



# Kansas Register

Kris W. Kobach, Secretary of State

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May 3, 2018

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State of Kansas

**Pooled Money Investment Board**

**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

**Effective 4-30-18 through 5-6-18**

Term	Rate
1-89 days	1.70%
3 months	1.81%
6 months	2.01%
12 months	2.25%
18 months	2.39%
2 years	2.49%

Scott Miller  
Director of Investments

Doc. No. 046267

State of Kansas

**Secretary of State**

**Code Mortgage Rate for May**

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of May 1-31, 2018, is 12 percent. The reference rate referred to in the definition of "code mortgage rate" set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Kris W. Kobach  
Secretary of State

Doc. No. 046268

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## State of Kansas

## Department for Children and Families

## Notice of Hearing and Request for Comments

The Kansas Department for Children and Families (DCF) is preparing the Child Care and Development Fund (CCDF) State Plan for 2018 – 2021, to support the federal child care subsidy program, per authorization of the Child Care and Development Block Grant (CCDBG) Act. CCDF provides financial assistance to low-income families who are working or participating in education and training with help paying for child care, and to improving the quality of care for all children. The reauthorization of the CCDBG Act in November 2014 strengthened focus on promoting children's healthy development, health and safety of children in care, promoting the continuity of access to subsidy for low-income families, increasing client education regarding child care choices, and improving the overall quality of early care and education. The plan outlines how the CCDF program will be administered by DCF in accordance with the CCDBG Act.

DCF is also requesting public comment on the Child Care Market Analysis. As a part of the CCDF State Plan, this report is completed at a minimum of every three years, and provides important information to the state on rates and other costs of providing child care services. Comments specific to the Child Care Market Analysis report are also requested by DCF.

DCF will host a public meeting to solicit stakeholder input on the CCDF Plan. The meeting will be held from 10:00 a.m. to noon, June 6, 2018, at the DCF Administration Building, 555 S. Kansas Ave., Topeka, Kansas. Individuals unable to travel to Topeka can participate via Adobe Connect and/or teleconference. For information regarding registration and to review or download a copy of the draft plan, visit [http://www.dcf.ks.gov/services/ees/Pages/Child\\_Care/Child-care-and-early-education.aspx](http://www.dcf.ks.gov/services/ees/Pages/Child_Care/Child-care-and-early-education.aspx). The plan will be posted on this website by May 1, 2018.

Comments regarding the CCDF State Plan and/or the Child Care Market Analysis may be submitted by mail to DCF, 555 S. Kansas Ave., Topeka, KS 66603, Attn: Judy Golden or via email to [ccdfstateplan@ks.gov](mailto:ccdfstateplan@ks.gov). Please identify in the subject line: "CCDF State Plan". Comments will be accepted through Monday, June 11, 2018.

Anyone requiring special accommodations, including a sign language interpreter, should notify Judy Golden at [judy.golden@ks.gov](mailto:judy.golden@ks.gov), or by calling 785-368-6447, no later than May 30, 2018.

Gina Meier-Hummel  
Secretary

Doc. No. 046280

## State of Kansas

## Wichita State University

## Notice of Intent to Lease Land and/or Building Space

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would

advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. Because tenant use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research and Technology Transfer Dr. John Tomblin, [john.tomblin@wichita.edu](mailto:john.tomblin@wichita.edu), or Property Manager Crystal Deselms, [crystal.deselms@wichita.edu](mailto:crystal.deselms@wichita.edu). This publication is being published pursuant to K.S.A. 75-430a(d) to the extent applicable.

Crystal Stegeman  
University Property Manager  
Office of the Vice President for  
Administration and Finance  
Wichita State University

Doc. No. 045794

## State of Kansas

## Department of Transportation

## Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "NonBid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) May 23, 2018. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 SW Harrison, Topeka, Kansas, at 1:30 p.m. (CST) May 23, 2018. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/audio.asp>.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This

(continued)

certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid non-responsive and not eligible for award consideration.

### District Two – North Central

**Chase** – 9 TE-0441-01 – Restoration of historic brick on Pearl Street in Cottonwood Falls, rehabilitation and operation of historical transportation structure or building, 0.4 mile. (Federal Funds)

**Marion** – 57 TE-0444-01 – Main Street (K-256) from 1st Street to 5th Street in Marion, landscaping and beautification, 0.3 mile. (Federal Funds)

**McPherson** – 59 TE-0442-01 – Valkommen Trail from the North Trailhead northeast along the abandoned railroad then south and west in Lindsborg, pedestrian and bicycle paths, 1.4 miles. (Federal Funds)

### District Five – South Central

**Statewide** – 106 KA-4882-01 – Various locations in District 5: in Rush, Barton, Rice, Pawnee, Edwards, Kingman, Harper, Sumner, and Butler counties, milling. (State Funds)

Richard Carlson  
Secretary

Doc. No. 046252

(Published in the Kansas Register May 3, 2018.)

## North Central Regional Planning Commission

### Notice to Bidders

Request for bid for nine (9) portable message boards will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CST) Thursday, May 17, 2018, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lpeters@nckcn.com](mailto:lpeters@nckcn.com). This action is being taken on behalf of the Southwest Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046272

(Published in the Kansas Register May 3, 2018.)

## North Central Regional Planning Commission

### Notice to Bidders

Request for bid for twenty-two (22) Cool Cube Transport Cooler Refrigerators and sixteen (16) Cool Cube Transport Freezers will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill

St., Beloit, KS 67420 until 10:00 a.m. (CST) Thursday, May 17, 2018, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lpeters@nckcn.com](mailto:lpeters@nckcn.com). This action is being taken on behalf of the Southwest Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046273

(Published in the Kansas Register May 3, 2018.)

## North Central Regional Planning Commission

### Notice to Bidders

Request for bids for one (1) Portable Crisis/Negotiation Throw Phone will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CST) Monday, May 7, 2018 at which time they will be publicly opened and read aloud at the same address. Copies of the Request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lpeters@nckcn.com](mailto:lpeters@nckcn.com). This action is being taken on behalf of the Southeast Kansas Homeland Security Council. Estimated project value exceeds \$10,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046274

## State of Kansas

## Board of Regents Universities

### Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

**Emporia State University** – Bid postings: <http://www.emporia.edu/busaff/purchasing>. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: [purchaseorders@emporia.edu](mailto:purchaseorders@emporia.edu). Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801-5415.

**Fort Hays State University** – Bid postings: <http://www.fhsu.edu/purchasing/bids/>. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu). Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

**Kansas State University** – Bid postings: <https://www.k-state.edu/purchasing/rfq>. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing

address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

**Pittsburg State University** – Bid postings: <http://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: jensch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

**University of Kansas** – Electronic bid postings: <http://www.procurement.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

**University of Kansas Medical Center** – Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional contact info: phone: 913-588-1100, fax: 913-588-1102. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

**Wichita State University** – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Cathy Oehm  
Chair of Regents Purchasing Group  
Assistant Director of Purchasing  
Kansas State University

Doc. No. 045529

**State of Kansas**

**Department of Administration  
Procurement and Contracts**

**Notice to Bidders**

Sealed bids for items listed will be received by the director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

05/01/2018	EVT0005764	Healthcare Coalition Coordinator
05/14/2018	EVT0005823	Truck with Van Body
05/16/2018	EVT0005824	Thermal Stress Restrained Specimen Tester
05/16/2018	EVT0005827	Asphalt Overlay at the Concordia KDOT Yard
05/16/2018	EVT0005832	Diesel Pump Conversion
05/18/2018	EVT0005834	Jetty Improvements at Cheney Lake
05/23/2018	EVT0005829	Insurance Automobile – Van Pool Program
05/24/2018	EVT0005825	Well Plugging – District 1
05/25/2018	EVT0005842	Lab Services at Larned State Hospital
05/25/2018	EVT0005843	Lab Services at Osawatomie State Hospital
05/31/2018	EVT0005820	Mentoring Coordinator
06/05/2018	EVT0005846	Website Development (KDHE)

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

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

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

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

05/15/2018	A-013503	Kansas State University New Rathbone Hall Parking Lot A28 Reconstruction
05/17/2018	A-013172	Pittsburg State University Kansas Technology Center Roof Recover
05/17/2018	A-013487	Pittsburg State University Tanner Hall and Tanner Hall Annex Reroof
05/18/2018	A-013361	KDOT; Salina District Shop Reroof

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Tracy T. Diel, Director  
Procurement and Contracts

Doc. No. 046283

**State of Kansas**

**Department of Administration  
Office of Facilities and Property Management**

**Notice of Requested Mechanical-Electrical-Plumbing Engineering Services**

Notice is hereby given of the commencement of the selection process for mechanical-engineering-plumbing engineering services for campus energy upgrades for the KSARNG Salina Training Center of the Kansas Adjutant General’s Department. The project will consist of constructing a solar array over an existing parking lot, replacing water fixtures in various buildings, and installing a generator near Nickell Barracks. The project construction budget is \$3 million.

For more information, contact Mike Liotta, Michael.j.liotta2.mil@mail.mil, phone 785-646-1145.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines which can be found in Part B–Chapter 2 of the Building Design and Construction Manual at <http://www.admin.ks.gov/offices/ofpm/dcc/bdcm>. Proposals should be sent on a flash drive along with a transmittal to Randy Riveland, Office of Facilities and Property Management, 700 SW Harrison St., Suite 1200, Topeka, KS 66612. Proposals sent via email will no longer be accepted and paper copies of the proposals are no longer required. It is the proposer’s responsibility to ensure proposals are received by the closing date and time. Delays in mail delivery or any other means of transmittal, including couriers or agents of the issuing entity shall not excuse late proposal submissions. Proposals received after the date and time noted below will not be forwarded

*(continued)*

to the State Building Advisory Commission for review. If you have questions, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of Randy Riveland by 2:00 p.m. on or before May 18, 2018.

Frank Burnam, Director  
Office of Facilities and  
Property Management

Doc. No. 046282

**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 17, 28-18a-1 through 33, 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-18-091/095**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
H & D Cattle Company Douglas A. Schmitt 784 U.S. 181 Tipton, KS 67485	NW/4 of Section 32 T08S, R10W Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B010

This permit is being reissued for an existing facility for 699 head (699 animal units) of cattle weighing greater than 700 pounds and 300 head (150 animal units) of cattle weighing less than 700 pounds for a total of 849 animal units. Modifications include 1.3 acres of grass buffer. This represents no change in animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Condray Farms, Inc. Kent Condray 451 3rd Road Clifton, KS 66937	NE/4 of SW/4 of Section 22 T05S, R01E Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-H008  
Federal Permit No. KS0095974

This is a renewal permit for an existing facility for 8,000 head (3,200 animal units) of swine weighing more than 55 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Dairy-Tech, LLC Brian Hemann PO Box 1138 Liberal, KS 67905	SE/4 of Section 8 T31S, R37W Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-D003  
Federal Permit No. KS0090913

This is a new permit for an existing, expanding facility for 4,900 head (6,860 animal units) of mature dairy cattle, and 300 head (300 animal units) cattle weighing more than 700 pounds. The existing cattle feedlot will be modified to be a dairy facility. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Perrier Feed Yard – Whirlwind John Perrier 10550 Whirlwind Road Dodge City, KS 67801	SE/4 of Section 25 and NE/4 of Section 36 T28S, R26W Ford County	Cimarron River Basin

Kansas Permit No. A-CIFO-C002  
Federal Permit No. KS0115711

This is a renewal permit for an existing facility for 4,500 head (4,500 animal units) of cattle weighing more than 700 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Premium Feeders, Inc. Erik Burken 705 U.S. 36 Scandia, KS 66966	All of Section 18 T03S, R04W Republic County	Lower Republican River Basin

Kansas Permit No. A-LRRP-C001  
Federal Permit No. KS0116459

This permit is being reissued for an existing facility with a maximum capacity of 25,000 head (25,000 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. Modifications to several existing waste management system components are proposed. This facility has an approved Nutrient Management Plan on file with KDHE.

