



Kansas Register

Chris Biggs, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 27-January 5. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. The 2010 interim committee memberships and committee agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm>.

Date	Room	Time	Committee	Agenda
Jan. 5	548-S	9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of the rules and regulations proposed for adoption by: Real Estate Appraisal Board; Insurance Dept.; Board of Regents; Office of the Securities Commissioner; Racing and Gaming Commission; KDHE; Dept. of Revenue; and Pharmacy Board.

Jeffrey M. Russell
Director of Legislative
Administrative Services

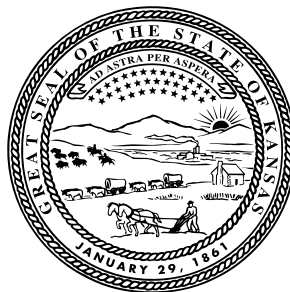
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State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

State Representative, 27th District

Charlotte O'Hara, 17805 Lackman Road, Overland Park, 66062. Succeeds Ray Merrick, resigned.

State Senator, 37th District

Raymond Merrick, 6874 W. 164th Terrace, Stilwell, 66085. Succeeds Jeff Colyer, resigned.

Grant County Clerk

Sheila Brown, 207 Maxwell Circle, Ulysses, 67880. Succeeds Linda McHenery, resigned.

Lyon County Sheriff

Jeffrey A. Cope, 1819 Canterbury Road, Emporia, 66801. Succeeds Gary Eichorn, resigned.

Sedgwick County Treasurer

Linda Kizzire, 401 S. 162nd St., Goddard, 67052. Succeeds Ron Estes, resigned.

Sheridan County Register of Deeds

Mary Weimer, P.O. Box 899, Hoxie, 67740. Succeeds Kari Weis, resigned.

Kansas Geographic Information
Systems Policy Board

Joseph W. Arri, 8125 Meadow Lane, Leawood, 66206. Term expires Sept. 30, 2014. Reappointed.

Kansas Guardianship Program

Rep. Barbara Ballard, 1532 Alvar Drive, Lawrence, 66047. Term expires June 30, 2011. Succeeds Donald Betts.

State Highway Advisory Commission

Charles L. Elsea, 508 Country Club Road, Salina, 67401. Term expires Jan. 31, 2014. Reappointed.

David A. Inskip, 1003 Bannock Burn Road, Hutchinson, 67502. Term expires Jan. 31, 2013. Reappointed.

State Rehabilitation Council

Kerry Lustick, 1307 Sierra Drive, Salina, 67401. Term expires Oct. 31, 2013. Reappointed.

John Masterson, 423 S. Sycamore, Iola, 66749. Term expires Oct. 31, 2013. Succeeds Michael Jones.

Rocky Nichols, 635 S.W. Harrison, Topeka, 66603. Term expires Oct. 31, 2013. Reappointed.

Craig Perbeck, 4975 E. Idle Banks Circle, Valley Center, 67147. Term expires Oct. 31, 2013. Reappointed.

Chris Biggs
Secretary of State

Doc. No. 038999

State of Kansas

Board Pharmacy

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, March 10, at the University of Kansas School of Pharmacy, 2010 Becker Drive, Lawrence, to consider the proposed adoption of amendments to K.A.R. 68-21-2 as a permanent regulation of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed adoption of amendments to K.A.R. 68-21-2. All parties may submit written comments prior to the hearing to Debra Billingsley, Executive Secretary, Kansas Pharmacy Board, 800 S.W. Jackson, Suite 1414, Topeka, 66612, or to pharmacy@pharmacy.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of amendments to K.A.R. 68-21-2 during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board at the address above, (785) 296-4056, or pharmacy@pharmacy.ks.gov. Handicapped parking is available in the parking garage of the building off of 8th Street.

Amendments to K.A.R. 68-21-2 are proposed for permanent adoption. A summary of the proposed amendments follows:

K.A.R. 68-21-2. Electronic reports. This regulation identifies the specifics relating to the electronic reports that must be submitted to the Prescription Monitoring Program. Amendments include requiring those that are required to report to the program to submit Zero Reports if they go seven days without dispensing in or into the state. In addition, the amendments require those licensed or registered to dispense controlled substances or drugs of concern into the state to notify the board if they never do so, thereby relieving them of their duty to report unless they begin dispensing in or into the state at a future date.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Pharmacy Board at the contact information above or from the board's Web site at <http://www.kansas.gov/pharmacy/Proposed%20Regs.htm>.

Debra Billingsley
Executive Secretary

Doc. No. 039005

State of Kansas

Department of Health
and Environment

Notice of Committee Meetings

The Kansas Department of Health and Environment's Health Occupations Credentialing Technical Review Committee will conduct a series of meetings to review a credentialing application submitted by Associated Bodywork and Massage Professionals and the American Massage Therapy Association. The meetings will take place in Room D at the Kansas National Education Association (KNEA) Building, 715 S.W. 10th Ave., Topeka, at 1 p.m. on the following dates: January 27, February 24 and March 24.

Marla Rhoden, Director
Health Occupations Credentialing

Doc. No. 039009

State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Monday, February 28, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the revocation of an existing rule and regulation.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed revocation. All interested parties may submit written comments prior to the hearing to John Wine, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678, via facsimile at (785) 291-3673, or via e-mail at jwine@ksinsurance.org. All interested parties will be given a reasonable opportunity to present their views orally on the proposed revocation during the hearing.

A summary of the proposed revocation and its economic impact follows:

K.A.R. 40-3-33. Fire and casualty insurance; basic property insurance; inspection; placement; procedures; requirements. The proposed amendment to this regulation revokes the existing regulation relating to the FAIR Plan (Kansas All-Industry Placement Facility). The office of the Attorney General had previously concluded that the commissioner was not authorized to adopt regulations on this topic and that the governing board established in K.S.A. 40-2102 was directly authorized to adopt rules. The governing body has since adopted rules and this existing regulation has not been used for several years.

There would be no economic impact on the Kansas Insurance Department, consumers, large or small businesses, or other governmental agencies.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days

in advance of the hearing by contacting John Wine at (785) 296-7847 or via e-mail at jwine@ksinsurance.org. Any individual desiring a copy of this regulation and/or the policy and procedure that is being adopted by reference, if applicable, may obtain a copy from the department's Web site at www.ksinsurance.org (under the Legal Issues link) or by contacting John Wine. The charge for copies is 50 cents per page.

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 039013

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' Web sites 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.

Emporia State University — Bid postings: www.emporia.edu/busaff/purchasing/vendor-procedures.htm. Additional contact info: Phone 620-341-5145, fax 620-341-5073, e-mail thouse@emporia.edu. Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

Fort Hays State University — Bid postings: www.fhsu.edu/purchasing/bids. Additional contact info: Phone 785-628-4251, fax 785-628-4046, e-mail purchasing@fhsu.edu. Mailing address: Fort Hays State Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University — Bid postings: www.k-state.edu/purchasing/rfq. Additional contact info: Phone 785-532-6214, fax 785-532-5577, e-mail kspurch@k-state.edu. Mailing address: Controller's Office/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

Pittsburg State University — Bid postings: www.pittstate.edu/office/purchasing. Additional contact info: Phone 620-235-4169, fax 620-235-4166, e-mail 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.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 7, Lawrence, KS 66045. Additional contact info: Phone 785-864-5971, fax 785-864-3454, e-mail 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: www.wichita.edu/purchasing. Additional contact info: Phone 316-978-3030, fax 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Barry Swanson
Chair of Regents Purchasing Group
Director of Purchasing
and Strategic Sourcing
University of Kansas

Doc. No. 038494

**State of Kansas
Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

- 1/05/2011 EVT0000328 Wheel Tractors
- 1/05/2011 EVT0000327 Reflective Sheeting for Signs
- 1/06/2011 EVT0000322 Equipment Trailers
- 1/11/2011 EVT0000309 Badges and Insignia
- 1/12/2011 EVT0000313 Telecomm Equipment and Supplies

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

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

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

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

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

- 1/06/2011 A-011358 Masonry Repairs — Wesley Building — University of Kansas, Lawrence
- 1/13/2011 A-011204 Reroof — Hickory Cottage — Parsons State Hospital & Training Center, Parsons
- 1/18/2011 A-011489 Replace Substation — Osawatomie State Hospital, Osawatomie
- 1/18/2011 A-011546 Small Office Building — Woodson State Fishing Lake, Woodson

Chris Howe
Director of Purchases

Doc. No. 039015

**State of Kansas
Department of Health
and Environment**

**Notice Concerning Kansas/Federal Water
Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Dis-

charge 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-10-224
Application(s) for New or Expansion of
Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Gordon Knudson Hog Farm 1792 150th St. Hiawatha, KS 66434	Gordon Knudson 1367 Plumtree Road Everest, KS 66424
Legal Description	Receiving Water
NE/4 of Section 11, T04S, R17E, Brown County Kansas Permit No. A-MOBR-S012	Missouri River Basin

This is an application for a permit for expansion at an existing swine facility and includes only an increase in animal unit capacity to 320 from the current permitted capacity of 260 animal units. The number of pigs, 800 head, at the facility remains the same as the current permit. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-10-225/228
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Kansas-Smith Farms, LLC Farm 11 Finishing 23179 #5 Road Plains, KS 67869	S/2 of Section 08, T34S, R30W, Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-H003 Federal Permit No. KS0089044
This is a permit modification and reissuance for a confined animal feeding operation for 6,080 head (2,432 animal units) of swine weighing more than 55 pounds. This represents an increase in the permitted animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Jerry Beachy 5817 W. Longview Road Hutchinson, KS 67501	NE/4 of Section 19, T24S, R06W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M037
This permit is being reissued for an existing facility for 80 head (112 animal units) of mature dairy cattle. There is no change in the permitted animal units from the previous permit. The permit contains a modification consisting of the addition of a mortality composting area where runoff is contained by agricultural land.

Name and Address of Applicant	Legal Description	Receiving Water
Denison Farms Charles S. Denison 347 Road 310 Council Grove, KS 66846	NW/4 of Section 04, T17S, R10E, Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-B007
This permit is being reissued for an existing facility for 590 head (295 animal units) of cattle weighing less than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
SCA New Look #1 Steven Cox Associates LLC 504 W. 1500 Road Long Island, KS 67647	W/2 of the NE/4 of Section 1 & E/2 of the NW/4 of Section 1, T01S, R20W, Phillips County	Upper Republican River Basin

(continued)

Kansas Permit No. A-URPL-S009

This permit is being reissued for an existing facility with a maximum capacity of 2,190 head (876 animal units) of swine more than 55 pounds and 1,150 head (115 animal units) of swine 55 pounds or less, for a total of 3,340 head (991 animal units) of swine. There is no change in the permitted animal units from the previous permit.

Public Notice No. KS-Q-10-154/155

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Bayer Construction Company P.O. Box 889 Manhattan, KS 66505	Republican River via Milford Lake via Mall Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-LR24-PO03 Federal Permit No. KS0098043
 Legal Description: NW¼ and SW¼, S4, T9S, R4E, Clay County
 Facility Name: Martin Quarry
 Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying operation with no washing. Outfall 001, 002 and 003 consists of stormwater runoff.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mid-States Materials, LLC P.O. Box 236 Topeka, KS 66601	Kansas River via Deer Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-KS31-PO17 Federal Permit No. KS0089923
 Legal Description: S22 in Shawnee County & S23 & 26, T12S, R17E in Douglas County
 Facility Name: Big Springs Quarry
 Facility Description: The proposed action consists of modifying an existing permit for discharge of wastewater during quarry operations. This facility is a limestone quarrying and crushing operation, with some rock washing. The modifications consist of adding a new asphalt plant that does not discharge water, except for stormwater runoff and new outfalls 007 - 013. Outfall 007 consists of treated stormwater from a 24-inch culvert on the south side of the road. Outfalls 008, 009, 010, 011 and 012 consist of stormwater runoff from a new area that will be quarried in the southeast portion of the quarry site. Outfall 013 consists of stormwater runoff from the asphalt plant. The proposed permit contains limits for total suspended solids and pH.

Public Notice No. KS-NQ-10-014/015

The requirements of the draft permits public noticed below are pursuant to the Kansas Water Pollution Control statutes and regulations:

Name and Address of Applicant	Legal Description	Receiving Water
Greensburg, City of 239 S. Main St. Greensburg, KS 67054	SW¼, SW¼, NE¼, S14, T28S, R18W, Kiowa County	Nonoverflowing

Kansas Permit No. M-AR38-NO01 Federal Tracking No. KSJ000460
 Facility Description: This action consists of issuing a modified Kansas Water Pollution Control Permit for an existing wastewater treatment facility which uses irrigation to control water levels in the lagoon. The permittee is proposing to add the wastewater discharge from a new ion exchange public water supply treatment system to the wastewater lagoon. The wastewater treatment system requirements are being modified to track the additional pollutants from the ion exchange system. Contained in the permit is a schedule of compliance requiring the permittee to submit soil analyses of the irrigated sites and requiring the permittee to irrigate sufficient wastewater

during the growing season to reach a water level in the final cell between 3 and 4 feet by December 1 of each year. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Description	Receiving Water
M & B Convenience Store, LLC 1530 S.E. Hwy. 400 Leon, KS 67074	SE¼, S19, T27S, R6E, Butler County	Nonoverflowing

Kansas Permit No. C-WA11-NO03 Federal Tracking No. KSJ000132
 Facility Description: This action consists of reissuing a permit to the new owner of an existing wastewater treatment facility. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before January 22 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-224/228, KS-Q-10-154/155, KS-NQ-10-014/105) and name of the applicant/permittee when preparing comments.

