16	New	V. 28, p. 376-379
112-103-1	through	
112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1	through	
112-104-33	New	V. 27, p. 1378-1406
112-105-1	through	
112-105-7	New	V. 27, p. 1406-1408
112-106-1	through	
112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13	through	
112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-110-1	through	
112-110-13	New	V. 28, p. 464-470
112-111-1	through	
112-111-5	New	V. 28, 470-472
112-112-1	through	
112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1	through	
112-114-6	New	V. 28, p. 472
112-114-8	through	
112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 27, p. 1704
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
115-4-1	Amended	V. 28, p. 569
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. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 28, p. 571
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-2a	Amended	V. 28, p. 373
117-3-2a	Amended	V. 28, p. 373
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 27, p. 357
117-7-1	Amended	V. 28, p. 375
117-10-1	New	V. 28, p. 375

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

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
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