This permit is being reissued for an existing facility with a maximum capacity of 25,000 head (25,000 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. Modifications to several existing waste management system components are proposed. This facility has an approved Nutrient Management Plan on file with KDHE.

**Public Notice No. KS-Q-18-068/072**

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Arma, City of PO Box 829 Arma, KS 66712-0829	First Cow Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE03-0001  
Federal Permit No. KS0045926

Legal Description: SW¼, NE¼, S7, T29S, R25E, Crawford County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, as well as monitoring for pH, ammonia, E. coli, and total phosphorus.

**Name and Address of Applicant      Receiving Stream      Type of Discharge**

Frontenac, City of      Cow Creek via      Treated Domestic  
 PO Box 1012      First Cow Creek      Wastewater  
 Frontenac, KS 66762

Kansas Permit No. M-NE27-OO01  
 Federal Permit No. KS0026131

Legal Description: NE¼, NW¼, S7, T30S, R25E, Crawford County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a five-cell wastewater stabilization lagoon system. The permit contains a schedule of compliance requiring the permittee to submit a total phosphorus evaluation that analyzes the facility's ability to meet the total phosphorus annual rolling average. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, E. coli, as well as monitoring for pH, ammonia, total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, and flow.

**Name and Address of Applicant      Receiving Stream      Type of Discharge**

Parsons, City of      Neosho River via      Treated Domestic  
 PO Box 1037      Labette Creek      Wastewater  
 Parsons, KS 67357

Kansas Permit No. M-NE55-OO02  
 Federal Permit No. KS0097560

Legal Description: SE¼, SW¼, S29, T31S, R20E, Labette County, Kansas

Facility Location: 112 S. 17th St., Parsons, KS 67357

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of headworks, aeration basins, final clarifiers, aerobic digesters, sludge holding tanks, belt filter press, peak wet weather flow holding basins, UV disinfection and reaeration. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, E. coli, and dissolved oxygen, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus, whole effluent toxicity, priority pollutants, and flow.

**Name and Address of Applicant      Receiving Stream      Type of Discharge**

Pittsburg, City of      Neosho River via      Treated Domestic  
 PO Box 688      Spring River via      Wastewater  
 Pittsburg, KS 66762      Cow Creek

Kansas Permit No. M-NE57-OO01  
 Federal Permit No. KS0038954

Legal Description: NW¼, SE¼, S31, T30S, R25E, Crawford County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical treatment plant consisting of two mechanical bar screens, extraneous flow screw pump station, main pump station, aerated grit removal, vortex grit removal, hydrated lime addition and two parallel treatment trains (with inter-connection capability). The main train consists of Schreiber complete mix activated sludge basins, final clarifier, UV disinfection, and cascade reaeration. The second train consists of two primary clarifiers, two trickling filters, two old clarifiers (extraneous flow basins), and an effluent screw pump. The permit contains a schedule of compliance requiring the permittee to submit a total phosphorus evaluation that documents measures taken to reduce total phosphorus loads under dry weather conditions. The evaluation will also address the permittee's ability to comply with its Wasteload Allocation. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, dissolved oxygen, ammonia, and E. coli, as well as monitoring for total phosphorus, total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, sulfates, arsenic, lead, zinc, cyanide, whole effluent toxicity, priority pollutant scan, and flow.

**Name and Address of Applicant      Receiving Stream      Type of Discharge**

Weir, City of      Brush Creek via      Treated Domestic  
 PO Box 78      Unnamed Tributary      Wastewater  
 Weir, KS 66781

Kansas Permit No. M-NE67-OO01  
 Federal Permit No. KS0079146

Legal Description: NE¼, NW¼, SE¼, S27, T31S, R24E, Cherokee County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, E. coli, total phosphorus, and sulfate.

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 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before June 2, 2018, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-18-091/095, KS-Q-18-068/072) 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, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Jeff Andersen  
 Secretary

Doc. No. 046279

State of Kansas

Insurance Department

Notice of Changes in Pharmacy Networks

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

**Aetna Health, Inc. and Aetna Life Insurance Company** has notified the Department of the following additions and deletions to their pharmacy HMO and PPO networks:

**Additions**

Facility Name	Address	City	State
BioPartners in Care, Inc.	11411 Strangline Road	Lenexa	KS
Healthcore Community Pharmacy	2707 E. 21st St. North	Wichita	KS
CVS Pharmacy	110 W. Main St.	Gardner	KS

**Deletions**

Facility Name	Address	City	State
Jane Phillips Medicare Pharmacy	800 W. Laurel St.	Independence	KS
Roberts Drug Store	112 8th St.	Baldwin City	KS
Bruce Smith Drugs	25 On The Mall	Prairie Village	KS
Byrne's Pharmacy	600 E. 20th St.	Eudora	KS
Neighborhood Pharmacy	2251 E. 21st St. N, Suite 121	Wichita	KS

**Cigna HealthCare of St. Louis, Inc.** and affiliates, **CGLIC** and **CHLIC** has notified the Department of the following additions and deletions to their pharmacy network:

**Additions**

Facility Name	Address	City	State
The Children's Mercy-Kansas OU	5808 W. 110th St.	Overland Park	KS
Valley Falls Pharmacy	320 Broadway St.	Valley Falls	KS
D.C. Drug	101 N. Main St.	Troy	KS
Neighborhood Pharmacy 0002	328 E. Pawnee St., Suite 104	Wichita	KS
Caldwell Pharmacy	7 N. Main St.	Caldwell	KS
CVS Pharmacy 10862	110 W. Main St.	Gardner	KS
Auburn LTC Wichita 181	3013 W. Central Ave.	Wichita	KS

**Deletions**

Facility Name	Address	City	State
Roberts PBA Drug Store	112 8th St.	Baldwin City	KS
Seventh St. Pharmacy, Inc.	511 N. Main St., Suite B	Erie	KS
Byrnes Pharmacy, Inc.	600 E. 20th St.	Eudora	KS
Bruce Smith Drugs	25 On The Mall	Prairie Village	KS
Bales Pharmacy	116 E. Ross St.	Clearwater	KS

**Humana Health Plan and Humana Insurance Company Pharmacy Network** has notified the Department of the following additions or deletions to their pharmacy network:

**Additions**

Facility Name	Address	City	State
Auburn LTC Abilene 175L	1812 N. Buckeye Ave.	Abilene	KS

AFC Doctor Express 0025	3161 N. Rock Road	Wichita	KS
Ron J Marek DO 0070	1901 N. Maize Road	Wichita	KS
Concierge Medicine of Wichita LLC Med Arbor	9449 E. 21st St. N, Suite 200	Wichita	KS
Spira Care-Olathe	15710 W. 135th St., Suite 200	Olathe	KS
Auburn LTC Wichita 181	3013 W. Central	Wichita	KS

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

Ken Selzer, CPA  
Insurance Commissioner

Doc. No. 046278

State of Kansas

Department for Aging and Disability Services  
Department of Health and Environment  
Division of Health Care Finance

Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2019;  
Methodology for Calculating Proposed Rates, and Rate Justifications;  
Request for Written Comments;  
Notice of Intent to Amend the Medicaid State Plan

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The secretary of Aging and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The secretary acts on behalf of the Kansas Department of Health and Environment Division of Health Care Finance (DHCF), the single state Medicaid agency.

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2019, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. KDADS and DHCF are also providing notice of the state's intent to submit amendments to the Medicaid State Plan to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2018.

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

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



A. The following portions of the Kansas Medicaid State Plan maintained by DHCF are being revised:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2018. The Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state's rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state will charge a fee for copies. Written requests for copies should be sent to:

Secretary of Aging and Disability Services  
New England Building, Second Floor  
503 South Kansas Avenue  
Topeka, KS 66603-3404  
Fax: 785-296-0767

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

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

##### **1) Cost Reports**

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 129-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers' accounting records.

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

##### Calendar Year End Cost Reports:

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year

cost report. The requirements for filing the calendar year cost report are found in K.A.R. 129-10-17.

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

##### Projected Cost Reports:

The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 129-10-17.

##### **2) Rate Determination**

##### Rates for Existing Nursing Facilities:

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2014, 2015, and 2016.

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

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in K.A.R. 129-10-18.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to December 31, 2017. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

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

*(continued)*

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

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor, the real and personal property fee, and per diems to cover costs not included in the cost report data. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The rate components are explained in separate subparts of Attachment 4.19D of the State Plan. The add-ons plus the allowable per diem rate equal the total per diem rate.

Rates for New Construction and New Facilities (New Enrollment Status):

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 129-10-17.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to December 31, 2017. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2017. The provider shall remain in new enrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

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

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2014-2016. If base cost data is not available, the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to December 31, 2017. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2017. The provider shall remain in change-of-provider status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation

that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

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

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

All cost data used to set rates for facilities reentering the program shall be adjusted to December 31, 2017. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2017. The provider shall remain in reenrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

**3) Quarterly Case Mix Index Calculation**

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

The Resource Utilization Groups-III (RUG-III) Version 5.20, 34 group, index maximizer model is used as the resident classification system to determine all case mix indices, using data from the MDS submitted by each facility. Standard Version 5.20 (Set D01) case mix indices developed by the Centers for Medicare and Medicaid Services (CMS) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the State.

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

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents, including those receiving hospice services, where Medicaid is known to be a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is

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

Rates will be adjusted for case mix twice annually using case mix data from the two quarters preceding the rate effective date. The case mix averages used for the rate adjustments will be the simple average of the case mix averages for each quarter. The resident listing cut-off for calculating the average CMIs for each quarter will be the first day of the quarter. The following are the dates for the resident listings and the rate periods in which the average Medicaid CMIs will be used in the semi-annual rate-setting process.

	<u>Cut-Off Dates</u>
<u>Rate Effective Date:</u>	<u>for Quarterly CMI:</u>
July 1	January 1 and April 1
January 1	July 1 and October 1

The resident listings will be distributed to providers prior to the dates the semi-annual case mix adjusted rates are determined. This will allow the providers time to review the resident listings and make corrections before they are notified of new rates. The cut off schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

**4) Resident Days**

Facilities with 60 beds or less:

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

Facilities with more than 60 beds:

For facilities with more than 60 beds, the allowable historic per diem costs for the Direct Health Care cost center and for food and utilities in the Indirect Health Care cost center are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data. The allowable historic per diem cost for the Operating and Indirect Health Care Cost Centers less food and utilities is subject to an 85% minimum occupancy rule. For these providers, the greater of the actual resident days for the cost report period(s) used to establish the base cost data or the 85% minimum occupancy based on the number of licensed bed days during the cost report period(s) used to establish the base cost data is used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food and utilities. All licensed beds are required to be certified to participate in the Medicaid program.

There are two exceptions to the 85% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to

file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

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

**5) Inflation Factors**

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to December 31, 2017. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

The IHS Global Insight, CMS Nursing Home without Capital Market Basket Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

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

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

**6) Upper Payment Limits**

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

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

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

*(continued)*

ers and related parties must be professionally qualified to perform services which require licensure or certification.

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

The Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2016 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. The Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

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

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

#### Real and Personal Property Fee Limit:

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2017.

#### Cost Center Upper Payment Limits:

The Schedule B computer run is an array of all per diem costs for each of the three cost centers-Operating,

Indirect Health Care, and Direct Health Care. The schedule includes a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to December 31, 2017. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Global Insight, CMS Nursing Home Without Capital Market Basket Index.