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

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

John W. Mitchell
 Acting Secretary of Health and Environment

Doc. No. 039012

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. PostRock Energy has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

PostRock Energy, 211 W. 14th St., Chanute, 66720, owns and operates Fireside Compressor Station located at Section 17, T29S, R17E, Wilson County.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 25.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business January 25 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or

unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

John W. Mitchell
Acting Secretary of Health
and Environment

Doc. No. 039007

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. January 19 and then publicly opened:

District One — Northeast

Lyon-Wabaunsee—99-106 KA-1932-01 — K-99 from the north city limits of Emporia north to the Lyon-Wabaunsee county line; K-99 from the Lyon-Wabaunsee county line north to the south city limits of Eskridge, re-cycle and overlay, 34.7 miles. (State Funds)

Osage—56-70 K-9653-01 — U.S. 56 bridge 0.4 mile west of the junction of U.S. 75, grading, bridge and surfacing. (Federal Funds)

Riley—81 U-0007-01 — Intersection of Kimball and Candlewood in Manhattan, traffic signals. (Federal Funds)

Wyandotte—5-105 KA-2042-01 — 23rd Street bridge over K-5, 0.4 mile east of I-635, bridge removal. (State Funds)

District Two — Northcentral

Chase—177-9 KA-0689-01 — K-177 bridge over Fox Creek located 0.2 mile west of Strong City, bridge replacement. (Federal Funds)

Chase—177-9 KA-0904-01 — K-177 culverts 12.4 miles and 13.2 miles north of the Chase-Butler county line, culvert construction. (State Funds)

District—18-15 KA-2159-01 — U.S. 81 in Cloud County, K-18 in Geary County and Riley County and K-57 in Geary County, milling, 14.6 miles. (State Funds)

District Three — Northwest

Sheridan—90 C-4499-01 — County bridge 14.2 miles north and 7 miles east of Hoxie, bridge construction, 0.2 mile. (Federal Funds)

Sherman—70-91 KA-2147-01 — I-70 beginning at the east approach of the bridge at exit 12 then east 7.3 miles, pavement patching. (State Funds)

District Four — Southeast

District—59-63 KA-2151-01 — U.S. 59 in Franklin County, U.S. 69 in Linn County, U.S. 75 in Montgomery County and U.S. 69 in Cherokee County, milling and rumble strips, 62.9 miles. (State Funds)

(continued)

Montgomery—400-63 KA-2146-01 — U.S. 400, 0.8 mile east of the junction of U.S. 75, pavement patching, 0.1 mile. (State Funds)

Montgomery—400-63 KA-1612-01 — Three U.S. 400 bridges east of the U.S. 75 junction and one bridge at the junction of U.S. 169, bridge repair. (State Funds)

Osage-Franklin—106 KA-2127-01 — I-35 beginning at the Coffey-Osage county line then northeast to the Franklin-Osage county line; I-35 beginning at the Franklin-Osage county line then northeast to Eisenhower Road, pavement patching, 25.5 miles. (State Funds)

District Five — Southcentral

District—53-96 KA-2150-01 — K-53 in Sumner County, K-55 in Sumner County and U.S. 166 in Cowley County, rumble strips. (State Funds)

Sedgwick—135-87 KA-1621-01 — I-135 bridges 0.2 and 0.3 mile north of Macart Road; and two bridges at the I-135-Pawnee Avenue junction, bridge overlay. (Federal Funds)

Sedgwick—96-87 KA-1624-01 — K-96 bridges 0.6 mile and 0.7 mile east of W Street, bridge repair. (State Funds)

Sedgwick—135-87 KA-2155-01 — I-135 in Wichita from the north approach of bridges over Pawnee Street to the south approach of the viaduct bridge north of U.S. 54, overlay 2.2 miles. (State Funds)

District Six — Southwest

District—56-29 KA-2135-01 — U.S. 56 in Morton County, U.S. 50 in Ford County and U.S. 400 in Ford County, milling. (State Funds)

Meade—23-60 KA-0691-01 — K-23, Cimarron River bridge, 1.3 miles north of the Kansas-Oklahoma state line, bridge replacement. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 039015

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. 2009 Supp. 12-1675(b)(c)(d) and K.S.A. 2009 Supp. 12-1675a(g).

Effective 12-20-10 through 12-26-10

Table with 2 columns: Term, Rate. Rows include 1-89 days (0.19%), 3 months (0.13%), 6 months (0.18%), 1 year (0.33%), 18 months (0.45%), 2 years (0.61%)

Elizabeth B.A. Miller
Director of Investments

Doc. No. 039003

State of Kansas
Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms or teams, prequalified in category 163 — Congestion Management/ITS — for on-call services with project scopes as listed below. A PDF (1 mb maximum size) of the interest response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses shall be limited to four pages, and the PDF file name and the subject line of the e-mail must read "Firm Name — On-Call ITS LOI." Responses must be received by noon January 6 for the consulting engineering firm or team to be considered.

ITS On-Call Services

These services will include a variety of functions associated with development of metro areas and statewide ITS management plans and systems, feasibility studies for various intelligent transportation systems, and designs and deployment of intelligent transportation projects.

Personnel employed by the firm shall have demonstrated knowledge, experience and expertise in transportation planning and traffic engineering to include specific experience in analysis of and implementation and deployment of intelligent transportation technologies. The firm shall have the necessary expertise and physical resources to effectively participate in ITS feasibility studies, preliminary engineering, and project development and deployment. Personnel also shall be aware of KDOT policies, procedures and practices. Personnel shall be knowledgeable in IntelliDrive, ITS Traffic Management Centers (TMS), and ITS Active Traffic Management (ATMS) projects. Personnel shall be knowledgeable in fiber optic construction and integration issues with other communication systems and ITS projects.

Examples of ITS project areas that KDOT will assign to ITS on-call consultants are as follows:

- Kansas City Scout Project Expansions

- Wichita TMC Project Expansions
- Rural ITS Project Expansions
- ITS Communications
- Advanced Traffic Management Systems
- Statewide ITS Operations and Management
- ITS Performance Measurements
- ITS Software Integration
- ITS DMS/Camera
- ITS Emerging Tech - IntelliDrive
- Work Zone Technology
- Special Events Management with ITS
- Project Architectures
- Maintenance of Statewide Architecture
- Commercial Vehicle & Freight Mobility
- Congestion Management Using ITS Solutions in a Multidiscipline Approach
- ITS Research
- Other ITS Related Activities
- Transit ITS
- Advanced Traveler Information Systems

The Consultant Shortlist Committee will select several of the most highly qualified firms expressing interest and schedule an individual interview. The consulting firms can more thoroughly discuss their qualifications, experience related to project(s), their approach to general project(s) design work, available schedule and the personnel qualifications at the interview. Firms not selected to be short-listed will be notified. Categories may be viewed at www.ksdot.org/divengdes/prequal.

The Consultant Selection Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select several firms based on qualifications to perform the professional services required for completing projects on an on-call basis. After the selection, the firms not selected will be notified of the outcome.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to proposed project(s).
4. Work load of firm.
5. Firm's performance record.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

For more information, contact David Nagy at DavidN@ksdot.org.

Deb Miller
Secretary of Transportation

State of Kansas

Attorney General

2010 Update to Takings Guidelines Evaluating Proposed Governmental Actions and Identifying Potential Takings of Private Property

The information below sets forth issues that were examined in decisions decided by the United States Supreme Court, Tenth Circuit, and Kansas appellate courts relating to government takings of privately owned real property. Pursuant to K.S.A. 77-704 of the Private Property Protection Act, the following summary of decisions constitutes the 2010 update to the Attorney General's Guidelines:

Stop the Beach Renourishment, Inc., v. Florida Department of Environmental Protection, 560 U.S. —, 130 S.Ct. 2592, 177 L.Ed.2d 184 (2010). Although the facts of this case involving private ocean beachfront (littoral property with accretions and avulsions) and state-owned property (title to submerged land adjacent littoral property, *i.e.*, ocean seabed abutting the water line) would not be pertinent in Kansas, general principles regarding *judicial* "takings" could apply to a different factual scenario in Kansas.

The Florida Supreme Court had held that application of Florida's Beach and Shore Preservation Act to owners of beachfront property bordering a beach restoration project did not unconstitutionally deprive the owners of littoral rights without compensation. The U.S. Supreme Court affirmed, under the facts of this case, that the Florida Supreme Court, through its construction of the Act, did not take property without just compensation.

In relation to future cases, the judicial takings discussion of the Court's opinion (joined by 4 of the 9 justices), which may well be the pertinent portion of the opinion, was summarized as follows:

"In sum, the Takings Clause bars *the State* from taking private property without paying for it, no matter which branch is the instrument of the taking. To be sure, the manner of state action may matter: Condemnation by eminent domain, for example, is always a taking, while a legislative, executive, or judicial restriction of property use may or may not be, depending on its nature and extent. But the particular state actor is irrelevant. If a legislature *or a court* declares that what was once an established right of private property no longer exists, it has taken that property, no less than if the State had physically appropriated it or destroyed its value by regulation." (Emphasis original.)

Frick v. City of Salina, 290 Kan 869, 235 P.3d 1211 (2010). The City of Salina acquired property as part of a public improvement project (Project), which involved the reconstruction of a city street, the construction of a bridge over railway lines, and the redesign and reconstruction of appurtenant side roads. The Project included improvements to a street that abutted property owned by the Fricks; that property was also the location to which the Fricks attempted to relocate some of their businesses that were dislocated by the Project.

(continued)

Prior to the Project, the Fricks' property was served by one access road, a field entrance dirt driveway. At the time that construction of the Project was beginning, the Fricks constructed two dirt-fill driveway approaches without first requesting or receiving a permit. These dirt driveways were installed in the construction zone and within the City's right-of-way. Around the same time the City enacted a moratorium prohibiting the construction or installation of any driveway crossing, culverts or other improvements within the public right-of-way located within the Project. The Fricks' proposed relocation site was located within this area.

According to the Fricks, their attempt to move their businesses to the relocation site was thwarted by the "inappropriate regulatory" actions of the City. The Fricks thus brought six counts alleging inverse condemnation claims for a compensable taking, based on:

- the City's denial of reasonable access to the relocation site during the Project;

When the government actually blocks or takes away existing access to and from property and an abutting road, the landowner is generally entitled to compensation under the Eminent Domain Procedure Act for damages for loss of a private road and the replacement cost to the extent that such loss affects the value of the property remaining. Here, however, the Fricks failed to provide any evidence that the two constructed driveways existed before the Project began. Consequently, there was no compensable taking.

- the City's requirement that driveway entrances built by the Fricks be removed;

Reasonable regulation of private property under the police power is not a taking and therefore does not require payment of just compensation. Here, the Fricks had constructed the driveways in violation of the City ordinance that required a permit. Government land-use regulations may under extreme circumstances amount to a "taking" of the affected property, but the mere imposition of a permitting or regulatory process does not imply that a taking has occurred.

- the City's adoption of a 3 year moratorium ordinance restricting the installation of driveways, culverts, or other improvements within the right-of-way encompassed by the Project zone;

The United States Supreme Court has identified two types of regulatory action that constitute categorical or per se takings. First, where government requires an owner to suffer a permanent physical occasion of his property — however minor — it must provide just compensation. Second, when regulations that completely deprive an owner of all economically beneficial use. If the facts of a governmental takings case do not fit within these two categories, then the takings claim must be analyzed under the catch-all standard promulgated in *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978). The *Penn Central* factors are applicable when an alleged taking is temporary in nature. Three of these factors had "particular significance" in the case at hand: (1) the economic impact of the regulation on the claimant, (2) the extent by which the regulation

has interfered with distinct, investment-backed expectations, and (3) the character of the governmental action.

Regarding the third factor, the U.S. Supreme Court observed: "A 'taking' may more readily be found when the interference with property can be characterized as a physical invasion by government, than when interference arises from some public program adjusting the benefits and burdens of economic life to promote the common good." The Kansas Supreme Court echoed this sentiment by stating that where the government reasonably concludes that the health, safety, morals, or general welfare would be promoted by prohibiting particular contemplated uses of land, compensation need not accompany a reasonable prohibition.

Here, the moratorium did not result in a compensable taking of the Fricks' relocation site. Regarding the first two *Penn Central* factors, it was not the driveway moratorium but the Fricks' failure to obtain a building permit that prevented investment of tax credit proceeds into the development of the relocation site; the moratorium itself did not interfere with the Fricks' building application process.

Further, if there was any effect on economic viability by temporarily disallowing the installation of driveways, the economic viability of the relocation site was delayed rather than destroyed. Delaying the sale or development of property during the governmental decision-making process may cause fluctuations in value that, absent extraordinary delay, are incidents of ownership rather than compensable takings.

Regarding the third factor, the Project included the property of landowners other than the Fricks and the moratorium applied to all properties in the Project area, facilitated a public purpose, and existed for a reasonable length of time corresponding to the Project period and the establishment of traffic flow in the area. The public safety, general welfare, and economic concerns associated with the moratorium constituted reasonable regulation by the City, and the moratorium did not result in a taking.

- the City's failure to issue a building permit to the Fricks;

Mere imposition of a permitting or regulatory process does not imply that a taking has occurred. It is only under extreme circumstances that a land use regulation will amount to a 'taking' of the affected property. However, the delay was not caused by the City but by the Fricks' failure to submit a completed application.

- the City's construction activities that cause damages to the relocation site;
- the City's construction activities that altered drainage, causing water to be retained, and resulted in flooding of and damages to the relocation site.

Here, on a motion for summary judgment, the city presented evidence that the Project improved the drainage and the Fricks failed to provide Rule 141 support for their assertions. Consequently, summary judgment for the City was appropriate although on different grounds than entered by the district court.

State v. Graham, 42 Kan.App.2d 1030, 220 P.2d 1105 (2009). Cemetery property in Kansas enjoys a unique

status and is not subject to the laws of ordinary property. A cemetery corporation is organized for a public rather than private purpose, and the cemetery management is in the nature of a trust. When a cemetery has been abandoned and its property is transferred to a municipality pursuant to K.S.A. 17-1367, there is no compensable taking of the property of the cemetery corporation because the transfer is a noncompensable exercise of the police power.

Stephen N. Six
Attorney General

Doc. No. 039006

State of Kansas

Department of Commerce

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 2:30 p.m. Wednesday, February 23, in the main conference room, Kansas Department of Commerce, Suite 100, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to review new regulations K.A.R. 110-21-1 through 110-21-5 relating to the Promoting Employment Across Kansas Act (PEAK), K.S.A. 74-50,210 through 74-50,216.

This 60-day notice of the public hearing shall constitute a public comment period for submitting written public comments on the proposed regulations. The public is invited to submit written comments concerning the PEAK regulations to the Kansas Department of Commerce prior to the public hearing by e-mail at legal@kansascommerce.com or by mail to William R. Thornton, Secretary of Commerce, Suite 100, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612-1354. The public shall be given a reasonable opportunity to present their views orally on these regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. All public comments submitted during this period will be made part of the regulations' written record.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing to Merrill J. Hicklin Befort at the Department of Commerce at the address above, (785) 291-3891. Handicapped parking is not available around the Curtis State Office Building; however, all persons in a vehicle with a handicapped license plate may park in any metered space around the building, and there is no charge for parking. The curbs and all entrances on Jackson Street, 10th Street and Kansas Avenue to the Curtis State Office Building are accessible to individuals with disabilities.

Copies of the regulations and economic impact statements may be accessed at <http://www.kansascommerce.com/AboutUs/CommerceRegulations>. A summary of the regulations and economic impact follows:

K.A.R. 110-21-1. Definitions used to administer the PEAK Act.

K.A.R. 110-21-2. Eligibility and application requirements. This regulation provides additional requirements that each applicant must meet to be eligible to enter into an agreement with the secretary. All application requirements are listed in this regulation to determine eligibility for benefits.

K.A.R. 110-21-3. Reconsideration of application. This regulation provides a procedure to allow reconsideration of a denied application by the secretary and provides that decisions on reconsiderations shall be final agency action and subject to review under the Kansas Judicial Review Act (KJRA).

K.A.R. 110-21-4. Agreement. This regulation provides that if the applicant meets all eligibility requirements and is approved by the secretary, the applicant shall be considered to be a qualified company. The regulation lists all agreement terms and conditions that a qualified company must meet pursuant to the Agreement.

K.A.R. 110-21-5. Reporting requirements. This regulation establishes the reporting requirements of each qualified company for quarterly and annual reporting.

Economic Impact: Anticipated Economic Impact on Kansas Department of Commerce. It is estimated that the PEAK program will provide assistance for 25 to 35 new projects in fiscal year (FY) 2011. Maximum funding provided under the program would be 95 percent of the withholding generated from the qualified new jobs. The PEAK program as passed in 2009 was to incent qualified companies to relocate new jobs to Kansas. Therefore, without the PEAK incentive, these jobs and the resulting withholding revenue would not be realized in Kansas.

FY 2010 PEAK Projects:

- 10 companies executed agreements
- 1,800 new jobs projected over five years @ \$50.63/hr average wage
- Estimated new payroll over five years — \$131.1 million
- Estimated new annual state withholding generated — \$6.1 million
- Approximate annual retained PEAK benefits to companies — \$5.3 million

In FY 2010, no additional funds or positions were allocated to administer the program. Due to budget cuts, existing staff absorbed the responsibilities to establish and administer PEAK. The PEAK Act was modified during the 2010 Legislative Session to expand the number of qualified companies eligible to receive benefits during FY 2011. Also, beginning January 1, 2012, qualified expanding Kansas companies will be eligible to receive benefits under the program. Expanding Kansas company benefits are capped at a total of \$4.8 million per year. Benefits for companies locating or relocating new jobs to the state are unlimited. As a result of the changes made by the 2010 Legislature and continued marketing of the program, the department anticipates increased participation each fiscal year requiring additional staff time to timely and effectively administer the program.

William R. Thornton
Secretary of Commerce

Doc. No. 039010

State of Kansas

Board of Indigents' Defense Services

Notice of Hearing

The State Board of Indigents' Defense Services will conduct a public hearing at 9 a.m. Tuesday, December 28, in the board's office, 714 S.W. Jackson, Suite 200, Topeka, to determine the impact that an extension in the hourly rate of assigned counsel fees at \$62 per hour will have on the quality of representation afforded to indigent defendants and the availability of sufficient numbers of attorneys on the appointment panels. This action is necessitated by the additional budget cuts to assigned counsel funding.

This notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed reduction. All interested parties may submit written comments to Patricia A. Scalia, Executive Director, State Board of Indigents' Defense Services, 714 S.W. Jackson, Suite 200, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the extension during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing by contacting Patricia Scalia at least three days in advance of the hearing at pscalia@sbids.org or (785) 368-6295. The entrance to the building is accessible, and parking for persons with disabilities is located in front of the building.

Patricia A. Scalia
Executive Director

Doc. No. 039008

State of Kansas

Department on Aging

Permanent Administrative
Regulations

Article 39.—ADULT CARE HOMES

26-39-100. Definitions. The following terms and definitions shall apply to all of the department's regulations governing adult care homes:

(a) "Activities director" means an individual who meets at least one of the following requirements:

- (1) Has a degree in therapeutic recreation;
- (2) is licensed in Kansas as an occupational therapist or occupational therapy assistant;
- (3) has a bachelor's degree in a therapeutic activity field in art therapy, horticultural therapy, music therapy, special education, or a related therapeutic activity field;
- (4) is certified as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body;
- (5) has two years of experience in a social or recreational program within the last five years, one of which was full-time in an activities program in a health care setting; or

(6) has completed a course approved by the Kansas department of health and environment in resident activities coordination and receives consultation from a therapeutic recreation specialist, an occupational therapist, an occupational therapy assistant, or an individual with a bachelor's degree in art therapy, music therapy, or horticultural therapy.

(b) "Addition" means an increase in the building area, aggregate floor area, or number of stories of an adult care home.

(c) "Administrator" means an individual who is responsible for the general administration of an adult care home, whether or not the individual has an ownership interest in the adult care home. Each administrator of an adult care home shall be licensed in accordance with K.S.A. 65-3501 et seq. and amendments thereto.

(d) "Adult care home" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(e) "Adult day care" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(f) "Advanced registered nurse practitioner" means an individual who is certified by the Kansas board of nursing as an advanced registered nurse practitioner.

(g) "Ambulatory resident" means any resident who is physically and mentally capable of performing the following without the assistance of another person:

- (1) Getting in and out of bed; and
- (2) walking between locations in the living environment.

(h) "Applicant" means any individual, firm, partnership, corporation, company, association, or joint stock association requesting a license to operate an adult care home.

(i) "Assisted living facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(j) "Audiologist" means an individual who is licensed by the Kansas department of health and environment as an audiologist.

(k) "Basement" means the part of a building that is below grade.

(l) "Biologicals" means medicinal preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins.

(m) "Boarding care home" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(n) "Case manager" means an individual assigned to a resident to provide assistance in access and coordination of information and services in a program authorized by the Kansas department on aging, the Kansas department of social and rehabilitation services, or the Kansas health policy authority.

(o) "Change of ownership" means any transaction that results in a change of control over the capital assets of an adult care home.

(p) "Chemical restraint" means a medication or biological that meets the following conditions:

- (1) Is used to control a resident's behavior or restrict a resident's freedom of movement; and
- (2) is not a standard treatment for a resident's medical or psychiatric condition.

(q) "Clinical record" means the record that includes all the information and entries reflecting each resident's course of stay in an adult care home.

(r) "Contaminated laundry" means any clothes or linens that have been soiled with body substances including blood, stool, urine, vomitus, or other potentially infectious material.

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

(t) "Day shift" means any eight-hour to 12-hour work period that occurs between the hours of 6 a.m. and 9 p.m.

(u) "Department" means the Kansas department on aging.

(v) "Dietetic services supervisor" means an individual who meets one of the following requirements:

(1) Is licensed in Kansas as a dietitian;

(2) has an associate's degree in dietetic technology from a program approved by the American dietetic association;

(3) is a dietary manager who is certified by the board of the dietary managers' association; or

(4) has training and experience in dietetic services supervision and management that are determined by the Kansas department on aging to be equivalent in content to the requirement specified in paragraph (2) or (3) of this subsection.

(w) "Dietitian" means an individual who is licensed by the Kansas department of health and environment as a dietitian.

(x) "Direct care staff" means the individuals employed by or working under contract for an adult care home who assist residents in activities of daily living. These activities may include the following:

(1) Ambulating;

(2) bathing;

(3) bed mobility;

(4) dressing;

(5) eating;

(6) personal hygiene;

(7) toileting; and

(8) transferring.

(y) "Director of nursing" means a position in a nursing facility or a nursing facility for mental health that is held by one or more individuals who meet the following requirements:

(1) Each individual shall be licensed in Kansas as a registered professional nurse.

(2) If only one individual serves in this position, the individual shall be employed at least 35 hours each week.

(3) If more than one individual serves in this position, the individuals shall be employed collectively for a total of at least 40 hours each week.

(4) Each individual shall have the responsibility, administrative authority, and accountability for the supervision of nursing care provided to residents in the nursing facility or the nursing facility for mental health.

(z) "Full-time" means 35 or more hours each week.

(aa) "Health information management practitioner" means an individual who is certified as a registered health information administrator or a registered health information technician by the American health information management association.

(bb) "Home plus" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(cc) "Interdisciplinary team" means the following group of individuals:

(1) A registered nurse with responsibility for the care of the residents; and

(2) other appropriate staff, as identified by resident comprehensive assessments, who are responsible for the development of care plans for residents.

(dd) "Intermediate care facility for the mentally retarded" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(ee) "Legal representative" means an agent acting within the bounds of the agent's legal authority who meets any of the following criteria:

(1) Has been designated by a resident to serve as the resident's trustee, power of attorney, durable power of attorney, or power of attorney for health care decisions;

(2) is a court-appointed guardian or conservator authorized to act on behalf of the resident in accordance with K.S.A. 59-3051 et seq. and amendments thereto; or

(3) if the resident is a minor, is either of the following:

(A) A natural guardian, as defined in K.S.A. 59-3051 and amendments thereto; or

(B) A court-appointed guardian, conservator, trustee, or an individual or agency vested with custody of the minor pursuant to the revised Kansas code for care of children, K.S.A. 38-2201 through 38-2283, and amendments thereto, or the revised Kansas juvenile justice code, K.S.A. 38-2301 through 38-2387, and amendments thereto.

(ff) "Licensed mental health technician" means an individual licensed by the Kansas board of nursing as a licensed mental health technician.

(gg) "Licensed nurse" means an individual licensed by the Kansas board of nursing as a registered professional nurse or licensed practical nurse.

(hh) "Licensed practical nurse" means an individual who is licensed by the Kansas board of nursing as a licensed practical nurse and is supervised by a registered professional nurse, in accordance with K.S.A. 65-1113 and amendments thereto.

(ii) "Licensee" means an individual, firm, partnership, association, company, corporation, or joint stock association authorized by a license obtained from the secretary of aging to operate an adult care home.

(jj) "Medical care provider" means any of the following individuals:

(1) A physician licensed by the Kansas board of healing arts to practice medicine and surgery in accordance with K.S.A. 65-28,102 and amendments thereto;

(2) a physician assistant who is licensed by the Kansas board of healing arts in accordance with K.S.A. 65-28a02 and amendments thereto and who provides health care services under the direction and supervision of a responsible physician; or

(3) an advanced registered nurse practitioner who is licensed by the Kansas board of nursing in accordance with K.S.A. 65-1113 and amendments thereto and who provides health care services in accordance with article 11 of the Kansas board of nursing's regulations.

(continued)

(kk) "Medication" means any "drug" as defined by K.S.A. 65-1626 and amendments thereto.

(ll) "Medication administration" means an act in which a single dose of a prescribed medication or biological is given by application, injection, inhalation, ingestion, or any other means to a resident by an authorized person in accordance with all laws and regulations governing the administration of medications and biologicals. Medication administration shall consist of the following:

- (1) Removing a single dose from a labeled container, including a unit-dose container;
- (2) verifying the medication and dose with the medical care provider's orders;
- (3) administering the dose to the proper resident; and
- (4) documenting the dose in the resident's clinical record.

(mm) "Medication aide" means an individual who has a medication aide certificate issued by the Kansas department of health and environment according to K.A.R. 28-39-169b and is supervised by a licensed nurse.

(nn) "Medication dispensing" means the delivery of one or more doses of a medication by a licensed pharmacist or physician. The medication shall be dispensed in a container and labeled in compliance with state and federal laws and regulations.

(oo) "Non-ambulatory resident" means any resident who is not physically or mentally capable of performing the following without the assistance of another person:

- (1) Getting in and out of bed; and
- (2) walking between locations in the living environment.

(pp) "Nurse aide" means an individual who has a nurse aide certificate issued by the Kansas department of health and environment according to K.A.R. 28-39-165 and is supervised by a licensed nurse.

(qq) "Nurse aide trainee" means an individual who is in the process of completing a nurse aide training program as specified in K.A.R. 28-39-165 or K.A.R. 28-39-167 and has not been issued a nurse aide certificate by the Kansas department of health and environment.

(rr) "Nursing facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(ss) "Nursing facility for mental health" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(tt) "Nursing personnel" means all of the following:

- (1) Registered professional nurses;
- (2) licensed practical nurses;
- (3) licensed mental health technicians in nursing facilities for mental health;
- (4) medication aides;
- (5) nurse aides;
- (6) nurse aide trainees; and
- (7) paid nutrition assistants.

(uu) "Nursing unit" means a distinct area of a nursing facility serving not more than 60 residents and including the service areas and rooms described in K.A.R. 26-40-302 and K.A.R. 26-40-303.

(vv) "Occupational therapist" means an individual who is licensed with the Kansas board of healing arts as an occupational therapist.

(ww) "Occupational therapy assistant" means an individual who is licensed by the Kansas board of healing arts as an occupational therapy assistant.

(xx) "Operator" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(yy) "Paid nutrition assistant" has the meaning specified in K.S.A. 39-923 and amendments thereto. In addition, each paid nutrition assistant shall meet the following requirements:

(1) Have successfully completed a nutrition assistant course approved by the Kansas department of health and environment;

(2) provide assistance with eating to residents of an adult care home based on an assessment by the supervising licensed nurse, the resident's most recent minimum data set assessment or functional capacity screening, and the resident's current care plan or negotiated service agreement;

(3) provide assistance with eating to residents who do not have complicated eating problems, including difficulty swallowing, recurrent lung aspirations, and tube, parenteral, or intravenous feedings;

(4) be supervised by a licensed nurse on duty in the facility; and

(5) contact the supervising licensed nurse verbally or on the resident call system for help in case of an emergency.

(zz) "Personal care" means assistance provided to a resident to enable the resident to perform activities of daily living, including ambulating, bathing, bed mobility, dressing, eating, personal hygiene, toileting, and transferring.

(aaa) "Pharmacist" has the meaning specified in K.S.A. 65-1626 and amendments thereto.

(bbb) "Physical restraint" means any method or any physical device, material, or equipment attached or adjacent to the resident's body and meeting the following criteria:

- (1) Cannot be easily removed by the resident; and
- (2) restricts freedom of movement or normal access to the resident's body.

(ccc) "Physical therapist" means an individual who is licensed by the Kansas board of healing arts as a physical therapist.

(ddd) "Physical therapy assistant" means an individual who is certified by the Kansas board of healing arts as a physical therapy assistant.

(eee) "Physician" has the meaning specified in K.S.A. 65-28,102 and amendments thereto.

(fff) "Psychopharmacologic drug" means any medication prescribed with the intent of controlling mood, mental status, or behavior.

(ggg) "Registered professional nurse" means an individual who is licensed by the Kansas state board of nursing as a registered professional nurse.

(hhh) "Renovation" means a change to an adult care home that affects the building's structural integrity or life safety system.

(iii) "Resident" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(jjj) "Resident capacity" means the number of an adult care home's beds or adult day care slots, as licensed by the Kansas department on aging.

(kkk) "Residential health care facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(lll) "Respite care" means the provision of services to a resident on an intermittent basis for periods of fewer than 30 days at any one time.

(mmm) "Restraint" is the control and limitation of a resident's movement by physical, mechanical, or chemical means.

(nnn) "Sanitization" means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on utensils and equipment.

(ooo) "Secretary" means the secretary of the department on aging.

(ppp) "Self-administration of medication" means the determination by a resident of when to take a medication or biological and how to apply, inject, inhale, ingest, or take a medication or biological by any other means, without assistance from nursing staff.

(qqq) "Significant change in condition" means a decline or improvement in a resident's mental, psychosocial, or physical functioning that requires a change in the resident's comprehensive plan of care or negotiated service agreement.

(rrr) "Social services designee" means an individual who meets at least one of the following qualifications:

(1) Is licensed by the Kansas behavioral sciences regulatory board as a social worker;

(2) has a bachelor's degree in a human service field, including social work, sociology, special education, rehabilitation counseling, or psychology, and receives supervision from a licensed social worker; or

(3) has completed a course in social services coordination approved by the Kansas department of health and environment and receives supervision from a licensed social worker on a regular basis.

(sss) "Social worker" means an individual who is licensed by the Kansas behavioral sciences regulatory board as a social worker.