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

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

Operating	110% of the median
Indirect Health Care	115% of the median
Direct Health Care	130% of the median

#### Direct Health Care Cost Center Limit:

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

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

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

The first step is to normalize each facility's inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the statewide average CMI for the cost report year by the facility's cost report period CMI, then multiplying this answer by the facility's inflated

costs. This step is repeated for each cost report year for which data is included in the base cost data.

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's inflated case mix adjusted base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are eight million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$80 and the upper payment limit is based on 130% of the median, then the upper payment limit for the statewide average CMI would be \$104 ( $D=130\% \times \$80$ ).

### 7) Quarterly Case Mix Rate Adjustment

The allowance for the Direct Health Care cost component will be based on the average Medicaid CMI in the facility. The first step in calculating the allowance is to determine the Allowable Direct Health Care Per Diem Cost. This is the lesser of the facility's per diem cost from the base cost data period or the Direct Health Care upper payment limit. Because the direct health care costs were previously adjusted for the statewide average CMI, the Allowable Direct Health Care Per Diem Cost corresponds to the statewide average CMI.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The facility's Medicaid CMI is determined by averaging the facility average Medicaid CMI from the two quarters preceding the rate effective date. The facility's Medicaid CMI is then divided by the statewide average CMI for the cost data period. Finally, this result, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated semi-annually to account for changes in the Medicaid CMI. To illustrate this calculation take the following situation: The facility's direct health care per diem cost is \$80.00, the Direct Health Care per diem limit is \$104.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$80.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the result by the Allowable Direct Health Care Cost. In this case that would result in \$72.00 ( $0.9000/1.0000 \times \$80.00$ ). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next semi-annual adjustment rose to 1.1000, the Medicaid Acuity Adjustment would be \$88.00 ( $1.1000/1.0000 \times$

\$80.00). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

### 8) Real and Personal Property Fee

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor. The differentiation of the fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor. The providers receive the lower of the inflated property fee or the upper payment limit.

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated to 12/31/08 and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in (K.A.R. 129-10-25).

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in (K.A.R. 129-10-25). The rebased property fee is subject to the upper payment limit.

### 9) Incentive Factors

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

#### Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by four per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$2.50 per diem add-on.

*(continued)*

Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.20 per diem add-on. Providers that achieve a staff retention rate at or above the 75th percentile will earn a \$2.00 per diem add-on as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs. Providers that have a staff retention rate lower than the 75th percentile but that increase their staff retention rate by 10% or more will receive a per diem add-on of \$0.20 as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs. Providers that have a Medicaid occupancy percentage of 65% or more will receive a \$0.75 per diem add-on. Finally, providers that maintain quality measures at or above the 75th percentile will earn a \$1.00 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

The table below summarizes the incentive factor outcomes and per diem add-ons:

Incentive Outcome	Incentive Add-Ons
CMI adjusted staffing ratio ≥ 75th percentile (5.13), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$2.50 \$0.20
Staff retention rate ≥ 75th percentile, 72% or Staff retention rate < 75th percentile but increased ≥ 10%	\$2.00
Contracted labor < 10% of total direct health care labor costs	\$0.20
Medicaid occupancy ≥ 65%	\$0.75
Quality Measures ≥ 75th percentile (640)	\$1.00
Total Incentive Add-on Available	\$6.25

The Culture Change/Person-Centered Care Incentive Program:

The Culture Change/Person-Centered Care Incentive Program (PEAK 2.0) includes six different incentive levels to recognize homes that are either pursuing culture change, have made major achievements in the pursuit of culture change, have met minimum competencies in person-centered care, have sustained person-centered care, or are mentoring others in person-centered care.

Each incentive level has a specific pay-for-performance incentive per diem attached to it that homes can earn by meeting defined outcomes. The first three levels (Level 0 – Level 2) are intended to encourage quality improvement for homes that have not yet met the minimum competency requirements for a person-centered care home. Homes can earn the Level 1 and Level 2 incentives simultaneously as they progress toward the minimum competency level.

Level 3 recognizes those homes that have attained a minimum level of core competency in person-centered care. Level 4 and Level 5 are reserved for those homes that have demonstrated sustained person-centered care for multiple years and have gone on to mentor other homes in their pursuit of person-centered care. The table below provides a brief overview of each of the levels.

Level & Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 0 The Foundation \$0.50	Home completes the KCCI evaluation tool according to the application instructions. Home participates in all required activities noted in “The Foundation” timeline and workbook. Homes that do not complete the requirements at this level must sit out of the program for one year before they are eligible for reapplication.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 1 Pursuit of Culture Change \$0.50	Homes should submit the KCCI evaluation tool (annually). Home submits an action plan addressing 4 PEAK 2.0 cores in Domains 1-4. The home self-reports progress on the action planned cores via phone conference with the PEAK team. The home may be selected for a random site visit. The home must participate in the random site visit, if selected, to continue incentive payment. Homes should demonstrate successful completion of 75% of core competencies selected. A home can apply for Levels 1 & 2 in the same year. Homes that do not achieve Level 2 with three consecutive years of participation at Level 1 may return to a Level 0 or sit out for two years depending on KDADS and KSU’s recommendation.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 2 Culture Change Achievement \$1.00	This is a bridge level to acknowledge achievement in Level 1. Homes may receive this level at the same time they are working on other PEAK core areas at Level 1. Homes may receive this incentive for up to 3 years. If Level 3 is not achieved at the end of the third year, homes may start back at Level 0 or 1 depending on KDADS and KSU’s recommendation.	Available beginning July 1 following confirmed completion of action plan goals. Incentive is granted for one full fiscal year.
Level 3 Person-Centered Care Home \$2.00	Demonstrates minimum competency as a person-centered care home (see KDADS full criteria). This is confirmed through a combination of the following: High score on the KCCI evaluation tool. Demonstration of success in other levels of the program. Performing successfully on a Level 2 screening call with the KSU PEAK 2.0 team. Passing a full site visit.	Available beginning July 1 following confirmed minimum competency as a person-centered care home. Incentive is granted for one full fiscal year. Renewable bi-annually.
Level 4 Sustained Person-Centered Care Home \$2.50	Homes earn person-centered care home award two consecutive years.	Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies. Incentive is granted for two fiscal years. Renewable bi-annually.

Level 5 Person-Centered Care Mentor Home \$3.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.
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**Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:**

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

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

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.82, which is 120% of the statewide NFMH median of 3.18. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.50, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

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

NFMH providers may earn one point for low operating expense outcomes measures. They will earn a point if their per diem operating expenses are below \$25.70, or 90% of the statewide median of \$28.55.

NFMH providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 45%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 45% but equal to or below 55%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 84%, the 75th percentile statewide will earn two points. Providers with staff retention rates below 84% but at or above 68%, the 50th percentile statewide, will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 120% (3.82) of NF-MH median (3.18), or CMI adjusted staffing ratio between 110% (3.50) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$25.70, 90% of NF-MH median, \$28.55	1
Staff turnover rate ≤ 75th percentile, 45% Staff turnover rate ≤ 50th percentile, 55% Contracted labor < 10% of total direct health care labor costs	2, or 1
Staff retention ≥ 75th percentile, 84% Staff retention ≥ 50th percentile, 68%	2, or 1
Total Incentive Points Available	8

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

<u>Total Incentive Points:</u>	<u>Incentive Factor Per Diem:</u>
Tier 1: 6-8 points	\$7.50
Tier 2: 5 points	\$5.00
Tier 3: 4 points	\$2.50
Tier 4: 0-3 points	\$0.00

The survey and certification performance of each NF and NF-MH provider will be reviewed quarterly to determine each provider's eligibility for incentive factor payments. In order to qualify for an incentive factor payment a home must not have received any health care survey deficiency of scope and severity level "H" or higher during the survey review period. Homes that receive "G" level deficiencies, but no "H" level or higher deficiencies, and that correct the "G" level deficiencies within 30 days of the survey, will be eligible to receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level "F" will be eligible to receive 100% of the calculated incentive factor. The survey and certification review period will be the 12-month period ending one quarter prior to the incentive eligibility review date. The following table lists the incentive eligibility review dates and corresponding review period end dates.

<u>Incentive Eligibility Effective Date:</u>	<u>Review Period End Date:</u>
July 1	March 31st
October 1	June 30th
January 1	September 30th
April 1	December 31st

**10) Rate Effective Date**

Rate effective dates are determined in accordance with K.A.R. 129-10-19. The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

**11) Retroactive Rate Adjustments**

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

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

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

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

**12) Adjustments**

Effective for dates of service on or after July 1, 2018, the calculated per diem reimbursement for all nursing facilities shall be reduced by an amount equal to 0.65%. The per diem reduction will be calculated for each nursing facility by multiplying the total calculated per diem rate for each provider by 0.65%. The per diem reduction amount will be subtracted from each nursing facility’s total calculated per diem to determine the facility’s final rate.

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

**A. Cost Center Limitations:** The state proposes the following cost center limitations which are used in setting rates effective July 1, 2018.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$38.43
Indirect Health Care	115% of the Median Cost	\$54.30
Direct Health Care	130% of the Median Cost	\$122.14
Real and Personal Property Fee	105% of the Median Fee	\$9.75

These amounts were determined according to the “Reimbursement Limitations” section. The Direct Health-care Limit is calculated based on a CMI of 1.0200, which is the statewide average.

**B. Case Mix Index:** These proposed rates are based upon each nursing facility’s Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with a cutoff dates of January 1, 2018 and April 1, 2018. The CMI calculations use the July 1, 2014 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility’s Medicaid average CMI is listed beside its per diem rate.

**C. Rates:** The following list includes the calculated Medicaid rate for each nursing facility provider currently enrolled in the Medicaid program and the Medicaid case mix index used to determine each rate.

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	181.68	0.9319
Alma Manor	Alma	180.48	0.8707
Life Care Center of Andover	Andover	195.91	1.1968
Victoria Falls SNF	Andover	190.07	0.9938
Anthony Community Care Center	Anthony	170.03	0.9518
Medicalodges Arkansas City	Arkansas City	184.38	1.0023
Arkansas City Presbyterian Manor	Arkansas City	195.03	0.9831
Arma Operator. LLC	Arma	182.56	1.2588
Medicalodges Atchison	Atchison	193.89	0.9369
Atchison Senior Village	Atchison	205.41	0.9120
Dooley Center	Atchison	199.17	0.7349
Attica Long Term Care	Attica	198.96	0.9171