(ttt) "Speech-language pathologist" means an individual who is licensed by the Kansas department of health and environment as a speech-language pathologist.

(uuu) "Working day" means any day other than a Saturday, Sunday, or day designated as a holiday by the United States congress or the Kansas legislature or governor. (Authorized by K.S.A. 39-932; implementing K.S.A. 2009 Supp. 39-923 and K.S.A. 39-932; effective May 22, 2009; amended Jan. 7, 2011.)

26-39-101. Licensure of adult care homes. (a) Initiation of application process.

(1) Each applicant for a license to operate an adult care home shall submit a letter of intent to the department.

(2) The letter of intent shall include all of the following information:

(A) The type of adult care home license being requested;

(B) the name, address, and telephone number of the applicant; and

(C) the street address or legal description of the proposed site.

(b) Initial licensure application.

(1) Each applicant for an initial license shall submit the following to the department:

(A) A completed application on a form prescribed by the department;

(B) a copy of each legal document identifying ownership and control, including applicable deeds, leases, and management agreements;

(C) any required approval of other owners or mortgagors;

(D) curriculum vitae or resumes of all facility and corporate staff responsible for the operation and supervision of the business affairs of the facility;

(E) a complete list of names and addresses of facilities that the applicant operates in states other than Kansas; and

(F) a financial statement projecting the first month's operating income and expenses with a current balance sheet showing at least one month's operating expenses in cash or owner's equity. All financial statements shall be prepared according to generally accepted accounting principles and certified by the applicant to be accurate.

(2) A license shall be issued by the department if all of the following requirements are met:

(A) A licensure application has been completed by the applicant.

(B) Construction of the facility or phase is completed.

(C) The facility is found to meet all applicable requirements of the law.

(D) The applicant is found to qualify for a license under K.S.A. 39-928 and amendments thereto.

(c) Change of ownership or licensee.

(1) The current licensee shall notify the department, in writing, of any anticipated change in the information that is recorded on the current license at least 60 days before the proposed effective date of change.

(2) Each applicant proposing to purchase, lease, or manage an adult care home shall submit the following information, if applicable, to the department:

(A) A completed application form prescribed by the department;

(B) a copy of each legal document transferring ownership or control, including sales contracts, leases, deeds, and management agreements;

(C) any required approval of other owners or mortgagors;

(D) curriculum vitae or resumes of all facility and corporate staff responsible for the operation and supervision of the business affairs of the facility;

(E) a complete list of names and addresses of facilities the applicant operates in states other than Kansas; and

(F) a financial statement projecting the first month's operating income and expenses with a current balance sheet showing at least one month's operating expenses in cash or owner's equity. All financial statements shall be prepared according to generally accepted accounting principles and certified by the applicant as accurate.

(3) A new license shall be issued by the department if a complete application and the required forms have been received and the applicant is found to qualify for a license under K.S.A. 39-928 and amendments thereto.

(d) New construction or conversion of an existing unlicensed building to an adult care home.

(continued)

(1) Each applicant for a nursing facility, intermediate care facility for the mentally retarded, assisted living facility, or residential health care facility shall request approval of the site at least 30 days before construction begins. The written request for site approval shall include all of the following information:

(A) The name and telephone number of the individual to be contacted by evaluation personnel;

(B) the dimensions and boundaries of the site; and

(C) the name of the public utility or municipality that provides services to the site, including water, sewer, electricity, and natural gas.

(2) Intermediate care facilities for the mentally retarded shall not have more than one residential building with 16 beds or less located on one site or on contiguous sites. The residential buildings shall be dispersed geographically to achieve integration and harmony with the community or neighborhoods in which the buildings are located.

(3) The applicant shall submit one copy of the final plans for new construction or conversion of an existing unlicensed building, for the entire project or phase to be completed, which shall be sealed, signed, and certified by a licensed architect to be in compliance with the following regulations:

(A) For a nursing facility, K.A.R. 26-40-301 through K.A.R. 26-40-305;

(B) for an intermediate care facility for the mentally retarded with 16 beds or less, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 26-40-301 through K.A.R. 26-40-305 governing the physical environment of nursing facilities; and

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256.

(4) The applicant shall provide the department with a 30-day notice of each of the following:

(A) The date on which the architect estimates that 50 percent of the construction will be completed; and

(B) the date on which the architect estimates that all construction will be completed.

(5) The applicant for new construction or conversion of an existing unlicensed building to a home plus, boarding care home, or adult day care facility shall submit a drawing of the proposed facility that includes identification and dimensions of rooms or areas as required in the following regulations:

(A) For a home plus, K.A.R. 28-39-437;

(B) for a boarding care home, K.A.R. 28-39-411; and

(C) for an adult day care facility, K.A.R. 28-39-289 through K.A.R. 28-39-291.

(6) The applicant shall submit to the department any changes from the plans, specifications, or drawings on file at the department.

(e) Additions and renovations.

(1) The licensee shall submit one copy of final plans, which shall be sealed, signed, and certified by a licensed architect to be in compliance with the following regulations:

(A) For a nursing facility, K.A.R. 26-40-301 through K.A.R. 26-40-305;

(B) for an intermediate care facility for the mentally retarded with 16 beds or less, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 26-40-301 through K.A.R. 26-40-305 governing the physical environment of nursing facilities;

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256; and

(E) for a nursing facility for mental health, K.A.R. 28-39-227.

(2) The licensee shall submit to the department a 30-day notice for each of the following:

(A) The date on which the architect estimates that 50 percent of the construction will be completed;

(B) the date on which the architect estimates all construction will be completed; and

(C) any changes in the plans or specifications information for the addition or renovation.

(f) Change in use of a required room or area. If an administrator or operator changes resident bedrooms, individual living units, and apartments used for an alternative purpose back to resident bedrooms, individual living units, and apartments, the administrator or operator shall obtain the secretary's approval before the change is made.

(g) Change of resident capacity. Each licensee shall submit a written request for any proposed change in resident capacity to the department. The effective date of a change in resident capacity shall be the first day of the month following department approval.

(h) Change of administrator, director of nursing, or operator. Each licensee of an adult care home shall notify the department within two working days if there is a change in administrator, director of nursing, or operator. When a new administrator or director of nursing is employed, the licensee shall notify the department of the name, address, and Kansas license number of the new administrator or director of nursing. When a new operator is employed, the licensee shall notify the department of the name and address of the new operator and provide evidence that the individual has completed the operator course as specified by the secretary of the Kansas department of health and environment pursuant to K.S.A. 39-923 and amendments thereto.

(i) Administrator or operator supervision of multiple homes. An administrator or operator may supervise more than one separately licensed adult care home if the following requirements are met:

(1) Each licensee shall request prior authorization from the department for a licensed administrator or an operator to supervise more than one separately licensed adult care home. The request shall be submitted on the appropriate form and include assurance that the lack of full-time, on-site supervision of the adult care homes will not adversely affect the health and welfare of residents.

(2) All of the adult care homes shall be located within a geographic area that allows for daily on-site supervision of all of the adult care homes by the administrator or operator.

(3) The combined resident capacities of separately licensed nursing facilities, assisted living facilities, residen-

tial health care facilities, homes plus, and adult day care facilities shall not exceed 120 for a licensed administrator.

(4) The combined resident capacities of separately licensed assisted living facilities, residential health care facilities, homes plus, and adult day care facilities shall not exceed 60 for an operator.

(5) The combined number of homes plus shall not exceed four homes for a licensed administrator or an operator.

(j) Reports. Each licensee shall file reports with the department on forms and at times prescribed by the department.

(k) Fees. Each initial application for a license and each annual report filed with the department shall be accompanied by a fee of \$30.00 for each resident in the stated resident capacity plus \$100.00. Each requested change in resident capacity shall be accompanied by a fee of \$30.00 for each resident increase or decrease in the stated resident capacity plus \$100.00. No refund of the fee shall be made if a license application is denied. (Authorized by K.S.A. 2009 Supp. 39-930, K.S.A. 39-932, and K.S.A. 39-933; implementing K.S.A. 39-927, K.S.A. 2009 Supp. 39-930, K.S.A. 39-932, and K.S.A. 39-933; effective May 22, 2009; amended Jan. 7, 2011.)

26-39-105. Adoptions by reference. (a) The following material shall apply to all adult care homes except nursing facilities for mental health, intermediate care facilities for the mentally retarded, and boarding care homes:

(1) Dietary guidelines. In the "dietary guidelines for Americans," 2005, published by the U.S. department of health and human services and U.S. department of agriculture, appendixes A-1 and A-2 and "notes for appendix A-2" are hereby adopted by reference.

(2) Infection control. The department's document titled "tuberculosis (TB) guidelines for adult care homes," dated July 2008, is hereby adopted by reference.

(b) The document adopted by reference in this subsection shall apply to each applicant for a nursing facility license and to each addition to a nursing facility licensed on or after the effective date of this regulation. The "international building code" (IBC), 2006 edition, published by the international code council, excluding the appendices, is hereby adopted by reference.

(c) The following material shall apply to all nursing facilities:

(1) Life safety code. Chapters one through 11, 18, 19, 40, and 42 of the national fire protection association's NFPA 101 "life safety code" (LSC), 2000 edition, are hereby adopted by reference.

(2) Americans with disabilities act accessibility guidelines. Chapters one through four and chapter six of the "Americans with disabilities act accessibility guidelines for buildings and facilities" (ADAAG), 28 C.F.R. part 36, appendix A, as in effect on July 1, 1994, are hereby adopted by reference and shall be known as "ADAAG."

(3) Food code. Chapters one through seven of the "food code," 2009, published by the U.S. department of health and human services, are hereby adopted by reference. (Authorized by and implementing K.S.A. 39-932; effective May 22, 2009; amended Jan. 7, 2011.)

28-39-162. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; revoked Jan. 7, 2011.)

28-39-162a. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; amended Oct. 8, 1999; revoked Jan. 7, 2011.)

28-39-162b. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; revoked Jan. 7, 2011.)

28-39-162c. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; amended Oct. 8, 1999; revoked Jan. 7, 2011.)

Article 40.—NURSING FACILITIES

26-40-301. Nursing facility physical environment; construction and site requirements. Each nursing facility shall be designed, constructed, equipped, and maintained to protect the health and safety of the residents and personnel and the public.

(a) Codes and standards. Each nursing facility shall meet the requirements of the building codes, standards, and regulations enforced by city, county, or state jurisdictions. The requirements specified in this regulation shall be considered as a minimum. New construction of a nursing facility and each addition to a nursing facility licensed on or after the effective date of this regulation shall meet the requirements of the following, as adopted by reference in K.A.R. 26-39-105:

(1) The "international building code" (IBC);

(2) the national fire protection association's NFPA 101 "life safety code"; and

(3) the "Americans with disabilities act accessibility guidelines for buildings and facilities" (ADAAG).

(b) Site requirements. The site of each nursing facility shall meet the following requirements:

(1) Be served by all-weather roads or streets;

(2) be accessible to physician services, fire and other emergency services, medical facilities, churches, and population centers where employees can be recruited and retained;

(3) be located in an area sufficiently remote from noise sources that would cause the day or night average sound levels to exceed 65 decibels;

(4) be free from noxious and hazardous fumes;

(5) be at least 4,000 feet from concentrated livestock operations, including shipping areas and holding pens;

(6) be located above the 100-year flood zone if the property is located in a flood hazard area; and

(7) be sufficient in area and configuration to accommodate the nursing facility, drives, parking, sidewalks, recreational area, and community zoning restrictions.

(c) Site development. Development of the site of each nursing facility shall meet the following requirements:

(1) All buildings comprising a nursing facility shall be located on one site or contiguous sites.

(2) Final grading of the site shall have topography for positive surface drainage away from each occupied building and positive protection and control of surface drainage and freshets from adjacent areas.

(continued)

(3) Each nursing facility shall have off-street parking located adjacent to the main building and each freestanding building that contains a resident unit, at a rate of one parking space for every two residents, based on resident capacity.

(4) Each nursing facility shall have at least the minimum number of accessible parking spaces required by ADAAG, as adopted by reference in K.A.R. 26-39-105, that are sized and signed as reserved for the physically disabled, on the shortest accessible route of travel from the adjacent parking lot to an accessible entrance.

(5) Each nursing facility shall have convenient access for service vehicles, including ambulances and fire trucks, and for maneuvering, parking, and unloading delivery trucks.

(6) All drives and parking areas shall be surfaced with a smooth, all-weather finish. Unsealed gravel shall not be used.

(7) Except for lawn or shrubbery used in landscape screening, each nursing facility shall have an unencumbered outdoor area of at least 50 square feet per resident, based on resident capacity, for recreational use and shall so designate this area on the plot plan. Equivalent amenities provided by terraces, roof gardens, or similar structures for facilities located in high-density urban areas may be approved by the secretary. If a multistoried building is licensed as a nursing facility after the effective date of this regulation, the nursing facility shall have outdoor space on each level. (Authorized by and implementing K.S.A. 39-932; effective Jan. 7, 2011.)

26-40-302. Nursing facility physical environment; applicants for initial licensure and new construction. (a) Applicability. This regulation shall apply to each applicant for a nursing facility license and to any addition to a nursing facility licensed on the effective date of this regulation.

(b) Codes and standards. Each nursing facility shall meet the requirements of the building codes, standards, and regulations enforced by city, county, or state jurisdictions. The requirements specified in this regulation shall be considered as a minimum. Each applicant for a nursing facility license and each addition to a nursing facility licensed on or after the effective date of this regulation shall meet the following requirements, as adopted by reference in K.A.R. 26-39-105:

- (1) The "international building code" (IBC);
- (2) the national fire protection association's NFPA 101 "life safety code" (LSC); and
- (3) the "Americans with disabilities act accessibility guidelines for buildings and facilities" (ADAAG).

(c) Nursing facility design. The design and layout of each nursing facility shall differentiate among public, semiprivate, and private space and shall promote the deterrence of unnecessary travel through private space by staff and the public. The resident unit shall be arranged to achieve a home environment, short walking and wheeling distances, localized social areas, and decentralized work areas.

(d) Resident unit. A "resident unit" shall mean a group of resident rooms, care support areas, and common rooms and areas as identified in this subsection and sub-

sections (e) and (f). Each resident unit shall have a resident capacity of no more than 30 residents and shall be located within a single building. If the nursing facility is multilevel, each resident unit shall be located on a single floor.

(1) Resident rooms. At least 20 percent of the residents on each resident unit shall reside in a private resident room. The occupancy of the remaining rooms shall not exceed two residents per room.

(A) Each resident room shall meet the following requirements:

- (i) Be located on a floor at or above ground level;
- (ii) allow direct access to the corridor;
- (iii) allow direct access from the room entry to the toilet room and to the closet or freestanding wardrobe without going through the bed area of another resident;
- (iv) measure at least 120 square feet in single resident rooms and at least 200 square feet in double resident rooms, exclusive of the entrance door and toilet room door swing area, alcoves, vestibules, toilet room, closets or freestanding wardrobes, sinks, and other built-in items; and

(v) provide each resident with direct access to an operable window that opens for ventilation. The total window area shall not be less than 12 percent of the gross floor area of the resident room.

(B) Each bed area in a double resident room shall have separation from the adjacent bed by a full-height wall, a permanently installed sliding or folding door or partition, or other means to afford complete visual privacy. Use of a ceiling-suspended curtain may cover the entrance to the bed area.

(C) The configuration of each resident room shall be designed to allow at least three feet of clearance along the foot of each bed and along both sides of each bed.

(D) The nursing facility shall have functional furniture to meet each resident's needs, including a bed of adequate size with a clean, comfortable mattress that fits the bed, and bedding appropriate to the weather and the needs of the resident.

(E) Each resident's room shall include personal storage space in a fixed closet or freestanding wardrobe with doors. This storage shall have minimum dimensions of one foot 10 inches in depth by two feet six inches in width and shall contain an adjustable clothes rod and shelf installed at a height easily reached by the resident. Accommodations shall be provided for hanging full-length garments.

(2) Resident toilet rooms. Each resident toilet room shall serve no more than one resident room and be accessed directly from the resident's room. Each resident toilet room shall be accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105.

(A) Each resident toilet room shall have at least a five-foot turning radius to allow maneuverability of a wheelchair. If the shower presents no obstruction to the turning radius, the space occupied by the shower may be included in the minimum dimensions.

(B) The center line of each resident-use toilet shall be at least 18 inches from the nearest wall or partition to allow staff to assist a resident to and from the toilet.

(C) Each toilet room shall contain a hand-washing sink.

(D) At least 40 percent of the residents on each resident unit shall have a shower in the resident's toilet room.

(i) Each shower shall measure at least three feet by five feet with a threshold of ½ inch or less.

(ii) Showers shall be curtained or in another type of enclosure for privacy.

(e) Resident unit care support rooms and areas. The rooms and areas required in this subsection shall be located in each resident unit and shall be accessed directly from the general corridor without passage through an intervening room or area, except the medication room as specified in paragraph (e)(2)(A) and housekeeping closets. A care support area shall be located less than 200 feet from each resident room and may serve two resident units if the care support area is centrally located for both resident units.

(1) Nurses' workroom or area. Each resident unit shall have sufficient areas for supervisory work activities arranged to ensure the confidentiality of resident information and communication.

(A) A nurses' workroom or area shall have space for the following:

(i) Charting;

(ii) the transmission and reception of resident information;

(iii) clinical records and other resident information;

(iv) a telephone and other office equipment; and

(v) an enunciator panel or monitor screen for the call system. If a resident unit has more than one nurses' workroom or area, space for an enunciator panel or monitor for the call system shall not be required in more than one nurses' workroom or area.

(B) The nurses' workroom or area shall be located so that the corridors outside resident rooms are visible from the nurses' workroom or area. The nursing facility may have cameras and monitors to meet this requirement.

(C) Direct visual access into each nurses' work area shall be provided if the work area is located in an enclosed room.

(2) Medication room or area. Each resident unit shall have a room or area for storage and preparation of medications or biologicals for 24-hour distribution, with a temperature not to exceed 85°F. This requirement shall be met by one or more of the following:

(A) A room with an automatically closing, self-locking door visible from the nurses' workroom or area. The room shall contain a work counter with task lighting, hand-washing sink, refrigerator, and shelf space for separate storage of each resident's medications. The secured medication storage room shall contain separately locked compartments for the storage of controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in the opinion of the consultant pharmacist, are subject to abuse;

(B) a nurses' workroom or area equipped with a work counter with task lighting, hand-washing sink, locked refrigerator, and locked storage for resident medications. A separately locked compartment shall be located within the locked cabinet, drawer, or refrigerator for the storage of controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in

the opinion of the consultant pharmacist, are subject to abuse;

(C) a locked medication cart in addition to a medication room or area if the cart is located in a space convenient for control by nursing personnel who are authorized to administer medication. If controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in the opinion of the consultant pharmacist, are subject to abuse are stored in the medication cart, the cart shall contain a separately locked compartment for the storage of these medications; or

(D) in the resident's room if the room contains space for medication preparation with task lighting, access to a hand-washing sink, and locked cabinets or drawers for separate storage of each resident's medication. Controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in the opinion of the consultant pharmacist, are subject to abuse shall not be stored in a resident's room.

(3) Den or consultation room. Each resident unit shall have a room for residents to use for reading, meditation, solitude, or privacy with family and other visitors and for physician visits, resident conferences, and staff meetings.

(A) The room area shall be at least 120 square feet, with a length or width of at least 10 feet.

(B) The room shall contain a hand-washing sink.

(C) A den or consultation room shall not be required if all resident rooms are private.

(4) Clean workroom. Each resident unit shall have a room for preparation, storage, and distribution of clean or sterile materials and supplies and resident care items.

(A) The room shall contain a work counter with a sink and adequate shelving and cabinets for storage.

(B) The room area shall be at least 80 square feet, with a length or width of at least six feet.

(C) If the resident unit is located in a freestanding building, a clothes dryer for processing resident personal laundry that is not contaminated laundry may be located in the clean workroom if the following requirements are met:

(i) An additional minimum of 40 square feet per dryer shall be provided.

(ii) The soiled workroom shall contain a washing machine positioned over a catch pan piped to a floor drain.

(iii) The clean workroom shall have a door opening directly into the soiled workroom without entering the general corridor. The door opening shall be covered with a plastic-strip door or by other means to prevent interference of ventilation requirements for both workrooms.

(D) Storage and preparation of food and beverages shall not be permitted in the clean workroom.

(5) Clean linen storage. Each resident unit shall have a room or area with adequate shelving, cabinets, or cart space for the storage of clean linen proximate to the point of use. The storage area may be located in the clean workroom.

(6) Soiled workroom. Each resident unit shall have a soiled workroom for the disposal of wastes, collection of contaminated material, and the cleaning and sanitizing of resident care utensils.

(continued)

(A) The soiled workroom shall contain a work counter, a two-compartment sink, a covered waste receptacle, a covered soiled linen receptacle, and a storage cabinet with a lock for sanitizing solutions and cleaning supplies.

(B) The room area shall be at least 80 square feet, with a length or width of at least six feet.

(C) If the resident unit is located in a freestanding building, a washing machine for processing resident personal laundry that is not contaminated laundry may be located in the soiled workroom if the following requirements are met:

(i) An additional minimum of 40 square feet per washing machine shall be provided.

(ii) The washing machine shall be positioned over a catch pan piped to a floor drain.

(iii) The clean workroom shall contain a clothes dryer.

(iv) The soiled workroom shall have a door opening directly into the clean workroom without entering the general corridor. The door opening shall be covered with a plastic-strip door or by other means to prevent interference of ventilation requirements for both workrooms.

(D) If a housekeeping room is located in the soiled workroom, the housekeeping room shall be enclosed and an additional minimum of 20 square feet shall be provided in the soiled workroom.

(E) Clean supplies, equipment, and materials shall not be stored in the soiled workroom.

(7) Equipment storage rooms or areas. Each resident unit shall have sufficient rooms or enclosed areas for the storage of resident unit equipment. The total space shall be at least 80 square feet plus an additional minimum of one square foot per resident capacity on the unit, with no single room or area less than 40 square feet. The width and length of each room or area shall be at least five feet.

(8) Housekeeping room. Each resident unit shall have at least one room for the storage of housekeeping supplies and equipment needed to maintain a clean and sanitary environment.

(A) Each housekeeping room shall contain a floor receptor or service sink, hot and cold water, adequate shelving, provisions for hanging mops and other cleaning tools, and space for buckets, supplies, and equipment.

(B) If the housekeeping room in the resident unit serves the resident kitchen and any other areas of the unit, the nursing facility shall have separately designated mops and buckets for use in each specific location.

(9) Toilet room. Each resident unit shall have at least one toilet room with a hand-washing sink that is accessible for resident, staff, and visitor use.

(f) Common rooms and areas in resident units. The rooms and areas required in this subsection shall be located in each resident unit, except as specified in this subsection, and shall be accessed directly from the general corridor without passage through an intervening room or area. The required room or area shall be located less than 200 feet from each resident room. A room or area may serve two resident units only if centrally located.

(1) Living, dining, and recreation areas. Each resident unit shall have sufficient space to accommodate separate and distinct resident activities of living, dining, and recreation.

(A) Space for living, dining, and recreation shall be provided at a rate of at least 40 square feet per resident based on each resident unit's capacity, with at least 25 square feet per resident in the dining area.

(B) Window areas in the living, dining, and recreation areas shall be at least 10 percent of the gross floor space of those areas. Each of these areas shall have exposure to natural daylight. The window area requirement shall not be met by the use of skylights.

(C) The dining area shall have adequate space for each resident to access and leave the dining table without disturbing other residents.

(D) Storage of items used for recreation and other activities shall be near the location of their planned use.

(2) Resident kitchen. Any resident unit may have a decentralized resident kitchen if the kitchen meets the following requirements:

(A) Is adequate in relation to the size of the resident unit;

(B) is designed and equipped to meet the needs of the residents; and

(C) meets the requirements in paragraph (g)(5).

(3) Nourishment area. Each resident unit shall have an area available to each resident to ensure the provision of nourishment and beverages, including water, between scheduled meals. The nourishment area shall contain a hand-washing sink, counter, equipment for serving nourishment and beverages, a refrigerator, and storage cabinets and shall be accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105. The nourishment area may be located in the resident unit kitchen if all residents have access to the area between scheduled meals.

(4) Bathing room. Each resident unit shall have at least one bathing room to permit each resident to bathe privately and either independently or with staff assistance. The bathing room shall be accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105, and include the following:

(A) A hand-washing sink;

(B) an area enclosed for privacy that contains a toilet for resident use. The center line of each resident-use toilet shall be at least 18 inches from the nearest wall or partition to allow staff to assist a resident to and from the toilet;

(C) a hydrotherapy bathing unit;

(D) a shower that measures at least four feet by five feet without curbs unless a shower is provided in each resident's toilet room;

(E) a visually enclosed area for privacy during bathing, drying, and dressing, with space for a care provider and wheelchair; and

(F) a locked supply cabinet.

(5) Personal laundry room. Any resident unit may have a resident laundry room for residents to launder personal laundry that is not contaminated laundry, if the requirements in paragraph (g)(6)(C) are met.

(6) Mobility device parking space. Each resident unit shall have parking space for residents' mobility devices. The parking space shall be located in an area that does not interfere with normal resident passage. The parking

space shall not be included in determining the minimum required corridor width.

(g) Common rooms and support areas in the nursing facility's main building. The rooms and areas required in this subsection shall be located in the main building of each nursing facility and shall be accessed directly from the general corridor without passage through an intervening room or area. If a resident unit is located in a freestanding building, the nursing facility administrator shall ensure that transportation is provided for each resident to access services and activities that occur in the main building to enhance the resident's physical, mental, and psychosocial well-being.

(1) Multipurpose room. Each nursing facility shall have a room for resident use for social gatherings, religious services, entertainment, or crafts, with sufficient space to accommodate separate functions.

(A) The multipurpose room shall have an area of at least 200 square feet for 60 or fewer residents, plus at least two square feet for each additional resident over 60, based on the nursing facility's resident capacity.

(B) The multipurpose room shall contain a work counter with a hand-washing sink that is accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105, and storage space and lockable cabinets for equipment and supplies.

(2) Rehabilitation room. Each nursing facility shall have a room for the administration and implementation of rehabilitation therapy.

(A) The rehabilitation room shall include the following:

(i) Equipment for carrying out each type of therapy prescribed for the residents;

(ii) a hand-washing sink accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105;

(iii) an enclosed storage area for therapeutic devices; and

(iv) provisions for resident privacy.

(B) The rehabilitation room shall have an area of at least 200 square feet for 60 or fewer residents, plus at least two square feet for each additional resident over 60 based on resident capacity, to a maximum requirement of 655 square feet.

(C) If a resident unit is located in a freestanding building, the resident unit may have a designated area for rehabilitation in a bathing room. The combined use of the space shall not limit the residents' bathing opportunities or rehabilitation therapy.

(3) Mobility device parking space. Each nursing facility shall have parking space for residents' mobility devices. The parking space shall be located in an area that does not interfere with normal resident passage. The parking space shall not be included in determining the minimum required corridor width.

(4) Beauty and barber shop. Each nursing facility shall have a room for the hair care and grooming of residents appropriate in size for the number of residents served.

(A) The beauty and barber shop shall contain at least one shampoo sink, space for one floor hair dryer, workspace, and a lockable supply cabinet.

(B) If a resident unit is located in a freestanding building, the resident unit may have a designated area for the

hair care and grooming of residents in the bathing room if all of the following conditions are met:

(i) The bathing room does not contain a shower.

(ii) The area contains at least one shampoo sink, space for one floor hair dryer, and workspace.

(iii) The combined use of the space does not limit the residents' bathing, hair care, or grooming opportunities.

(5) Dietary areas. Each nursing facility shall have dietary service areas that are adequate in relation to the size of the nursing facility and are designed and equipped to meet the needs of the residents. Each nursing facility shall meet the requirements of the "food code," as adopted by reference in K.A.R. 26-39-105. Dietary service areas shall be located to minimize transportation for meal service unrelated to the resident unit past the resident rooms. The following elements shall be included in each central kitchen and resident unit kitchen:

(A) A control station for receiving food supplies;

(B) food preparation and serving areas and equipment in accordance with the following requirements:

(i) Conventional food preparation systems shall include space and equipment for preparing, cooking, baking, and serving; and

(ii) convenience food service systems, including systems using frozen prepared meals, bulk-packaged entrees, individual packaged portions, or contractual commissary services, shall include space and equipment for thawing, portioning, cooking, baking, and serving;

(C) space for meal service assembly and distribution equipment;

(D) a two-compartment sink for food preparation;

(E) a hand-washing sink in the food preparation area;

(F) a ware-washing area apart from, and located to prevent contamination of, food preparation and serving areas. The area shall include all of the following:

(i) Commercial-type dishwashing equipment;

(ii) a hand-washing sink;

(iii) space for receiving, scraping, sorting, and stacking soiled tableware and transferring clean tableware to the using area; and

(iv) if in a resident kitchen, a sink and adjacent under-counter commercial or residential dishwasher that meets the national sanitation foundation (NSF) international standards;

(G) a three-compartment deep sink for manual cleaning and sanitizing or, if in a resident kitchen, an alternative means for a three-step process for manual cleaning and sanitizing;

(H) an office in the central kitchen for the dietitian or dietetic services supervisor or, if in a resident kitchen, a workspace for the dietitian or dietetic services supervisor;

(I) a toilet room and a hand-washing sink available for dietary staff, separated by a vestibule from the central kitchen or, if in a resident kitchen, a toilet room with a hand-washing sink located in close proximity to the kitchen;

(J) an enclosed housekeeping room located within the central kitchen that contains a floor receptor with hot and cold water, shelving, and storage space for housekeeping equipment and supplies or, if in a resident kitchen, an

(continued)

enclosed housekeeping room adjacent to the kitchen that contains storage for dietary services cleaning equipment;

(K) an ice machine that, if available to residents for self-serve, shall dispense ice directly into a container and be designed to minimize noise and spillage onto the floor;

(L) sufficient food storage space located adjacent to the central kitchen or resident kitchen to store at least a four-day supply of food to meet residents' needs, including refrigerated, frozen, and dry storage;

(M) sufficient space for the storage and indoor sanitizing of cans, carts, and mobile equipment; and

(N) a waste storage area in a separate room or an outside area that is readily available for direct pickup or disposal.