Good Samaritan Society-Atwood	Atwood	212.99	0.9690
Lake Point Nursing Center	Augusta	164.86	0.9438
Baldwin Healthcare & Rehab Center	Baldwin City	177.45	1.0907
Quaker Hill Manor	Baxter Springs	166.01	0.9929
Catholic Care Center Inc.	Bel Aire	201.66	1.0098
Belleville Healthcare Center	Belleville	156.62	0.9397
Mitchell County Hospital LTCU	Beloit	191.40	0.8683
Hilltop Lodge Nursing Home	Beloit	183.40	1.0229
Bonner Springs Nursing and Rehab. Center	Bonner Springs	178.96	1.0421
Hill Top House	Bucklin	188.83	0.9321
Buhler Sunshine Home, Inc.	Buhler	205.58	0.9501
Life Care Center of Burlington	Burlington	164.31	0.9940
Eastridge Nursing Home	Centralia	213.35	0.9165
Heritage Health Care Center	Chanute	166.55	1.0720
Diversicare of Chanute	Chanute	177.52	1.1225
Chapman Valley Manor	Chapman	159.41	0.8109
Cheney Golden Age Home Inc.	Cheney	189.10	0.9953
Cherryvale Care Center	Cherryvale	153.30	1.0477
Chetopa Manor	Chetopa	161.01	1.0174
The Shepherd’s Center	Cimarron	181.65	0.8788
Medicalodges Clay Center	Clay Center	203.61	0.9201
Clay Center Presbyterian Manor	Clay Center	203.78	1.0505
Clearwater Nursing and Rehabilitation Center	Clearwater	189.70	1.0596
Park Villa Nursing Home	Clyde	166.64	0.9872
Coffeyville Regional Medical Center	Coffeyville	320.48	1.7900
Windsor Place	Coffeyville	184.69	1.0555
Medicalodges Coffeyville	Coffeyville	204.60	1.0266
Windsor Place at Iola, LLC	Coffeyville	196.53	1.0209
Colby Operator, LLC	Colby	184.50	1.3105
Prairie Senior Living Complex	Colby	221.25	0.9777
Pioneer Lodge	Coldwater	166.83	0.8132
Medicalodges Columbus	Columbus	197.00	0.9818
Mt Joseph Senior Village, LLC	Concordia	166.84	1.0804
Sunset Home, Inc.	Concordia	186.81	0.9773
Spring View Manor	Conway Springs	165.35	0.9339
Chase County Care & Rehabilitation Center	Cottonwood Falls	219.08	1.1613
Diversicare of Council Grove	Council Grove	173.66	1.1703
Hilltop Manor Nursing Center	Cunningham	172.32	1.1237
Westview of Derby	Derby	140.39	0.9834
Derby Health and Rehabilitation	Derby	204.88	1.0041
Hillside Village	DeSoto	187.79	0.9891
Trinity Manor	Dodge City	200.59	1.0624
Sunporch of Dodge City	Dodge City	190.75	0.9421
Manor of the Plains	Dodge City	201.39	1.0518
Medicalodges Douglass	Douglass	185.51	0.9958
Downs Care & Rehabilitation Center, LLC	Downs	211.15	1.1325
Country Care Home	Easton	164.26	0.9544
Parkway Care & Rehabilitation Center, LLC	Edwardsville	207.19	1.1001
Kaw River Care & Rehabilitation Center, LLC	Edwardsville	229.00	1.0792
Edwardsville Care & Rehabilitation Center	Edwardsville	163.60	0.7367
Lakepoint Nursing Center-El Dorado	El Dorado	157.72	0.9948
El Dorado Care & Rehabilitation Center, LLC	El Dorado	216.12	1.0181
Morton Co Senior Living Community	Elkhart	184.91	0.9935
Woodhaven Care Center	Ellinwood	198.32	1.0151
Good Samaritan Society-Ellis	Ellis	180.83	1.0111



Good Samaritan Society-Ellsworth Village	Ellsworth	169.89	0.9514	Riverbend Post Acute Rehabilitation	Kansas City	225.15	1.1115
Emporia Presbyterian Manor	Emporia	215.70	1.1037	Lifecare Center of Kansas City	Kansas City	188.96	1.0291
Holiday Resort	Emporia	170.24	1.0329	Providence Place LTCU	Kansas City	220.58	0.9563
Flint Hills Care Center, Inc.	Emporia	155.14	1.0017	Kansas City Transitional Care Center	Kansas City	248.09	1.0919
Enterprise Estates Nursing Center, I	Enterprise	171.29	1.0312	Golden Oaks Healthcare, Inc	Kansas City	227.94	1.1657
Eskridge Care & Rehabilitation Center, LLC	Eskridge	159.94	0.7438	The Wheatlands	Kingman	174.03	0.9462
Medicalodges Eudora	Eudora	183.39	1.0511	Medicalodges Kinsley	Kinsley	207.11	0.9598
Eureka Nursing Center	Eureka	165.96	0.9184	Kiowa District Manor	Kiowa	210.49	0.9182
Kansas Soldiers' Home	Fort Dodge	207.24	0.9468	Locust Grove Village	Lacrosse	187.85	0.9163
Medicalodges Fort Scott	Fort Scott	188.13	1.0245	High Plains Retirement Village	Lakin	215.85	0.9190
Fort Scott Manor	Fort Scott	145.82	0.8774	Lansing Care & Rehab Center, LLC	Lansing	199.04	1.0710
Fowler Residential Care	Fowler	220.44	0.9750	Twin Oaks Health & Rehabilitation	Lansing	220.87	1.0991
Frankfort Community Care Home, Inc.	Frankfort	174.35	0.9265	Diversicare of Larned	Larned	159.19	1.0748
Medicalodges Frontenac	Frontenac	176.80	1.0855	Lawrence Presbyterian Manor	Lawrence	188.25	0.9034
Galena Nursing Home	Galena	169.61	1.0595	Brandon Woods at Alvamar	Lawrence	214.15	0.9924
Garden Valley Retirement Village	Garden City	170.95	1.0142	Pioneer Ridge Retirement Community	Lawrence	214.68	1.0074
Homestead Health & Rehabilitation	Garden City	210.48	1.0708	Medicalodges Leavenworth	Leavenworth	190.59	0.9802
Meadowbrook Rehabilitation Hospital, LTCU	Gardner	261.50	1.2978	The Healthcare Resort of Leawood	Leawood	250.11	1.1884
Medicalodges Gardner	Gardner	164.14	0.8380	Delmar Gardens of Lenexa	Lenexa	168.07	0.9841
Anderson County Hospital	Garnett	208.88	0.8585	Lakeview Village	Lenexa	240.72	1.1479
Parkview Heights	Garnett	170.54	0.8590	The Covenant Place of Lenexa	Lenexa	191.69	0.9346
Medicalodges Girard	Girard	188.51	0.9752	Leonardville Nursing Home	Leonardville	179.73	0.9973
The Nicol Home, Inc.	Glasco	170.96	0.8826	Wichita County Health Center	Leoti	190.05	0.7515
Medicalodges Goddard	Goddard	206.88	1.0194	Good Samaritan Society-Liberal	Liberal	184.82	1.0799
Bethesda Home	Goessel	213.23	0.9878	Wheatridge Park Care Center	Liberal	192.46	0.9648
Good Samaritan Society-Sherman County	Goodland	185.24	0.9502	Lincoln Park Manor, Inc.	Lincoln	174.91	0.9134
Cherry Village Benevolence	Great Bend	151.12	0.9003	Bethany Home Association	Lindsborg	218.05	1.0198
Great Bend Health and Rehabilitation Center	Great Bend	167.40	0.9850	Linn Community Nursing Home	Linn	162.47	0.9804
Halstead Health and Rehabilitation Center	Halstead	222.45	1.0336	Sandstone Heights Nursing Home	Little River	218.32	0.9861
Haviland Operator, LLC	Haviland	111.00	0.6671	Logan Manor Community Health Service	Logan	184.31	0.9899
Good Samaritan Society-Hays	Hays	194.88	1.0114	Louisburg Healthcare and Rehab Center	Louisburg	208.36	1.2552
Via Christi Village-Hays	Hays	185.14	0.9500	Good Samaritan Society-Lyons	Lyons	193.34	0.9968
Diversicare of Haysville	Haysville	183.22	1.2259	Meadowlark Hills Retirement Community	Manhattan	210.19	0.9865
Legacy at Herington	Herington	188.53	1.2564	Stoneybrook Retirement Community	Manhattan	180.59	0.9131
Schowalter Villa	Hesston	219.94	0.9713	Via Christi Village Manhattan, Inc	Manhattan	178.84	0.9859
Maple Heights of Hiawatha	Hiawatha	157.65	0.9560	St. Luke Living Center	Marion	181.26	0.8091
Highland Healthcare and Rehabilitation Center	Highland	162.54	1.2361	Riverview Estates, Inc.	Marquette	188.93	0.9227
Dawson Place, Inc.	Hill City	188.10	0.9520	Cambridge Place	Marysville	163.30	0.9129
Salem Home	Hillsboro	195.46	0.9725	McPherson Operator, LLC	McPherson	171.89	1.1181
Parkside Homes, Inc.	Hillsboro	198.05	0.9428	The Cedars, Inc.	Mcpherson	196.62	0.8820
Medicalodges Jackson County	Holton	195.89	0.9618	Meade District Hospital, LTCU	Meade	213.93	0.8838
Mission Village Living Center	Horton	139.71	0.8350	Trinity Nursing & Rehabilitation Center	Merriam	195.24	1.0994
Sheridan County Hospital	Hoxie	222.95	1.0087	Great Plains of Ottawa County, Inc.	Minneapolis	189.36	0.8667
Pioneer Manor	Hugoton	214.45	0.9273	Good Samaritan Society-Minneapolis	Minneapolis	170.73	0.9222
Diversicare of Hutchinson	Hutchinson	180.69	1.0610	Minneola District Hospital-LTCU	Minneola	218.03	0.9625
Good Samaritan Society-Hutchinson Village	Hutchinson	207.33	0.9429	Bethel Home, Inc.	Montezuma	198.38	0.9499
Hutchinson Operator, LLC	Hutchinson	189.83	1.2056	Moran Manor	Moran	152.70	1.0207
Wesley Towers	Hutchinson	227.93	1.0232	Pine Village	Moundridge	199.37	1.0622
Medicalodges Independence	Independence	184.89	0.9621	Moundridge Manor, Inc.	Moundridge	183.64	0.8392
Montgomery Place Nursing Center, LLC	Independence	169.29	1.0633	Mt. Hope Nursing Center	Mt. Hope	181.63	1.0025
Pleasant View Home	Inman	182.07	0.8744	Villa Maria, Inc.	Mulvane	170.79	0.9524
Hodgeman Co Health Center-LTCU	Jetmore	225.81	1.0860	Neodesha Care & Rehabilitation Center, LLC	Neodesha	184.99	1.0884
Stanton County Hospital- LTCU	Johnson	202.52	0.8485	Ness County Hospital Dist.#2	Ness City	208.77	0.9070
Valley View Senior Life	Junction City	187.24	0.9882	Asbury Park	Newton	194.55	0.9076
Medicalodges Post Acute Care Center	Kansas City	193.32	1.0306	Kansas Christian Home	Newton	207.66	1.0020
				Newton Presbyterian Manor	Newton	211.09	0.9383
				Bethel Care Center	North Newton	218.73	1.0386
				Andbe Home, Inc.	Norton	183.11	0.9759