(6) Laundry services. Each nursing facility shall have the means for receiving, processing, and storing linen needed for resident care in a central laundry or off-site laundry, or both, or a personal laundry room located on a resident unit in combination with these options. The arrangement of laundry services shall provide for an orderly workflow from dirty to clean, to minimize cross-contamination.

(A) If nursing facility laundry or more than one resident's personal laundry is to be processed, the laundry services area shall have separate rooms, with doors that do not open directly onto the resident unit, that have the following:

(i) A soiled laundry room for receiving, holding, and sorting laundry, equipped with containers with tightly fitting lids for soiled laundry, that is exhausted to the outside;

(ii) a processing room that contains commercial laundry equipment for washing and drying and a sink;

(iii) an enclosed housekeeping room that opens into the laundry processing area and contains a floor receptor with hot and cold water, shelving, and space for storage of housekeeping equipment and supplies;

(iv) a clean laundry room for handling, storing, issuing, mending, and holding laundry with egress that does not require passing through the processing or soiled laundry room; and

(v) storage space for laundry supplies.

(B) If nursing facility laundry or more than one resident's personal laundry is to be processed, the washing machine shall be capable of meeting high-temperature washing or low-temperature washing requirements as follows:

(i) If high-temperature washing is used, the washing machines shall have temperature sensors and gauges capable of monitoring water temperatures of at least 160°F and manufacturer documentation that the machine has a wash cycle of at least 25 minutes at 160°F or higher.

(ii) If low-temperature washing is used, the washing machines shall have temperature sensors and gauges capable of monitoring water temperatures to ensure a wash temperature of at least 71°F and manufacturer documentation of a chlorine bleach rinse of 125 parts per million (ppm) at a wash temperature of at least 71°F. Oxygen-based bleach may be used as an alternative to chlorine bleach if the product is registered by the environmental protection agency.

(C) If each resident's personal laundry is processed separately on a resident unit, the laundry may be handled within one or more rooms if separate, defined areas are provided for handling clean and soiled laundry. The following elements shall be included:

(i) A soiled laundry room or area for receiving, holding, and sorting laundry, equipped with containers with tightly fitting lids for soiled laundry, that is exhausted to the outside;

(ii) at least one washing machine. Each washing machine shall be positioned over a catch pan piped to a floor drain;

(iii) a processing room or area that contains a clothes dryer and a hand-washing sink;

(iv) a clean laundry room or area for handling, storing, issuing, mending, and holding laundry; and

(v) storage space for laundry supplies.

(D) If laundry is processed off-site, the following elements shall be provided:

(i) A soiled laundry room, equipped with containers that have tightly fitted lids for holding laundry, that is exhausted to the outside; and

(ii) a clean laundry room for receiving, holding, inspecting, and storing linen.

(7) Central storage. Each nursing facility shall have at least five square feet per resident capacity in separate rooms or separate space in one room for storage of clean materials or supplies and oxygen.

(8) Housekeeping room. Each nursing facility shall have a sufficient number of rooms for the storage of housekeeping supplies and equipment needed to maintain a clean and sanitary environment. Each housekeeping room shall contain a floor receptor with hot and cold water, adequate shelving, provisions for hanging mops and other cleaning tools, and space for buckets, supplies, and equipment.

(h) Staff and public areas. The rooms and areas required in this subsection shall be located in the main building of each nursing facility and in each freestanding building with a resident unit unless otherwise indicated.

(1) Staff support area. Each nursing facility shall have a staff support area for staff and volunteers that contains the following, at a minimum:

(A) A staff lounge or area;

(B) lockers, drawers, or compartments that lock for safekeeping of each staff member's personal effects; and

(C) a toilet room and hand-washing sink that are accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105. If a resident unit is located in a freestanding building, the toilet room located in the resident unit may meet this requirement.

(2) Public areas. Each nursing facility shall provide the following public areas to accommodate residents, staff, and visitors:

(A) A sheltered entrance at grade level that is accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105;

(B) a lobby or vestibule with communication to the reception area, information desk, or resident unit;

(C) at least one public toilet room with a toilet and sink that are accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105. If a resident unit is located

in a freestanding building, the toilet room located in the resident unit may meet this requirement;

(D) a drinking fountain or cooler or other means to obtain fresh water; and

(E) a telephone, located in an area with sufficient space to allow for use by a person in a wheelchair, where calls can be made without being overheard.

(3) Administrative areas. Each nursing facility shall have the following areas for administrative work activities in the main building:

(A) An administrator's office;

(B) a director of nursing office;

(C) general offices as needed for admission, social services, private interviews, and other professional and administrative functions; and

(D) space for office equipment, files, and financial and clinical records.

(i) Nursing facility support systems. Each nursing facility shall have support systems to promote staff responsiveness to each resident's needs and safety.

(1) Call system. Each nursing facility shall have a functional call system that ensures that nursing personnel working in the resident unit and other staff designated to respond to resident calls are notified immediately when a resident has activated the call system.

(A) Each nursing facility shall have a call button or pull cord located at each bed and in each beauty and barber shop that, if activated, will initiate all of the following:

(i) Produce an audible signal at the nurses' workroom or area, or activate the portable electronic device worn by each required staff member with an audible tone or vibration;

(ii) register a visual signal on an enunciator panel or monitor screen at the nurses' workroom or area, indicating the resident room number and bed, or beauty and barber shop;

(iii) produce a visual signal at the resident room corridor door or activate the portable electronic device worn by each required staff member, identifying the specific resident or room from which the call has been placed; and

(iv) produce visual and audible signals in clean and soiled workrooms and in the medication preparation rooms or activate the portable electronic device worn by each required staff member with an audible tone or vibration.

(B) Each nursing facility shall have an emergency call button or pull cord located next to each resident-use toilet, shower, and bathtub that, if activated, will initiate all of the following:

(i) Produce a repeating audible signal at the nurses' workroom or area, or activate the portable electronic device worn by each required staff member with an audible tone or vibration;

(ii) register a visual signal on an enunciator panel or monitor screen at the nurses' workroom or area, indicating the location or room number of the toilet, shower, or bathtub;

(iii) produce a rapidly flashing light adjacent to the corridor door at the site of the emergency or activate the portable electronic device worn by each required staff member, identifying the specific resident or room from which the call has been placed; and

(iv) produce a rapidly flashing light and a repeating audible signal in the nurses' workroom or area, clean workroom, soiled workroom, and medication preparation rooms or activate the portable electronic device worn by each required staff member with an audible tone or vibration.

(C) The administrator shall implement a policy to ensure that all calls activated from an emergency location receive a high-priority response from staff.

(D) If the nursing facility does not have a wireless call system, the nursing facility shall have additional visible signals at corridor intersections in multicorridor units for all emergency and nonemergency calls.

(E) All emergency and nonemergency call signals shall continue to operate until manually reset at the site of origin.

(F) If call systems include two-way voice communication, staff shall take precautions to protect resident privacy.

(G) If a nursing facility uses a wireless system to meet the requirements of paragraphs (i)(1)(A) through (E), all of the following additional requirements shall be met:

(i) The nursing facility shall be equipped with a system that records activated calls.

(ii) A signal unanswered for a designated period of time, but not more than every three minutes, shall repeat and also be sent to another workstation or to staff that were not designated to receive the original call.

(iii) Each wireless system shall utilize radio frequencies that do not interfere with or disrupt pacemakers, defibrillators, and any other medical equipment and that receive only signals initiated from the manufacturer's system.

(H) The nursing facility's preventative maintenance program shall include the testing of the call system at least weekly to verify operation of the system.

(2) Door monitoring system. The nursing facility shall have an electrical monitoring system on each door that exits the nursing facility and is available to residents. The monitoring system shall alert staff when the door has been opened by a resident who should not leave the nursing facility unless accompanied by staff or other responsible person.

(A) Each door to the following areas that is available to residents shall be electronically monitored:

(i) The exterior of the nursing facility, including enclosed outdoor areas;

(ii) interior doors of the nursing facility that open into another type of adult care home if the exit doors from that adult care home are not monitored; and

(iii) any area of the building that is not licensed as an adult care home.

(B) The electrical monitoring system on each door shall remain activated until manually reset by nursing facility staff.

(C) The electrical monitoring system on a door may be disabled during daylight hours if nursing facility staff has continuous visual control of the door.

(j) Nursing facility maintenance and waste processing services.

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(1) Maintenance, equipment, and storage areas. Each nursing facility shall have areas for repair, service, and maintenance functions that include the following:

- (A) A maintenance office;
- (B) a storage room for building maintenance supplies;
- (C) an equipment room or separate building for boilers, mechanical equipment, and electrical equipment; and
- (D) a maintenance storage area that opens to the outside, or is located in a detached building, for the storage of tools, supplies, and equipment used for yard and exterior maintenance.

(2) Waste processing services. Each nursing facility shall have space and equipment for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, or removal, or by a combination of these techniques. (Authorized by and implementing K.S.A. 39-932; effective Jan. 7, 2011.)

26-40-303. Nursing facility physical environment; existing nursing facilities. (a) Applicability. This regulation shall apply to all nursing facilities licensed on the effective date of this regulation.

(b) Codes and standards. Each nursing facility shall meet the requirements of the building codes, standards, and regulations enforced by city, county, or state jurisdictions. The requirements specified in this regulation shall be considered as a minimum.

(1) Each nursing facility shall meet the following requirements, as adopted by reference in K.A.R. 26-39-105:

(A) The national fire protection association's NFPA 101 "life safety code" (LSC); and

(B) the "Americans with disabilities act accessibility guidelines for buildings and facilities" (ADAAG).

(2) Each nursing facility and any portion of each nursing facility that was approved under a previous regulation shall, at a minimum, remain in compliance with the regulation or building code in effect at the date of licensure.

(c) Nursing facility design. The design and layout of each nursing facility shall differentiate among public, semiprivate, and private space and shall promote the deterrence of unnecessary travel through private space by staff and the public. The resident unit shall be arranged to achieve a home environment, short walking and wheeling distances, localized social areas, and decentralized work areas.

(d) Resident unit. A "resident unit" shall mean a group of resident rooms, care support areas, and common rooms and areas as identified in this subsection and subsections (e) and (f), unless otherwise indicated. Each resident unit shall have a resident capacity of no more than 60 residents and shall be located within a single building.

(1) Resident rooms. At least five percent of the resident rooms shall have a maximum occupancy of one resident per room. The occupancy of the remaining rooms shall not exceed two residents per room. If a nursing facility has rooms that accommodate three or four residents on the effective date of this regulation, this requirement shall not apply until the nursing facility converts its existing three- and four-resident rooms to private or semiprivate rooms.

(A) Each resident room shall meet the following requirements:

- (i) Be located on a floor at or above ground level;
- (ii) allow direct access to the corridor;
- (iii) measure at least 100 square feet in single resident rooms and at least 160 square feet in double resident rooms, exclusive of alcoves, vestibules, toilet room, closets or freestanding wardrobes, sinks, and other built-in items. If the building was constructed before January 1, 1963 and licensed as a nursing facility on the effective date of this regulation, rooms shall measure at least 90 square feet in single resident rooms and at least 160 square feet in double resident rooms, exclusive of alcoves, vestibules, toilet room, closets or freestanding wardrobes, sinks, and other built-in items; and
- (iv) provide at least one operable exterior window that opens for ventilation. The window area shall not be less than 12 percent of the gross floor area of the resident room.

(B) Each bed area in a double resident room shall have separation from the adjacent bed by use of walls, doors, or ceiling suspended curtains to afford complete visual privacy.

(C) The configuration of each resident room shall be designed to allow at least three feet of clearance along the foot of each bed and along both sides of each bed.

(D) The nursing facility shall have functional furniture to meet each resident's needs, including a bed of adequate size with a clean, comfortable mattress that fits the bed, and bedding appropriate to the weather and the needs of the resident.

(E) Each resident's room shall include personal storage space in a fixed closet or freestanding wardrobe with doors. This storage shall have minimum dimensions of one foot 10 inches in depth by two feet six inches in width and shall contain an adjustable clothes rod and shelf installed at a height easily reached by the resident. Accommodations shall be provided for hanging full-length garments. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply.

(2) Resident toilet rooms. Each resident toilet room shall serve no more than two resident rooms and be accessed directly from the resident's room. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, resident access to the toilet room may be from the general corridor.

(A) Each toilet room shall contain at least a toilet and hand-washing sink, unless a hand-washing sink is provided in the resident room adjacent to the toilet room.

(B) Each resident toilet room shall have at least 30 square feet to allow maneuverability of a wheelchair. If the room contains a shower that presents no obstruction to the turning radius, the space occupied by the shower may be included in the minimum dimensions.

(C) If a shower is present in a toilet room, the shower shall be curtained or in another type of enclosure for privacy.

(e) Resident unit care support rooms and areas. The rooms and areas required in this subsection shall be lo-

cated in each resident unit and shall be accessed directly from the general corridor without passage through an intervening room or area, except the medication room as specified in paragraph (e)(2)(A) and housekeeping closets. Each care support area shall be located less than 200 feet from each resident room. If the building was constructed before February 15, 1977 and the nursing facility was licensed on the effective date of this regulation, the distance specified in this paragraph shall not apply.

(1) Nurses' workroom or area. Each resident unit shall have sufficient areas for supervisory work activities arranged to ensure the confidentiality of resident information and communication.

(A) A nurses' workroom or area shall have space for the following:

- (i) Charting;
- (ii) the transmission and reception of resident information;
- (iii) clinical records and other resident information;
- (iv) a telephone and other office equipment; and
- (v) an enunciator panel or monitor screen for the call system. If a resident unit has more than one nurses' workroom or area, space for an enunciator panel or monitor for the call system shall not be required in more than one nurses' workroom or area.

(B) The nurses' workroom or area shall be located so that the corridors outside resident rooms are visible from the nurses' workroom or area. The nursing facility may have cameras and monitors to meet this requirement.

(C) Direct visual access into each nurses' work area shall be provided if the work area is located in an enclosed room.

(2) Medication room or area. Each resident unit shall have a room or area for storage and preparation of medications or biologicals for 24-hour distribution, with a temperature not to exceed 85°F. This requirement shall be met by one or more of the following:

(A) A room with an automatically closing, self-locking door visible from the nurses' workroom or area. The room shall contain a work counter with task lighting, hand-washing sink, refrigerator, and shelf space for separate storage of each resident's medications. The secured medication storage room shall contain separately locked compartments for the storage of controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in the opinion of the consultant pharmacist, are subject to abuse;

(B) if the resident unit serves no more than 32 residents, a nurses' workroom or area equipped with a work counter with task lighting, hand-washing sink, locked refrigerator, and locked storage for resident medications. A separately locked compartment shall be located within the locked cabinet, drawer, or refrigerator for the storage of controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in the opinion of the consultant pharmacist, are subject to abuse;

(C) a locked medication cart, in addition to a medication room or area, if the cart is located in a space convenient for control by nursing personnel who are authorized to administer medication. If controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any

other medications that, in the opinion of the consultant pharmacist, are subject to abuse are stored in the medication cart, the cart shall contain a separately locked compartment for the storage of these medications; or

(D) in the resident's room if the room contains space for medication preparation with task lighting, access to a hand-washing sink, and locked cabinets or drawers for separate storage of each resident's medication. Controlled medications listed in K.S.A. 65-4107, and amendments thereto, and any other medications that, in the opinion of the consultant pharmacist, are subject to abuse shall not be stored in a resident's room.

(3) Clean workroom. Each resident unit shall have a room for the preparation, storage, and distribution of clean or sterile materials and supplies and resident care items.

(A) The room shall contain a work counter with a sink and adequate shelving and cabinets for storage.

(B) The room area shall be at least 80 square feet, with a length or width of at least six feet. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply.

(C) If the resident unit is located in a freestanding building, a clothes dryer for processing resident personal laundry that is not contaminated laundry may be located in the clean workroom if the following requirements are met:

(i) An additional minimum of 40 square feet per dryer shall be provided.

(ii) The soiled workroom shall contain a washing machine positioned over a catch pan.

(iii) The clean workroom shall have a door opening directly into the soiled workroom without entering the general corridor. The door opening shall be covered with a plastic-strip door or by other means to prevent interference of ventilation requirements for both workrooms.

(D) Storage and preparation of food and beverages shall not be permitted in the clean workroom.

(4) Clean linen storage. Each resident unit shall have a room or area with adequate shelving, cabinets, or cart space for the storage of clean linen. The storage area may be located in the clean workroom.

(5) Soiled workroom. Each resident unit shall have a soiled workroom for the disposal of wastes, collection of contaminated material, and the cleaning and sanitizing of resident care utensils.

(A) The soiled workroom shall contain a work counter, a two-compartment sink, a covered waste receptacle, a covered soiled linen receptacle, and a storage cabinet with a lock for sanitizing solutions and cleaning supplies. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the soiled workroom shall contain these fixtures except that the sink shall be at least a one-compartment sink.

(B) The room area shall be at least 80 square feet, with a length or width of at least six feet. If the building was constructed before February 15, 1977 and licensed as a

(continued)

nursing facility on the effective date of this regulation, the minimum dimensions shall not apply.

(C) If the resident unit is located in a freestanding building, a washing machine for processing resident personal laundry that is not contaminated laundry may be located in the soiled workroom if the following requirements are met:

(i) An additional minimum of 40 square feet per washing machine shall be provided.

(ii) The washing machine shall be positioned over a catch pan.

(iii) The clean workroom shall contain a clothes dryer.

(iv) The soiled workroom shall have a door opening directly into the clean workroom without entering the general corridor. The door opening shall be covered with a plastic-strip door or by other means to prevent interference of ventilation requirements for both workrooms.

(D) A housekeeping room may be located in the soiled workroom if the following conditions are met:

(i) The soiled workroom is located in a resident unit in a freestanding building.

(ii) The housekeeping room is enclosed.

(iii) The soiled workroom includes at least 20 square feet in additional space.

(E) Clean supplies, equipment, and materials shall not be stored in the soiled workroom.

(6) Equipment storage rooms or areas. Each resident unit shall have sufficient rooms or enclosed areas for the storage of resident unit equipment.

(A) The total space shall be at least 120 square feet plus an additional minimum of one square foot for each resident based on resident capacity, with no single room or area less than 30 square feet. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply.

(B) If mechanical equipment or electrical panel boxes are located in the storage area, the nursing facility shall have additional space for the access to and servicing of equipment.

(7) Housekeeping room. Each resident unit shall have at least one room for the storage of housekeeping supplies and equipment needed to maintain a clean and sanitary environment.

(A) Each housekeeping room shall contain the following:

(i) A floor receptor or service sink, or both;

(ii) hot and cold water;

(iii) adequate shelving;

(iv) provisions for hanging mops and other cleaning tools; and

(v) space for buckets, supplies, and equipment.

(B) If the housekeeping room in the resident unit serves the resident kitchen and any other areas of the unit, the nursing facility shall designate separate mops and buckets for use in each specific location.

(C) If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the nursing facility shall have at least one janitor's closet that contains either a floor recep-

tor or service sink, or both, and storage space for janitorial equipment and supplies.

(8) Toilet room. Each resident unit shall have a staff toilet room with a hand-washing sink. If a resident unit is located in a freestanding building, the resident unit shall have at least one toilet room that contains a hand-washing sink and is accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105, for resident, staff, and visitor use. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, this paragraph shall not apply.

(9) Resident kitchen. Any resident unit may have a decentralized resident kitchen if the resident kitchen meets the following requirements:

(A) Is adequate in relation to the size of the resident unit;

(B) is designed and equipped to meet the needs of the residents; and

(C) meets the requirements in paragraph (f)(7).

(10) Nourishment area. Each resident unit shall have an area available to each resident to ensure the provision of nourishment and beverages, including water, between scheduled meals. The nourishment area may serve more than one resident unit if centrally located for easy access from each of the nursing areas served. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the nursing facility shall not be required to have a nourishment area.

(A) The nourishment area shall contain a hand-washing sink, equipment for serving nourishment and beverages, a refrigerator, and storage cabinets.

(B) The nourishment area may be located in the resident unit kitchen if the kitchen has both a hand-washing sink and counter accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105, and all residents have access to the area between scheduled meals.

(11) Bathing room. Each nursing facility shall have a room or rooms with sufficient bathing units to permit each resident to bathe privately and either independently or with staff assistance.

(A) Each nursing facility shall have at least one hydrotherapy bathing unit. If the building was constructed before November 1, 1993 and licensed as a nursing facility on the effective date of this regulation, this requirement shall not apply.

(B) Each nursing facility shall have bathing units at a rate of one for each 15 residents, based on the number of residents who do not have a toilet room, with a shower accessed directly from the resident's room. A hydrotherapy bathing unit may be counted as two bathing units to meet this ratio.

(C) The bathing room shall contain the following:

(i) A hand-washing sink;

(ii) an area enclosed for privacy that contains a toilet for resident use;

(iii) a shower that measures at least four feet by four feet without curbs and is designed to permit use by a resident in a wheelchair, unless a shower is provided in each resident's toilet room. If the building was constructed before February 15, 1977 and licensed as a nurs-

ing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply;

(iv) a visually enclosed area for privacy during bathing, drying, and dressing, with space for a care provider and wheelchair; and

(v) a locked supply cabinet.

(12) Personal laundry room. Any resident unit may have a laundry room for each resident to launder personal laundry that is not contaminated laundry, if the requirements in paragraph (f)(8) are met.

(13) Mobility device parking space. Each nursing facility shall have parking space for residents' mobility devices. The parking space shall be located in an area that does not interfere with normal resident passage. The parking space shall not be included in determining the minimum required corridor width.

(f) Common rooms and support areas in the nursing facility's main building. The rooms and areas required in this subsection shall be located in the main building of each nursing facility, unless otherwise indicated, and shall be accessed directly from the general corridor without passage through an intervening room or area. If a resident unit is located in a freestanding building, the administrator shall ensure that transportation is provided for each resident to access services and activities that occur in the main building to enhance the resident's physical, mental, and psychosocial well-being.

(1) Living, dining, and recreation areas. Each nursing facility shall have sufficient space to accommodate separate and distinct resident activities of living, dining, and recreation. If a resident unit is located in a freestanding building, the resident unit shall include living, dining, and recreation areas.

(A) Space for living, dining, and recreation shall be provided at a rate of at least 27 square feet per resident based on each resident unit's capacity, with at least 14 square feet per resident in the dining area. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the nursing facility shall have space for living, dining, and recreation at a rate of at least 20 square feet per resident based on each resident unit's capacity, with at least 10 square feet per resident in the dining area.

(B) Window areas in each living, dining, and recreation area shall be at least 10 percent of the gross floor space of those areas. The window area requirement shall not be met by the use of skylights.

(2) Multipurpose room. Each nursing facility shall have a room or area for resident use for social gatherings, religious services, entertainment, or crafts, with sufficient space to accommodate separate functions.

(A) The multipurpose room shall have an area of at least 200 square feet for 60 or fewer residents, plus at least two square feet for each additional resident over 60, based on the nursing facility's resident capacity. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply.

(B) The multipurpose room or area shall contain a work counter with a hand-washing sink, and storage space and

lockable cabinets for equipment and supplies. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the hand-washing sink may be located in close proximity to the multipurpose room or area.

(3) Den. Each nursing facility shall have a room for residents to use for reading, meditation, solitude, or privacy with family and other visitors unless each resident has a private room. The room area shall be at least 80 square feet. This paragraph shall not apply to facilities that meet the following conditions:

(A) The building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation.

(B) Any decrease to the nursing facility's resident capacity is for the sole purpose of converting semiprivate rooms to private rooms.

(4) Exam room. Each nursing facility shall have a room for a physician to examine and privately consult with a resident.

(A) The exam room shall meet the following requirements:

(i) The room area shall be at least 120 square feet, with a length or width of at least 10 feet.

(ii) The room shall contain a hand-washing sink, an examination table, and a desk or shelf for writing.

(iii) If the examination room is located in the rehabilitation therapy room, the examination room shall be equipped with cubicle curtains.

(B) The requirement for an exam room shall not apply to any nursing facility that meets both of the following conditions:

(i) The building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation.

(ii) Any decrease to the nursing facility's resident capacity on or after the effective date of this regulation is for the sole purpose of converting semiprivate rooms to private rooms.

(5) Rehabilitation room. Each nursing facility shall have a room for the administration and implementation of rehabilitation therapy.

(A) The rehabilitation room shall include the following:

(i) Equipment for carrying out each type of therapy prescribed for the residents;

(ii) a hand-washing sink;

(iii) an enclosed storage area for therapeutic devices; and

(iv) provisions for resident privacy.

(B) The rehabilitation room shall have an area of at least 200 square feet for 60 or fewer residents, plus at least two square feet for each additional resident over 60, based on resident capacity, to a maximum requirement of 655 square feet. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply.

(C) If a resident unit is located in a freestanding building, the resident unit may have a designated area for rehabilitation in a bathing room. The combined use of the

(continued)

space shall not limit the residents' bathing opportunities or rehabilitation therapy.

(6) Beauty and barber shop. Each nursing facility shall have a room or area for the hair care and grooming of residents appropriate in size for the number of residents served.

(A) The beauty and barber shop shall contain at least one shampoo sink, space for one floor hair dryer, work-space, and a lockable supply cabinet.

(B) If a resident unit is located in a freestanding building, the resident unit may have a designated area for the hair care and grooming of residents in the bathing room if all of the following conditions are met:

(i) The bathing room does not contain a shower.

(ii) The area contains at least one shampoo sink, space for one floor hair dryer, and workspace.

(iii) The combined use of the space does not limit the residents' bathing, hair care, or grooming opportunities.

(7) Dietary areas. Each nursing facility shall have dietary service areas that are adequate in relation to the size of the nursing facility and are designed and equipped to meet the needs of the residents. Each nursing facility shall meet the requirements of the "food code," as adopted by reference in K.A.R. 26-39-105, unless otherwise indicated in this subsection. The following elements shall be included in each central kitchen and resident kitchen:

(A) A control station for receiving food supplies;

(B) food preparation and serving areas and equipment in accordance with the following requirements:

(i) Conventional food preparation systems shall include space and equipment for preparing, cooking, baking, and serving; and

(ii) convenience food service systems, including systems using frozen prepared meals, bulk-packaged entrees, individual packaged portions, or contractual commissary services, shall include space and equipment for thawing, portioning, cooking, baking, and serving;

(C) space for meal service assembly and distribution equipment;

(D) a two-compartment sink for food preparation. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the kitchen shall have at least a one-compartment sink for food preparation;

(E) a hand-washing sink in the food preparation area;

(F) a ware-washing area apart from, and located to prevent contamination of, food preparation and serving areas. The area shall include all of the following:

(i) Commercial-type dishwashing equipment;

(ii) space for receiving, scraping, sorting, and stacking soiled tableware and transferring clean tableware to the using area; and

(iii) if in a resident kitchen, an under-counter commercial or residential dishwasher that meets the national sanitation foundation (NSF) international standards;

(G) a three-compartment deep sink for manual cleaning and sanitizing or, if in a resident kitchen, an alternative means for a three-step process for manual cleaning and sanitizing;

(H) an office in the central kitchen for the dietitian or dietetic services supervisor or, if in a resident kitchen, a workspace for the dietitian or dietetic services supervisor;

(I) a toilet room and a hand-washing sink available for dietary staff located within close proximity to the kitchen;

(J) an enclosed housekeeping room located within the central kitchen that contains a floor receptor or service sink with hot and cold water, shelving, and storage space for housekeeping equipment and supplies. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, a housekeeping room shall not be required in the kitchen. If in a resident kitchen, there shall be an enclosed housekeeping room adjacent to the kitchen that contains storage for dietary services cleaning equipment;

(K) an ice machine that, if available to residents for self-serve, shall dispense ice directly into a container and be designed to minimize noise and spillage onto the floor;

(L) sufficient food storage space located adjacent to the central kitchen or resident kitchen to store at least a four-day supply of food to meet residents' needs, including refrigerated, frozen, and dry storage;

(M) sufficient space for the storage and sanitizing of cans, carts, and mobile equipment; and

(N) a waste storage area in a separate room or an outside area that is readily available for direct pickup or disposal.

(8) Laundry services. Each nursing facility shall have the means for receiving, processing, and storing linen needed for resident care in a central laundry or off-site laundry, or both, or a personal laundry room located on a resident unit in combination with these options. The arrangement of laundry services shall provide for an orderly workflow from dirty to clean, to minimize cross-contamination.

(A) If nursing facility laundry or more than one resident's personal laundry is to be processed, the laundry services area shall have separate rooms, with doors that do not open directly onto the resident unit, that have the following:

(i) A soiled laundry room for receiving, holding, and sorting laundry, equipped with containers with tightly fitting lids for soiled laundry, that is exhausted to the outside;

(ii) a processing room that contains commercial laundry equipment for washing and drying and a hand-washing sink;

(iii) an enclosed housekeeping room that opens into the laundry processing area and contains either a floor receptor or service sink, or both, and shelving and space for storage of housekeeping equipment and supplies;

(iv) a clean laundry room for handling, storing, issuing, mending, and holding laundry with egress that does not require passing through the processing or soiled laundry room; and

(v) storage space for laundry supplies.