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Village Villa	Nortonville	149.53	0.9249	Fountainview Nursing and Rehab Center	Rose Hill	228.01	1.2811
Logan County Manor	Oakley	210.21	0.9010	Rossville Healthcare & Rehabilitation Center	Rossville	187.00	1.1543
Good Samaritan Society-Decatur County	Oberlin	200.98	0.9371	Wheatland Nursing & Rehabilitation Center	Russell	167.63	0.9956
Villa St. Francis Catholic Care Ctr.	Olathe	208.58	1.0588	Russell Regional Hospital	Russell	223.39	0.9643
Pinnacle Ridge Nursing and Rehabilitation Center	Olathe	180.26	0.9934	Sabetha Nursing Center	Sabetha	168.51	1.0000
Azria Health at Olathe	Olathe	226.20	1.0301	Apostolic Christian Home	Sabetha	177.54	0.9918
Good Samaritan Society-Olathe	Olathe	205.22	0.9005	Smoky Hill Rehabilitation Center	Salina	159.66	0.9912
Evergreen Community of Johnson County	Olathe	219.07	0.9486	Kenwood View Health and Rehabilitation Center	Salina	192.82	1.0449
Aberdeen Village, Inc.	Olathe	232.90	1.0432	Salina Windsor SNF OPCO, LLC	Salina	183.27	1.0010
Nottingham Health & Rehabilitation	Olathe	224.96	1.1474	Pinnacle Park Nursing and Rehabilitation	Salina	170.02	1.0276
Two Trails Healthcare, Inc	Olathe	251.93	1.2293	Salina Presbyterian Manor	Salina	187.36	0.9189
Onaga Operator, LLC	Onaga	185.78	1.2915	Holiday Resort of Salina	Salina	204.98	0.9816
Peterson Health Care	Osage City	136.89	0.8999	Satanta Dist. Hosp. LTCU	Satanta	214.48	0.9681
Osage Nursing & Rehabilitation Center	Osage City	180.15	1.0464	Park Lane Nursing Home	Scott City	208.47	0.9653
Life Care Center of Osawatomie	Osawatomie	202.15	1.1718	Pleasant Valley Manor	Sedan	146.85	0.9239
Parkview Care Center	Osborne	153.89	0.8562	Diversicare of Sedgwick	Sedgwick	197.57	1.2156
Hickory Pointe Care & Rehabilitation Center	Oskaloosa	167.91	0.9411	Crestview Nursing & Residential Living	Seneca	162.47	0.9602
Oswego Operator, LLC	Oswego	171.35	1.2946	Life Care Center of Seneca	Seneca	158.37	0.9802
Ottawa Retirement Village	Ottawa	158.92	1.0972	Wallace County Community Center	Sharon Springs	214.35	1.0822
Brookside Manor	Overbrook	159.52	1.0496	Shawnee Gardens Healthcare and Rehabilitation	Shawnee	185.87	1.1648
Garden Terrace at Overland Park	Overland Park	179.80	1.1497	Sharon Lane Health Services	Shawnee	181.39	1.0248
Promise Skilled Nursing of Overland Park	Overland Park	238.97	1.5674	Brookdale Rosehill	Shawnee	237.02	0.0000
Serenity Rehab and Nursing Overland	Overland Park	198.38	1.0709	Smith County Memorial Hospital LTCU	Smith Center	204.13	0.8459
Villa Saint Joseph	Overland Park	232.03	0.9481	Smith Center Operator, LLC	Smith Center	169.48	1.1781
Delmar Gardens of Overland Park	Overland Park	193.91	0.9469	Mennonite Friendship Manor, Inc.	South Hutchinson	219.42	1.0387
Overland Park Nursing & Rehabilitation	Overland Park	209.21	1.0546	Spring Hill Care & Rehabilitation Center, LLC	Spring Hill	218.50	1.0981
Indian Creek Healthcare Center	Overland Park	184.09	1.1151	Good Samaritan Society-Cheyenne County	St. Francis	209.51	0.9496
Village Shalom, Inc.	Overland Park	213.48	0.9963	Leisure Homestead at St. John	St. John	171.29	0.8685
Tallgrass Creek, Inc.	Overland Park	225.63	0.0000	Community Hospital of Onaga, LTCU	St. Mary's	211.91	0.9038
Maple Hills Healthcare, Inc	Overland Park	217.61	1.0278	Prairie Mission Retirement Village	St. Paul	169.01	0.9724
Stratford Commons Rehabilitation & HCC	Overland Park	221.50	0.9811	Leisure Homestead at Stafford	Stafford	172.94	1.0274
ML-OP Oxford, LLC	Oxford	139.16	1.0105	Sterling Presbyterian Manor	Sterling	213.16	0.8933
Medicalodges Paola	Paola	130.68	0.6633	Solomon Valley Manor	Stockton	193.98	0.9534
North Point Skilled Nursing Center	Paola	192.02	1.1136	Tonganoxie Nursing Center	Tonganoxie	175.18	1.0801
Elmhaven East	Parsons	159.16	0.9919	Brewster Health Center	Topeka	216.58	0.9152
Parsons Presbyterian Manor	Parsons	201.49	0.9645	Topeka Presbyterian Manor Inc.	Topeka	218.30	0.9317
Good Samaritan Society-Parsons	Parsons	186.05	0.9423	The Legacy on 10th Avenue	Topeka	190.40	1.1300
Peabody Operator, LLC	Peabody	163.50	1.1352	McCrite Plaza Health Center	Topeka	179.36	0.8922
Franklin Healthcare of Peabody	Peabody	110.40	0.6777	Rolling Hills Health Center	Topeka	188.21	0.9982
Phillips County Retirement Center	Phillipsburg	174.27	0.9651	Manorcare Health Services of Topeka	Topeka	192.25	1.0115
Medicalodges Pittsburg South	Pittsburg	194.03	1.0167	Tanglewood Nursing and Rehabilitation	Topeka	176.41	1.1398
Pittsburg Care & Rehabilitation Center, LLC	Pittsburg	213.25	1.0409	Brighton Place West	Topeka	134.49	0.9191
Via Christi Village Pittsburg, Inc	Pittsburg	162.41	1.0172	Countryside Health Center	Topeka	107.53	0.7192
Rooks County Senior Services, Inc.	Plainville	198.31	1.0325	Providence Living Center	Topeka	105.91	0.7126
Brighton Gardens of Prairie Village	Prairie Village	190.37	0.0000	Brighton Place North	Topeka	102.34	0.6917
Pratt Regional Medical Center	Pratt	215.22	1.0845	Aldersgate Village	Topeka	221.88	1.0612
Pratt Operator, LLC	Pratt	167.22	1.1696	Plaza West Care Center, Inc.	Topeka	200.53	1.0000
Prescott Country View Nursing Center	Prescott	164.90	0.9628	Lexington Park Nursing and Post Acute Center	Topeka	220.49	0.9705
Prairie Sunset Manor	Pretty Prairie	241.78	1.4165	The Healthcare Resort of Topeka	Topeka	227.71	1.1168
Protection Valley Manor	Protection	141.38	0.7815	Greeley County Hospital, LTCU	Tribune	223.17	1.0688
Gove County Medical Center	Quinter	221.32	0.9831	Western Prairie Senior Living	Ulysses	205.66	0.9426
Grisell Memorial Hosp Dist #1-LTCU	Ransom	215.49	0.9335	Valley Health Care Center	Valley Falls	144.96	0.6313
Richmond Healthcare and Rehabilitation Center	Richmond	186.69	1.2243	Trego Co. Lemke Memorial LTCU	Wakeeney	209.92	0.9020

Wakefield Care & Rehabilitation Center	Wakefield	225.81	1.1079
Good Samaritan Society-Valley Vista	Wamego	189.67	0.8701
The Centennial Homestead, Inc.	Washington	168.39	0.9085
Wathena Healthcare and Rehab Center	Wathena	183.89	1.1634
Coffey County Hospital	Waverly	197.16	0.9740
Wellington Care & Rehabilitation Center, LLC	Wellington	199.72	1.0317
Sumner Operator, LLC	Wellington	176.99	1.0882
Wellsville Manor	Wellsville	154.19	1.1226
Westy Community Care Home	Westmoreland	136.32	0.8380
Wheat State Manor	Whitewater	184.97	0.9690
Medicalodges Wichita	Wichita	195.92	1.0256
Meridian Rehabilitation and Health Care Center	Wichita	158.44	0.9735
Kansas Masonic Home	Wichita	195.01	0.9462
Homestead Health Center, Inc.	Wichita	219.86	0.9305
Woodlawn Care and Rehabilitation, LLC	Wichita	170.78	0.9974
Wichita Presbyterian Manor	Wichita	224.23	0.9793
Sandpiper Healthcare and Rehab Center	Wichita	179.22	1.1722
Lakepoint Nursing and Rehabilitation	Wichita	172.73	1.0389
Manorcare Health Services of Wichita	Wichita	167.16	1.0371
Legacy at College Hill	Wichita	184.74	1.1578
Seville Operator, LLC	Wichita	197.60	1.1979
Wichita Care & Rehabilitation Center, LLC	Wichita	196.25	0.8855
The Health Care Center at Larkfield Place	Wichita	219.68	1.0200
Life Care Center of Wichita	Wichita	212.64	1.1493
Family Health & Rehabilitation Center	Wichita	193.70	0.9810
Caritas Center	Wichita	197.86	0.8032
Regent Park Rehab and Healthcare	Wichita	230.76	1.1836
Avita Health & Rehab of Reeds Cove	Wichita	191.95	1.0061
Via Christi Village Ridge	Wichita	201.37	0.9691
Via Christi Village McLean, Inc.	Wichita	195.33	1.0327
Wilson Care & Rehabilitation Center, LLC	Wilson	218.85	1.1500
F W Huston Medical Center	Winchester	154.71	0.8869
Winfield Senior Living Community	Winfield	217.37	1.0415
Cumbernauld Village, Inc.	Winfield	208.76	0.9042
Winfield Rest Haven II LLC	Winfield	200.65	1.0889
Kansas Veterans' Home	Winfield	194.22	0.9647
Yates Operator, LLC	Yates Center	178.95	1.2548

**III. Justifications for the Rates**

1. The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
3. The State's analyses project that the rates:
  - a. Would result in payment, in the aggregate of 95.77% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
  - b. Would result in a maximum allowable rate of \$224.62 (for a CMI of 1.02); with the total average allowable cost being \$186.65.

- c. Average Payment rate July 1, 2017 \$177.73
- d. Average payment rate July 1, 2018 \$186.65
- e. Amount of change \$8.92
- f. Percent of change 5.02%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$26.97 million.
5. The state estimates that the rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
  - a. Service providers operating a total of 323 nursing facilities and hospital-based long-term care units (representing 94.5% of all the licensed nursing facilities and long-term care units in Kansas) participate in the Medicaid program;
  - b. There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 101 of the 105 counties in Kansas;
  - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 81.23%;
  - d. The statewide average Medicaid occupancy rate for participating facilities is 56.57%; and
  - e. The rates would cover 94.30% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the methodology will result in compliance with the federal regulation.

**IV. Request for Comments; Request for Copies**

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver, or fax their signed, written comments before the close of business on June 2, 2018 to:

Melissa Warfield  
 Director of Fiscal and Program Evaluation  
 Kansas Department for Aging and Disability Services  
 New England Building  
 503 South Kansas Avenue  
 Topeka, KS 66603-3404  
 Fax: 785-296-0256

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

The state intends to submit Medicaid State Plan amendments to CMS on or before September 30, 2018.

Tim Keck, Secretary  
 Department for Aging and Disability Services

Jon Hamdorf, Director  
 Department of Health and Environment  
 Division of Health Care Finance

Doc. No. 046271

## State of Kansas

**Secretary of State****Executive Appointments**

Executive appointments made by the governor, and in some cases by other state officials, are filed with the secretary of state's office. A listing of Kansas state agencies, boards, commissions, and county officials are included in the Kansas Directory, which is available on the secretary of state's website at [www.sos.ks.gov](http://www.sos.ks.gov). The following appointments were recently filed with the secretary of state:

**District Judge, 3rd Judicial District**

Thomas G. Luedke, 5035 SE Dupont Road, Berryton, KS 66409.

**District Judge, 4th Judicial District**

Taylor J. Wine, 24980 S. Gum Road, Lyndon, KS 66451.

**District Judge, 11th Judicial District**

Mary Jennifer Brunetti, 4081 Mt. Carmel Road, Frontenac, KS 66763.

**Kansas State Representative, 26th District**

Frank Timboli, 16194 S. Bradley Dr., Olathe, KS 66062. Succeeds Larry Campbell, resigned.

**Lieutenant Governor of the State of Kansas**

Tracey Mann, 28 Crestview Dr., Salina, KS 67401. Succeeds Jeff Colyer.

**Secretary of Health and Environment**

Jeffrey Andersen, 12905 W. 124th St., Overland Park, KS 66213. Succeeds Susan Mosier.

**State Librarian, Acting**

Eric Norris, 3403 Country Lane, Hays, KS 67601. Succeeds Cindy Roupe.

**Allen County Commissioner, District 3**

John Brocker, 202 E. Miller Road, Iola, KS 66749. Succeeds James Talkington, resigned.

**Butler County Clerk**

Tatum Stafford, 803 W. Ash Ave., El Dorado, KS 67042. Succeeds Don Engels, resigned.

**Greenwood County Commissioner, District 1**

Charles Spradlin, 201 E. Greenwood, Hamilton, KS 66853. Succeeds Brian Hind, resigned.

**Harper County Treasurer**

Michelle Eshelman, 811 NE 10 Ave., Harper, KS 67058. Succeeds Andrea Reneau, resigned.

**Pawnee County Commissioner, District 1**

Deborah Lewis, 409 W. 5th St., Larned, KS 67550. Succeeds Gary Caplinger, deceased.

**Rush County Commissioner, District 3**

Leslie Rogers, 2716 CR 140, McCracken, KS 67556-5608. Succeeds Dennis Elias, deceased.

**Washington County Treasurer**

Denae Jueneman, 2099 Xavier Road, Hanover, KS 66945. Succeeds Christy Metz.

**Corporation Commission, Kansas**

Dwight D. Keen, 1 Tam O Shanter Ct., Winfield, KS 67156. Term expires March 15, 2022. Succeeds Patton Apple.

**Employment Security Board of Review, Kansas**

Phillip Hayes, 530 S. Topeka St., Wichita, KS 67202. Term expires March 15, 2021. Reappointed.

**Governor's Education Council**

G.A. Buie, 1420 SW Arrowhead Road, Suite 100, Topeka, KS 66604.

Jeff Colyer, 300 SW 10th Ave., Suite 241S, Topeka, KS 66612.

Nick Compagnone, 304 E. Cloud, Salina, KS 67401.

Linda Fund, 700 SW Jackson, Suite 1000, Topeka, KS 66603.

Lana Gordon, 401 SW Topeka Blvd., Topeka, KS 66603.

John Heim, 1420 SW Arrowhead Road, Suite 100, Topeka, KS 66604.

Matt Lindsey, 700 S. Kansas Ave., Suite 622, Topeka, KS 66603.

Gina Meier-Hummel, 555 S. Kansas Ave., Topeka, KS 66603.

Robert North, 1000 SW Jackson, Suite 100, Topeka, KS 66612.

Ben Schears, 704 Main Ave., Goodland, KS 67735.

Janice Smith, 900 SW Jackson, Room 152, Topeka, KS 66612.

**Human Rights Commission, Kansas**

James Terrones, 14622 S. Blackfeather Dr., Olathe, KS 66062. Term expires January 15, 2019. Succeeds Eric Laverentz.

**Indigents' Defense Services, Kansas State Board of**

Braden Perry, 6549 Sagamore Road, Mission Hills, KS 66208. Term expires January 15, 2020. Succeeds Andrew Wimmer.

**Information Network of Kansas**

Aaron Kite, 1901 Elbow Bend, Dodge City, KS 67801. Term expires September 30, 2020. Succeeds Scott Hill.

Sam Williams, Mills Building, 109 SW 9th St., 4th Floor, Topeka, KS 66612.

**Kansas Supreme Court Nominating Commission**

Dennis Hedke, 711 E. Cloud Ave., Apt. 2103, Andover, KS 67002. Term expires June 30, 2021. Succeeds Gary Mason.

**Public Employees' Retirement  
System Board of Trustees, Kansas**

**James Zakoura**, 10886 Nieman Road, Overland Park, KS 66210. Term expires January 15, 2021. Succeeds Lois Cox.

**Racing and Gaming Commission, Kansas**

**Dave Myres**, 22321 W. 58th St., Shawnee, KS 66226. Term expires January 15, 2020. Succeeds Eileen King.

**Larry Turnquist**, 1370 Columbine Circle, Salina, KS 67401-9075. Term expires January 15, 2019. Succeeds Dennis McKinney.

**Statewide Independent Living Council, Kansas**

**Cindi Unruh**, 526 Autumn Glen Pkwy., Newton, KS 67114. Term expires September 30, 2018. Succeeds Deone Wilson, resigned.

**University of Kansas Hospital Authority**

**Monte Coffman**, 502 Westwood Dr., Coffeyville, KS 67337. Term expires March 15, 2019. Reappointed.

Kris W. Kobach  
Secretary of State

Doc. No. 046269

**State of Kansas**

**Governmental Ethics Commission**

**Opinion No. 2018-02**

Written April 24, 2018, to Representative Jason Probst, PO Box 3262, Hutchinson, KS 67504.

**Synopsis:** For campaign receipts and expenditures reports, required by K.S.A. 25-4148, the reporting of proceeds from the sale of political materials hinges on whether the sale is bona fide. Proceeds from bona fide sales are reported in the aggregate and are not subject to contribution limits. Proceeds from non-bona fide sales are reported as contributions and subject to contribution limits.

Cited herein: K.S.A. 25-4143(e)(1), 25-4148, and K.A.R. 19-27-2.

Dear Rep. Probst,

We understand that you request this opinion as an incumbent Kansas representative standing for reelection in 2018. Our opinion regarding application of the Kansas campaign finance act, K.S.A. 25-4119e, *et seq.*, (act) responds to your request received February 27, 2018. Pursuant to K.S.A. 75-4303a(a), jurisdiction of the Kansas Governmental Ethics Commission (commission) is limited to applicability of the act. The commission's opinion does not address whether some other statutory system, common law theory, or agency rule or regulation applies to your inquiry.

**Questions**

How should proceeds from the sales of political materials be reported?

Are proceeds from the sales of political materials subject to contribution limits?

**Analysis and Conclusion**

The Kansas campaign finance act defines "contribution" in K.S.A. 25-4143:

(e) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

*Bona Fide Sales of Political Materials.* Political materials include, but are not limited to, "political campaign pins, buttons, badges, flags, emblems, hats, banners and literature." K.S.A. 25-4148(b)(3).

This subparagraph requires each report to state "the aggregate amount of proceeds from bona fide sales of political materials." Hence, reporting of proceeds from *bona fide sales* is made in the aggregate, and is not subject to more specific reporting requirements for contributions or contribution limits.

Even though reported in aggregate, a record of the receipt of proceeds from the bona fide sales of political materials, including the date of each sale and a description of the materials sold, must be maintained by each treasurer for a campaign, pursuant to K.A.R. 19-27-2.

*Non-Bona Fide Sales of Political Materials.* The act refers to bona fide sales of political materials, presumably to distinguish such sales from those that are not bona fide. The act does not define bona fide. *Black's Law Dictionary*, 8th Ed., at page 186, defines bona fide as (1) "[m]ade in good faith; without fraud or deceit," and (2) "[s]incere; genuine." The latter definition is most applicable to the contextual use of term in K.S.A. 25-4148(b)(3). We opine a sale is bona fide if the proceeds from the sale reasonably reflect the value of the political materials. In our opinion, a bona fide sale is analogous to a retail sale.

*(continued)*

Therefore, sales proceeds substantially exceeding the inherent value of the political materials sold are not from a bona fide sale. Such proceeds are practically contributions and must be treated as contributions for purposes of reporting, recordkeeping, and contribution limits under the act.

Sincerely,

G. Daniel Harden, Chairman  
By Direction of the Commission

Doc. No. 046281

(Published in the Kansas Register May 3, 2018.)

## City of Wellington, Kansas

### Notice of Intent to Seek Private Placement Taxable General Obligation Bonds, Series 2018

Notice is hereby given that the City of Wellington, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$665,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated March 20, 2018.

Carol Mericle  
Clerk

Doc. No. 046270

## State of Kansas

### Secretary of State

#### Certification of New State Laws

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Kris W. Kobach  
Secretary of State

(Published in the Kansas Register May 3, 2018.)

## HOUSE BILL No. 2145

AN ACT concerning crimes, punishment and criminal procedure; relating to firearms, unlawful possession thereof; exempting certain suppressors; amending K.S.A. 2017 Supp. 21-6301 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2017 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

- (1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club; or metal knuckles or ~~throwing star~~;
- (2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife,

straight-edged razor, *throwing star*, stiletto or any other dangerous or deadly weapon or instrument of like character;

- (3) setting a spring gun;
- (4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;
- (5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;
- (6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;
- (7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;
- (8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;
- (9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;
- (10) possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;
- (11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;
- (12) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;
- (13) possessing any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto; ~~or~~
- (14) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age;
- (15) *possessing any firearm while a fugitive from justice;*
- (16) *possessing any firearm by a person who is an alien illegally or unlawfully in the United States;*
- (17) *possessing any firearm by a person while such person is subject to a court order that:*
  - (A) *Was issued after a hearing, of which such person received actual notice, and at which such person had an opportunity to participate;*
  - (B) *restrains such person from harassing, stalking or threatening an intimate partner of such person or a child of such person or such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child; and*
  - (C) (i) *Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or*
    - (ii) *by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or*
- (18) *possessing any firearm by a person who, within the preceding five years, has been convicted of a misdemeanor for a domestic violence offense, or a misdemeanor under a law of another jurisdiction which is substantially the same as such misdemeanor offense.*

(b) Criminal use of weapons as defined in:

- (1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;
- (2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13), (a)(15), (a)(16), (a)(17) or (a)(18) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:

(A) Owned by the law enforcement agency;

(B) in such officer's possession only during specific operations; and

(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) (1) Subsection (a)(4) shall not apply to or affect any person in possession of a device or attachment designed, used or intended for use in suppressing the report of any firearm, if such device or attachment satisfies the description of a Kansas-made firearm accessory as set forth in K.S.A. 2017 Supp. 50-1204, and amendments thereto.

(2) The provisions of this subsection shall apply to any violation of subsection (a)(4) that occurred on or after April 25, 2013.

(j) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law.

(j)(k) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2017 Supp. 75-7c26, and amendments thereto.

(k)(l) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(l)(1) through (k)(l)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2017 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(j)(m) As used in this section:-

(1) "Domestic violence" means the use or attempted use of physical force, or the threatened use of a deadly weapon, committed against a person with whom the offender is involved or has been involved in a dating relationship or is a family or household member.

(2) "Fugitive from justice" means any person having knowledge that a warrant for the commission of a felony has been issued for the apprehension of such person under K.S.A. 22-2713, and amendments thereto.

(3) "Intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person or an individual who cohabitates or has cohabitated with the person.

(4) "Throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 2. K.S.A. 2017 Supp. 21-6301 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 3, 2018.)

## Senate Substitute for HOUSE BILL No. 2701

AN ACT concerning broadband; creating the statewide broadband expansion planning task force; relating to the expansion of broadband services.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) There is hereby established the statewide broadband expansion planning task force. The task force shall be composed of 17 voting members, as follows:

(1) The chairperson, vice-chairperson and ranking minority member of the house standing committee on energy, utilities and telecommunications;

(2) the chairperson, vice-chairperson and ranking minority member of the senate standing committee on utilities;

(3) one member appointed by the Kansas association of counties;

(4) one member appointed by the Kansas league of municipalities;

(5) one member appointed by the Kansas rural independent telephone coalition;

(continued)

- (6) one member from the Kansas cable telecommunications association;
- (7) one member appointed by the cellular telecommunications industry association representing a wireless carrier;
- (8) one member representing an electing carrier;
- (9) one member representing an incumbent local exchange carrier that is price-cap regulated and a recipient of KUSF funds and serves a rural service area;
- (10) one member appointed by the Kansas electric cooperatives;
- (11) one member appointed by the state independent telephone association;
- (12) one member appointed by the Kansas municipal utilities;
- (13) one member appointed by the Kansas independent fiber association; and
- (14) the following *ex-officio* members, who all shall be non-voting members:
- (A) The secretary of transportation or the secretary's designee;
- (B) the commissioner of education or the commissioner's designee;
- (C) the chairperson of the state corporation commission, or the chairperson's designee;
- (D) one member appointed by the Kansas hospital association; and
- (E) one member at-large appointed by the governor.
- (b) Of the legislative members appointed by the speaker of the house of representatives and the president of the senate, the speaker of the house of representatives shall appoint one such member from the house of representatives to serve as co-chairperson of the task force and the president shall appoint one such member from the senate to serve as co-chairperson of the task force.
- (c) Members shall be appointed to the task force not later than 45 days from the effective date of this section. Members of the task force must reside or work in Kansas and shall consist of members from all four congressional districts in Kansas.
- (d) The statewide broadband expansion planning task force may meet in an open meeting at any time upon the call of either co-chairperson of the task force. A majority of the voting members of the statewide broadband expansion planning task force constitute a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum. Any vacancy on the statewide broadband expansion planning task force shall be filled by appointment in the manner prescribed in this section for the original appointment.
- (e) The mission of the statewide broadband expansion planning task force shall be as follows:
- (1) Work collaboratively to develop an approach that includes, but is not limited to, the development of criteria for the creation of a statewide map for defining and evaluating the broadband needs of Kansas citizens, businesses, industries, institutions and organizations;
- (2) identify and document risks, issues and constraints associated with a state-wide broadband expansion project. Develop corresponding risk mitigation and resolution strategies where appropriate;
- (3) consider any recent actions by the federal communications commission relating to broadband services including, but not limited to, the 2018 broadband deployment report, recommendations of the broadband deployment advisory committee and any actions to implement broadband initiatives using the connect America fund phase II, the mobility fund II or the remote areas fund;
- (4) identify opportunities and potential funding sources to:
- (A) Expand broadband infrastructure and increase statewide access to broadband services;
- (B) remove barriers that may hinder deployment of broadband infrastructure or access to broadband services; and
- (C) consider options for the deployment of new advanced communication technologies;
- (5) develop criteria for prioritizing the expansion of broadband services across Kansas;
- (6) review existing law and rules and regulations concerning access to the public right-of-way for public utilities and make corresponding recommendations for any changes necessary to encourage broadband deployment;
- (7) propose future activities and documentation required to complete a statewide broadband expansion plan, including an upgradeable, functional map of the state of available broadband service, what technologies should be deployed and the methods to finance broadband expansion; and
- (8) make and submit an initial report to the house of representatives committee on energy, utilities and telecommunications and the

senate committee on utilities prior to January 15, 2019, concerning all such initial work and progress of the task force. Unless all work is completed and reported in the initial report, the final planning task force report shall be submitted to the legislature prior to January 15, 2020.

(f) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the statewide broadband expansion planning task force.

(g) Legislative members of the statewide broadband expansion planning task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto. Non-legislative members of the statewide broadband expansion planning task force may be reimbursed by their appointing authority.

(h) The provisions of this section shall expire on June 30, 2020.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 3, 2018.)

## SENATE BILL No. 263

AN ACT concerning industrial hemp; enacting the alternative crop research act; excluding industrial hemp from definition of marijuana and cannabinoids; amending K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) Sections 1 and 2, and amendments thereto, shall be known and may be cited as the alternative crop research act.

(b) As used in the alternative crop research act:

(1) "Certified seed" means industrial hemp seed that has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto, as having a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.

(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC on a dry weight basis, of any part of the plant *cannabis sativa* L.

(3) "Department" means the Kansas department of agriculture.

(4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and certified seed for cultivation, if the seeds originate from industrial hemp varieties.

(5) "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L., cultivated or possessed by a state educational institution or the department, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.

(6) "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.

(7) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

New Sec. 2. (a) The department, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from certified seed and promote the research and development of industrial hemp, in accordance with 7 U.S.C. § 5940. This research may include:

(1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;

(2) seed research on various types of industrial hemp that are best suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;

(3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;



(4) analysis on the estimated value-added benefits, including environmental benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;

(5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization;

(6) a study on the feasibility of attracting federal and private funding for industrial hemp research; and

(7) a pilot program in Russell county, and other counties as determined by the department, for the purpose of economic development, research, cultivation, market analysis, manufacturing and transportation of industrial hemp and industrial hemp products.

(b) In the event that the department acts alone to cultivate industrial hemp grown from certified seed and to promote the research and development of industrial hemp, the secretary shall establish an advisory board within the department to review and recommend applications for pilot projects and research proposals to the secretary. The secretary shall not approve any such project or proposal without the recommendation of the advisory board.

(c) The department shall oversee and annually license all individuals participating in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp pursuant to this act. The department shall establish fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the alternative crop research act in this state on an ongoing basis.

(d) (1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under this act to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this act and rules and regulations promulgated pursuant to this act. Disclosure or use of any information received by the department for any purpose other than the purpose provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of any of the following shall be disqualified from initial or continuing licensure under this act: A felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act, prior to July 1, 2009.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The applicant shall pay the costs of fingerprinting and the state and national criminal history record check.

(e) The secretary of agriculture shall promulgate rules and regulations to carry out the provisions of the alternative crop research act on or before December 31, 2018. Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp pursuant to this act.

(f) The department shall submit a report to the legislature outlining the steps and timeline to implement a process that would allow individuals and business entities to grow and process industrial hemp in Kansas and to sell industrial hemp in other states. Such report shall be submitted to the senate standing committee on agriculture and natural resources and the house standing committee on agriculture on or before January 14, 2019. The department shall send such committees an annual supplemental report on the continued progress of such process at the beginning of each regular legislative session for the following three years.

(g) Nothing in the alternative crop research act shall be construed to authorize any individual to violate any state or federal law.

(h) The legislature shall review the provisions of this act prior to July 1, 2022.

New Sec. 3. (a) There is hereby created in the state treasury the alternative crop research act licensing fee fund to be administered by the secretary of agriculture. All expenditures from the alternative crop research act licensing fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers signed by the secretary of agriculture or the secretary's designee.

(b) Licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the alternative crop research act. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the alternative crop research act licensing fee fund.

Sec. 4. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivat-

(continued)

ing, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident

to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, which are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) industrial hemp as defined in section 1, and amendments thereto, when cultivated, possessed or used for activities authorized by the alternative crop research act.

(k) "Minor" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(o) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 5. K.S.A. 2017 Supp. 21-5702 is hereby amended to read as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1, 2009, shall be governed by the law in effect at the time the crime was committed. For purposes of this section, a crime was committed prior to July 1, 2009, if any element of the crime occurred prior thereto.

(b) The prohibitions of this act shall apply unless the conduct prohibited is authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, *the alternative crop research act* or otherwise authorized by law.

Sec. 6. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) any

(continued)

substance listed in schedules II through V of the uniform controlled substances act; or (3) industrial hemp as defined in section 1, and amendments thereto, when cultivated, possessed or used for activities authorized by the alternative crop research act.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextro-rotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 7. K.S.A. 2017 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) .....	9821
(2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....	9815
(3) Acetylmethadol.....	9601
(4) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide).....	9551
(5) Allylprodine.....	9602
(6) Alphacetylmethadol.....	9603
(except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	
(7) Alphameprodine .....	9604
(8) Alphamethadol.....	9605
(9) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenylethyl)-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) .....	9814
(10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(11) Benzethidine.....	9606
(12) Betacetylmethadol.....	9607
(13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830
(14) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(15) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide).....	9836
(16) Betameprodine .....	9608
(17) Betamethadol.....	9609
(18) Betaprodine.....	9611
(19) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide).....	9822
(20) Clonitazene .....	9612
(21) Dextromoramide .....	9613
(22) Diampromide .....	9615
(23) Diethylthiambutene.....	9616
(24) Difenoxin.....	9168
(25) Dimenoxadol.....	9617
(26) Dimepheptanol.....	9618
(27) Dimethylthiambutene .....	9619
(28) Dioxaphetyl butyrate.....	9621
(29) Dipipanone .....	9622
(30) Ethylmethylthiambutene .....	9623
(31) Etonitazene.....	9624
(32) Etoxeridine.....	9625
(33) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834
(34) Furethidine.....	9626
(35) Hydroxypethidine .....	9627
(36) Ketobemidone .....	9628
(37) Levomoramide .....	9629
(38) Levophenacymorphan .....	9631
(39) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(40) 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(41) Morpheridine.....	9632
(42) O-desmethyltramadol Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(43) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) .....	9661
(44) Noracymethadol .....	9633
(45) Norlevorphanol.....	9634
(46) Normethadone .....	9635
(47) Norpipanone .....	9636
(48) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(49) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine) .....	9663
(50) Phenadoxone .....	9637
(51) Phenampromide.....	9638
(52) Phenomorphan.....	9647
(53) Phenoperidine .....	9641
(54) Piritramide .....	9642
(55) Proheptazine .....	9643
(56) Properridine .....	9644
(57) Propiram.....	9649

(58) Racemoramide.....9645

(59) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) .....9835

(60) Tilidine.....9750

(61) Trimeperidine.....9646

(62) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine .....9319

(2) Acetyldihydrocodeine .....9051

(3) Benzylmorphine .....9052

(4) Codeine methylbromide .....9070

(5) Codeine-N-Oxide .....9053

(6) Cyprenorphine .....9054

(7) Desomorphine .....9055

(8) Dihydromorphine .....9145

(9) Drotebanol .....9335

(10) Etorphine (except hydrochloride salt) .....9056

(11) Heroin .....9200

(12) Hydromorphenol.....9301

(13) Methyldesorphine.....9302

(14) Methyldihydromorphine.....9304

(15) Morphine methylbromide .....9305

(16) Morphine methylsulfonate.....9306

(17) Morphine-N-Oxide .....9307

(18) Myrophine.....9308

(19) Nicocodeine .....9309

(20) Nicomorphine.....9312

(21) Normorphine.....9313

(22) Pholcodine.....9314

(23) Thebacon .....9315

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine .....7249  
Some trade or other names: etryptamine; Monase;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;  $\alpha$ -ET; and AET.

(2) 4-bromo-2,5-dimethoxy-amphetamine.....7391  
Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.

(3) 2,5-dimethoxyamphetamine.....7396  
Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.

(4) 4-methoxyamphetamine .....7411  
Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.

(5) 5-methoxy-3,4-methylenedioxy-amphetamine .....7401

(6) 4-methyl-2,5-dimethoxy-amphetamine.....7395  
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".

(7) 3,4-methylenedioxy amphetamine .....7400

(8) 3,4-methylenedioxy-methamphetamine (MDMA).....7405

(9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA) .....7404

(10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxy MDA).....7402

(11) 3,4,5-trimethoxy amphetamine.....7390

(12) Bufotenine .....7433  
Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.

(13) Diethyltryptamine.....7434  
Some trade or other names: N,N-Diethyltryptamine; DET.

(14) Dimethyltryptamine .....7435  
Some trade or other names: DMT.

(15) Ibogaine.....7260  
Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino [5,4-b]indole; Tabernanthe iboga

(16) Lysergic acid diethylamide .....7315

(17) Marijuana .....7360

(18) Mescaline .....7381

(19) Parahexyl.....7374  
Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.

(20) Peyote.....7415  
Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(21) N-ethyl-3-piperidyl benzilate .....7482

(22) N-methyl-3-piperidyl benzilate .....7484

(23) Psilocybin .....7437

(24) Psilocyn .....7438  
Some trade or other names: Psilocin.

(25) Ethylamine analog of phencyclidine.....7455  
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.

(26) Pyrrolidine analog of phencyclidine.....7458  
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.

(27) Thiophene analog of phencyclidine .....7470  
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.

(28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine .....7473  
Some other names: TCPy.

(29) 2,5-dimethoxy-4-ethylamphetamine .....7399  
Some trade or other names: DOET.

(30) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(31) *Datura stramonium*, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as *datura stramonium*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(32) N-benzylpiperazine .....7493  
Some trade or other names: BZP.

(33) 1-(3-[trifluoromethylphenyl])piperazine  
Some trade or other names: TFMPP.

(34) 4-Bromo-2,5-dimethoxyphenethylamine.....7392

(35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....7348

(36) Alpha-methyltryptamine (other name: AMT) .....7432

(37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) .....7509

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D) .....7508

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) .....7519

(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) .....7518

(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2) .....7385

(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....7532

(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) .....7517

(45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....7521

(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) .....7524

(47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....7431  
Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole.

(48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7538  
Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimi-5.

(49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7537  
Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi-82.

(50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7536  
Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimi-36.

(51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25H-NBOMe.

(52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.

(53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Etizolam  
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)

(continued)

- (2) Mecloqualone .....2572
- (3) Methaqualone.....2565
- (4) Gamma hydroxybutyric acid

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Aminorex .....1585  
Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
- (2) Fenethylamine.....1503
- (3) N-ethylamphetamine .....1475
- (4) (+)cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).....1590
- (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
- (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235
- (7) Substituted cathinones Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
  - (A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
  - (B) by substitution at the 3-position with an acyclic alkyl substituent;
  - (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
  - (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(g) Any material, compound, mixture or preparation which contains any quantity of the following substances:

- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.....9818
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers .....9834

(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Tetrahydrocannabinols.....7370  
Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered:), *except tetrahydrocannabinols obtained from industrial hemp as defined in section 1, and amendments thereto, when cultivated, possessed or used for activities authorized by the alternative crop research act.*
- (2) Naphthoylindoles  
Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (3) Naphthylmethylindoles  
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (4) Naphthoylpyrroles  
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-

- methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (5) Naphthylmethylindenes  
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (6) Phenylacetylindoles  
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.
- (7) Cyclohexylphenols  
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- (8) Benzoylindoles  
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.
- (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other names: WIN 55,212-2.
- (10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol  
Some trade or other names: HU-210, HU-211.
- (11) Tetramethylcyclopropanoylindoles  
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.
- (12) Indole-3-carboxylate esters  
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- (13) Indazole-3-carboxamides  
Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (14) (1H-indazol-3-yl)methanones  
Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec.8. K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 are hereby repealed.

Sec.9. This act shall take effect and be in force from and after its publication in the Kansas register.

**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 2009 Volumes of the *Kansas Administrative Regulations* and the 2017 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-9-7b	Amended	V. 36, p. 1089

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
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4-2-8	Amended	V. 36, p. 1088
4-2-17a	Revoked	V. 36, p. 1088
4-2-21	New	V. 36, p. 1088

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-3-6a	Amended	V. 36, p. 159
5-5-9	Amended	V. 36, p. 1036
5-5-10	Amended	V. 36, p. 1036
5-5-16	Amended	V. 36, p. 1037
5-14-10	Amended	V. 36, p. 823
5-14-11	Amended	V. 36, p. 1038
5-14-12	New	V. 36, p. 825
5-21-3	Amended	V. 36, p. 160

**AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH**

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9-3-9	Amended	V. 36, p. 140
9-3-10	Amended	V. 36, p. 140
9-10-33a	Amended	V. 36, p. 1038
9-10-40	New	V. 36, p. 1038
9-18-1	Revoked	V. 36, p. 1229
9-18-2	Revoked	V. 36, p. 1229
9-18-3	Revoked	V. 36, p. 1229
9-18-4	New	V. 36, p. 1229
9-18-5	New	V. 36, p. 1229
9-18-6	New	V. 36, p. 1229
9-18-7	New	V. 36, p. 1230
9-18-8	New	V. 36, p. 1230
9-18-9	New	V. 36, p. 1230
9-18-10	New	V. 36, p. 1231
9-18-11	New	V. 36, p. 1231
9-18-12	New	V. 36, p. 1232
9-18-13	New	V. 36, p. 1232
9-18-14	New	V. 36, p. 1233
9-18-15	New	V. 36, p. 1233
9-18-16	New	V. 36, p. 1233
9-18-17	New	V. 36, p. 1233
9-18-18	New	V. 36, p. 1234
9-18-19	New	V. 36, p. 1234
9-18-20	New	V. 36, p. 1234
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9-18-22	New	V. 36, p. 1234
9-18-24	New	V. 36, p. 1234
9-18-25	New	V. 36, p. 1235
9-18-26	New	V. 36, p. 1235

9-18-27	New	V. 36, p. 1235
9-18-28	New	V. 36, p. 1236
9-18-29	New	V. 36, p. 1237
9-18-30	New	V. 36, p. 1237
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9-20-1	Revoked	V. 36, p. 1237
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9-20-3	Revoked	V. 36, p. 1237
9-20-4	Revoked	V. 36, p. 1237
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9-21-2	Revoked	V. 36, p. 1237
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9-22-3	Revoked	V. 36, p. 1237
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9-22-5	Revoked	V. 36, p. 1237
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9-25-13	Revoked	V. 36, p. 1237
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9-25-15	Revoked	V. 36, p. 1237

**AGENCY 16: ATTORNEY GENERAL**

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**AGENCY 21: HUMAN RIGHTS COMMISSION**

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22-6-24	Amended	V. 37, p. 245
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22-8-10	Amended	V. 37, p. 246
22-19-5	Amended	V. 37, p. 246
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28-1-18	Amended	V. 37, p. 377
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28-4-592	Amended	V. 36, p. 573
28-4-802	Revoked	V. 36, p. 973
28-16-28b	Amended	V. 37, p. 98
28-16-28d	Amended	V. 37, p. 101
28-16-28e	Amended	V. 37, p. 103
28-16-28f	Amended	V. 37, p. 105
28-16-28h	New	V. 37, p. 106
28-19-202	Revoked	V. 36, p. 1382
28-19-516	Amended	V. 36, p. 1382
28-19-517	Amended	V. 36, p. 1382
28-32-11	Amended (T)	V. 36, p. 1435
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28-35-135c	Amended	V. 37, p. 327
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28-35-184a	Amended	V. 37, p. 340
28-35-192a	Amended	V. 37, p. 341
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28-71-7	Amended	V. 36, p. 1053
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28-71-9	Amended	V. 36, p. 1053
28-71-10	Amended	V. 36, p. 1054

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28-71-12 Amended V. 36, p. 1055

**AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES**

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**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

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40-1-48 Amended V. 37, p. 291  
40-3-60 New V. 37, p. 127  
40-4-35 Amended V. 36, p. 972  
40-4-42a Amended V. 36, p. 954

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49-55-2 Amended V. 36, p. 1106  
49-55-3 Revoked V. 36, p. 1106  
49-55-4 Amended V. 36, p. 1106  
49-55-5 Revoked V. 36, p. 1107  
49-55-6 Amended V. 36, p. 1107  
49-55-8 Amended V. 36, p. 1107  
49-55-11 Amended V. 36, p. 1107  
49-55-12 Amended V. 36, p. 1107  
49-55-13 New V. 36, p. 1107

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**AGENCY 68: BOARD OF PHARMACY**

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68-5-17 New V. 37, p. 366  
68-7-12a Amended V. 36, p. 1434  
68-7-15 Amended V. 36, p. 1307  
68-7-20 Amended V. 36, p. 1308  
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70-6-1 Amended V. 36, p. 1328  
70-7-1 Amended V. 36, p. 1330  
70-8-1 Amended V. 36, p. 1331

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74-2-7 Amended V. 37, p. 19  
74-3-8 Amended V. 37, p. 20  
74-4-3a Amended V. 37, p. 20  
74-4-7 Amended V. 37, p. 20

74-4-8 Amended V. 37, p. 21  
74-4-9 Amended V. 37, p. 22  
74-4-10 Amended V. 37, p. 23  
74-5-2 Amended V. 37, p. 23  
74-5-202 Amended V. 37, p. 24  
74-5-405 Revoked V. 37, p. 25  
74-5-406 Amended V. 37, p. 25  
74-5-408 Amended V. 37, p. 25  
74-6-2 Amended V. 37, p. 25  
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82-4-3a Amended V. 37, p. 307  
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86-3-27 Amended V. 37, p. 181  
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92-51-34a Amended V. 36, p. 1203  
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109-10-7 Amended V. 36, p. 1364  
109-11-1a Amended V. 36, p. 1365  
109-11-9 Amended V. 36, p. 1365  
109-13-1 Revoked V. 36, p. 1366

**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 from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*.

Reg. No.	Action	Register
111-4-3507	Amended	V. 37, p. 127
111-4-3508	New	V. 37, p. 132
111-4-3509	New	V. 37, p. 132
111-4-3510	New	V. 37, p. 215
111-4-3511	New	V. 37, p. 216
111-4-3512	New	V. 37, p. 217
111-4-3513	New	V. 37, p. 247
111-4-3514	New	V. 37, p. 248
111-4-3515	New	V. 37, p. 249
111-5-80	Amended	V. 37, p. 218

111-5-81	Amended	V. 37, p. 219
111-5-82	Amended	V. 37, p. 220
111-5-83	Amended	V. 37, p. 221
111-5-84	Amended	V. 37, p. 221
111-5-85	Amended	V. 37, p. 221
111-7-267	New	V. 37, p. 133
111-9-218	New	V. 37, p. 251
111-19-11	Amended	V. 37, p. 251
111-19-26	New	V. 37, p. 134
111-19-27	New	V. 37, p. 222
111-19-28	New	V. 37, p. 222
111-19-43	New	V. 37, p. 252
111-301-39	Amended	V. 37, p. 223
111-301-63	New	V. 37, p. 135
111-301-64	New	V. 37, p. 135
111-301-65	New	V. 37, p. 135
111-301-66	New	V. 37, p. 136
111-302-4	Amended	V. 37, p. 223
111-302-5	Amended	V. 37, p. 223
111-401-6	Amended	V. 37, p. 253
111-401-11	Amended	V. 37, p. 254
111-401-117	Amended	V. 37, p. 254
111-501-24	Amended	V. 37, p. 256
111-501-25	Amended	V. 37, p. 257
111-501-141	Amended	V. 37, p. 257
111-501-142	Amended	V. 37, p. 258
111-501-143	Amended	V. 37, p. 258

**AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM**

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115-2-1	Amended	V. 36, p. 1332
115-2-3	Amended	V. 36, p. 1334
115-2-4	Amended	V. 36, p. 1335
115-2-6	Amended	V. 36, p. 1335
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 36, p. 1336

115-7-4	Amended	V. 36, p. 1337
115-7-10	Amended	V. 36, p. 1337
115-8-1	Amended	V. 36, p. 398
115-15-3	Amended	V. 37, p. 81
115-15-4	Amended	V. 37, p. 82
115-16-3	Amended	V. 36, p. 859
115-17-2	Amended	V. 36, p. 1337
115-17-3	Amended	V. 36, p. 1338
115-18-12	Amended	V. 36, p. 1338
115-18-19	Amended	V. 36, p. 1338
115-18-20	Amended	V. 36, p. 1338
115-20-2	Amended	V. 36, p. 859
115-20-7	Amended	V. 36, p. 860

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 36, p. 452
117-2-2	Amended	V. 36, p. 452
117-2-2a	Amended	V. 36, p. 453
117-3-2	Amended	V. 36, p. 454
117-3-2a	Amended	V. 36, p. 455
117-4-2	Amended	V. 36, p. 455
117-4-2a	Amended	V. 36, p. 456
117-5-2a	Amended	V. 36, p. 457
117-8-3	Amended	V. 37, p. 98

**AGENCY 123: DEPARTMENT OF CORRECTIONS – DIVISION OF JUVENILE SERVICES**

Reg. No.	Action	Register
123-17-101	New	V. 36, p. 369

**AGENCY 128: DEPARTMENT OF COMMERCE – KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-6-4	Amended	V. 36, 271

**Kansas Register**  
**Secretary of State**  
**1st Floor, Memorial Hall**  
**120 SW 10th Ave.**  
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