(B) If nursing facility laundry or more than one resident's personal laundry is to be processed, the washing machine shall be capable of meeting high-temperature washing or low-temperature washing requirements as follows:

(i) If high-temperature washing is used, the washing machines shall have temperature sensors and gauges capable of monitoring water temperatures of at least 160°F

and manufacturer documentation that the machine has a wash cycle of at least 25 minutes at 160°F or higher.

(ii) If low-temperature washing is used, the washing machines shall have temperature sensors and gauges capable of monitoring water temperatures to ensure a wash temperature of at least 71°F and manufacturer documentation of a chlorine bleach rinse of 125 parts per million (ppm) at a wash temperature of at least 71°F. Oxygen-based bleach may be used as an alternative to chlorine bleach if the product is registered by the environmental protection agency.

(C) If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the following elements shall be included:

(i) A soiled laundry room or area for receiving, holding, and sorting laundry, equipped with containers with tightly fitting lids for soiled laundry, that is exhausted to the outside;

(ii) a processing room or area that contains commercial laundry equipment for washing and drying and a hand-washing sink;

(iii) a clean laundry room or area for handling, storing, issuing, mending, and holding laundry; and

(iv) storage space for laundry supplies.

(D) If each resident's personal laundry is processed separately on a resident unit, the laundry may be handled within one or more rooms if separate, defined areas are provided for handling clean and soiled laundry.

(E) If laundry is processed off-site, the following elements shall be provided:

(i) A soiled laundry room, equipped with containers that have tightly fitted lids for holding laundry, that is exhausted to the outside; and

(ii) a clean laundry room for receiving, holding, inspecting, and storing linen.

(9) Central storage. Each nursing facility shall have at least five square feet per resident capacity in separate rooms or separate space in one room for storage of clean materials or supplies and oxygen. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the minimum dimensions specified in this paragraph shall not apply.

(10) Housekeeping room. Each nursing facility shall have a sufficient number of rooms for the storage of housekeeping supplies and equipment needed to maintain a clean and sanitary environment.

(A) Each housekeeping room shall contain the following:

(i) A floor receptor or service sink;

(ii) hot and cold water;

(iii) adequate shelving;

(iv) provisions for hanging mops and other cleaning tools; and

(v) space for buckets, supplies, and equipment.

(B) If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the nursing facility shall have at least one housekeeping room with a floor receptor or service sink and with storage space for equipment and supplies.

(g) Staff and public areas. The rooms and areas required in this subsection shall be located in the main building of each nursing facility and in each freestanding building with a resident unit unless otherwise indicated.

(1) Staff support area. Each nursing facility shall have a staff support area for staff and volunteers that contains the following, at a minimum:

(A) A staff lounge or area;

(B) lockers, drawers, or compartments that lock for safekeeping of each staff member's personal effects; and

(C) a toilet room and hand-washing sink. If a resident unit is located in a freestanding building, the toilet room located in the resident unit may meet this requirement. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, this requirement shall not apply.

(2) Public areas. Each nursing facility shall have public areas to accommodate residents, staff, and visitors.

(A) Each building constructed and licensed as a nursing facility before February 15, 1977 shall have the following public areas:

(i) A sheltered entrance at grade level to accommodate persons in wheelchairs;

(ii) one public toilet and hand-washing sink;

(iii) at least one toilet and hand-washing sink accessible to a person in a wheelchair;

(iv) a drinking fountain or cooler, or other means to obtain fresh water; and

(v) a telephone, located in an area with sufficient space to allow for use by a person in a wheelchair, where calls can be made without being overheard.

(B) Each building constructed on or after February 15, 1977 and licensed as a nursing facility on the effective date of this regulation shall have the following public areas:

(i) A sheltered entrance at grade level to accommodate persons in wheelchairs;

(ii) a lobby or vestibule with communication to the reception area, information desk, or resident unit;

(iii) at least one public toilet and hand-washing sink that are accessible to a person in a wheelchair. If a resident unit is located in a freestanding building, the toilet room on the resident unit may meet this requirement;

(iv) if a nursing facility has a resident capacity greater than 60, at least one additional public toilet and hand-washing sink shall be provided;

(v) a drinking fountain or cooler, or other means to obtain fresh water; and

(vi) a telephone, located in an area with sufficient space to allow for use by a person in a wheelchair, where calls can be made without being overheard.

(3) Administrative areas. Each nursing facility shall have the following areas for administrative work activities in the main building:

(A) An administrator's office; and

(B) space for office equipment, files, and financial and clinical records.

(h) Nursing facility support systems. Each nursing facility shall have support systems to promote staff responsiveness to each resident's needs and safety.

(continued)

(1) Call system. Each nursing facility shall have a functional call system that ensures that nursing personnel working in the resident unit and other staff designated to respond to resident calls are notified immediately when a resident has activated the call system.

(A) Each nursing facility shall have a call button or pull cord located next to each bed that, if activated, will initiate all of the following:

(i) Produce an audible signal at the nurses' workroom or area or activate the portable electronic device worn by each required staff member with an audible tone or vibration;

(ii) register a visual signal on an enunciator panel or monitor screen at the nurses' workroom or area, indicating the resident room number;

(iii) produce a visual signal at the resident room corridor door or activate the portable electronic device worn by each required staff member, identifying the specific resident or room from which the call has been placed; and

(iv) produce visual and audible signals in clean and soiled workrooms and in the medication preparation rooms or activate the portable electronic device worn by each required staff member with an audible tone or vibration.

(B) Each nursing facility shall have an emergency call button or pull cord located next to each resident-use toilet, shower, and bathtub that, if activated, will initiate all of the following:

(i) Produce a repeating audible signal at the nurses' workroom or area or activate the portable electronic device worn by each required staff member with an audible tone or vibration;

(ii) register a visual signal on an enunciator panel or monitor screen at the nurses' workroom or area, indicating the location or room number of the toilet, shower, or bathtub;

(iii) produce a rapidly flashing light adjacent to the corridor door at the site of the emergency or activate an electronic portable device worn by each required staff member, identifying the specific resident or room from which the call has been placed; and

(iv) produce a rapidly flashing light and a repeating audible signal in the nurses' workroom or area, clean workroom, soiled workroom, and medication preparation rooms or activate the portable electronic device worn by each required staff member with an audible tone or vibration.

(C) The administrator shall implement a policy to ensure that all calls activated from an emergency location receive a high-priority response from staff.

(D) If the nursing facility does not have a wireless call system, the nursing facility shall have additional visible signals at corridor intersections in multicorridor units for all emergency and nonemergency calls. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, the nursing facility shall not be required to have additional visible signals at corridor intersections for all emergency and nonemergency calls.

(E) All emergency and nonemergency call signals shall continue to operate until manually reset at the site of origin.

(F) If call systems include two-way voice communication, staff shall take precautions to protect resident privacy.

(G) If a nursing facility uses a wireless system to meet the requirements of paragraphs (h)(1)(A) through (E), all of the following additional requirements shall be met:

(i) The nursing facility shall be equipped with a system that records activated calls.

(ii) A signal unanswered for a designated period of time, but not more than every three minutes, shall repeat and also be sent to another workstation or to staff that were not designated to receive the original call.

(iii) Each wireless system shall utilize radio frequencies that do not interfere with or disrupt pacemakers, defibrillators, and any other medical equipment and that receive only signals initiated from the manufacturer's system.

(H) The nursing facility's preventative maintenance program shall include the testing of the call system at least weekly to verify operation of the system.

(I) If the building was constructed before May 1, 1982 and licensed as a nursing facility on the effective date of this regulation, the call system shall be required to meet the following requirements:

(i) Each resident bed shall have a call button that, when activated, registers at the nurses' work area with an audible and visual signal.

(ii) The call system shall produce a visual signal at the resident room corridor door.

(iii) The nursing facility shall have an emergency call button or pull cord next to each resident-use toilet, shower, and bathtub accessible to residents that, when activated, registers at the nurses' work area with an audible and visual signal.

(iv) All emergency and nonemergency call signals shall continue to operate until manually reset at the site of origin.

(2) Door monitoring system. The nursing facility shall have an electrical monitoring system on each door that exits the nursing facility and is available to residents. The monitoring system shall alert staff when the door has been opened by a resident who should not leave the nursing facility unless accompanied by staff or other responsible person.

(A) Each door to the following areas that is available to residents shall be electronically monitored:

(i) The exterior of the nursing facility, including enclosed outdoor areas;

(ii) interior doors of the nursing facility that open into another type of adult care home if the exit doors from that adult care home are not monitored; and

(iii) any area of the building that is not licensed as an adult care home.

(B) The electrical monitoring system on each door shall remain activated until manually reset by nursing facility staff.

(C) The electrical monitoring system on a door may be disabled during daylight hours if nursing facility staff has continuous visual control of the door.

(i) Nursing facility maintenance and waste processing services.

(1) Maintenance, equipment, and storage areas. Each nursing facility constructed after February 15, 1977 and licensed on the effective date of this regulation shall have areas for repair, service, and maintenance functions that include the following:

(A) A maintenance office and shop;

(B) a storage room for building maintenance supplies.

The storage room may be a part of the maintenance shop in nursing facilities with 120 or fewer beds;

(C) an equipment room or separate building for boilers, mechanical equipment, and electrical equipment.

(2) Waste processing services. The nursing facility shall have space and equipment for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, or removal, or by a combination of these techniques. (Authorized by and implementing K.S.A. 39-932; effective Jan. 7, 2011.)

26-40-304. Nursing facility physical environment; details and finishes. Each nursing facility shall incorporate details and finishes to create a home environment.

(a) Codes and standards. Nursing facilities may be subject to codes, standards, and regulations of several different jurisdictions, including local, state, and federal authorities. The requirements in this regulation shall be considered as a minimum. Each nursing facility and each portion of a nursing facility that was licensed under a previous regulation shall, at a minimum, remain in compliance with the regulation or building code in effect at the date of licensure. Each applicant for a nursing facility license and each addition to a nursing facility licensed on or after the effective date of this regulation shall meet the following requirements, as adopted by reference in K.A.R. 26-39-105:

(1) The "international building code" (IBC);

(2) the national fire protection association's NFPA 101 "life safety code" (LSC); and

(3) the "Americans with disabilities act accessibility guidelines for buildings and facilities" (ADAAG).

(b) Details.

(1) Corridors.

(A) The width of each corridor shall be at least eight feet in any resident-use area and at least six feet in any nursing facility support area.

(B) Handrails shall not be considered an obstruction when measuring the width of corridors.

(C) Doors shall not swing directly into corridors, with the exception of doors to small closets and spaces that are not subject to occupancy. Walk-in closets shall be considered occupiable spaces.

(2) Ceiling height.

(A) The height of each ceiling shall be at least eight feet above the finished floor with the following exceptions:

(i) Each ceiling in a storage room or other normally unoccupied space shall be at least seven feet eight inches above the finished floor.

(ii) Each ceiling in a room containing ceiling-mounted equipment shall have sufficient height to accommodate the proper functioning, repair, and servicing of the equipment.

(B) Each building component and suspended track, rail, and pipe located in the path of normal traffic shall be at least six feet eight inches above the finished floor.

(C) Each architecturally framed and trimmed doorway or other opening in a corridor or room shall have a height of at least six feet eight inches above the finished floor.

(3) Doors and door hardware.

(A) Each door on any opening between corridors and spaces subject to occupancy, with the exception of elevator doors, shall be swinging-type.

(B) Each door to a room containing at least one resident-use toilet, bathtub, or shower shall be swinging-type, sliding, or folding and shall be capable of opening outward or designed to allow ingress to the room without pushing against a resident who could have collapsed in the room.

(C) The width of the door opening to each room that staff need to access with beds or stretchers shall be at least three feet eight inches. The width of each door to a resident-use toilet room and other rooms that staff and residents need to access with wheelchairs shall be at least three feet.

(D) No more than five percent of the resident rooms may have a Dutch door to the corridor for physician-ordered monitoring of a resident who is disoriented.

(E) Each exterior door that can be left in an open position shall have insect screens.

(F) Each resident-use interior and exterior door shall open with ease and little resistance.

(G) Each resident-use swinging-type door shall have lever hardware or sensors for ease of use by residents with mobility limitations.

(4) Glazing. Safety glazing materials shall be required in all doors with glass panels, sidelights, and any breakable material located within 18 inches of the floor. Safety glass or safety glazing materials shall be used on any breakable material used for a bath enclosure or shower door.

(5) Windows.

(A) Each window in a resident's room or in a resident-use area shall have a sill located no greater than 32 inches above the finished floor and at least two feet six inches above the exterior grade. This paragraph shall not apply if the building was constructed and licensed as a nursing facility before February 15, 1977. If the building was constructed and licensed as a nursing facility on or after February 15, 1977 and before November 1, 1993, the nursing facility shall have a windowsill height three feet or less above the floor in the living and dining areas for at least 50 percent of the total window area.

(B) Each window in a resident's room shall be operable.

(C) Each operable window shall have an insect screen.

(D) Each operable window shall be designed to prevent falls when open or shall be equipped with a security screen.

(E) Blinds, sheers, or other resident-controlled window treatments shall be provided throughout each resident unit to control light levels and glare.

(6) Grab bars.

(A) Grab bars shall be installed at each resident-use toilet and in each shower and tub.

(B) Each wall-mounted grab bar shall have a clearance of 1½ inches from the wall.

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(C) Each grab bar, including those molded into a sink counter, shall have strength to sustain a concentrated load of 250 pounds.

(D) Permanent or flip-down grab bars that are 1½ inches in diameter shall be installed on any two sides of each resident-use toilet, or the resident-use toilet shall have at least one permanent grab bar mounted horizontally at least 33 inches and no more than 36 inches above the floor and slanted at an angle.

(E) The ends of each grab bar shall return to the wall or floor.

(F) Each grab bar shall have a finish color that contrasts with that of the adjacent wall surface.

(7) Handrails.

(A) Each handrail shall be accessible according to ADAAG, as adopted by reference in K.A.R. 26-39-105. Alternative cross sections and configurations that support senior mobility shall be permitted.

(B) Each stairway and ramp shall have handrails.

(C) A handrail shall be provided for each resident-use corridor with a wall length greater than 12 inches.

(D) Each handrail shall have a clearance of 1½ inches from the wall.

(E) The ends of each handrail shall return to the wall.

(F) Each handrail and fastener shall be completely smooth and free of rough edges.

(8) Heated surfaces.

(A) Each heated surface in excess of 100°F with which a resident may have contact shall be insulated and covered to protect the resident.

(B) If heated surfaces, including cook tops, ovens, and steam tables, are used in resident areas, emergency shut-offs shall be provided.

(9) Hand-washing stations.

(A) The water supply spouts for each sink shall be sensor-operated or operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist.

(B) The water supply spout at each sink located in the resident unit and any other areas available for resident use shall be mounted so that the discharge point is at least five inches above the rim of the fixture.

(C) An enclosed single-issue paper towel dispenser or mechanical hand-drying device shall be provided at each hand-washing sink.

(D) A wastebasket shall be located at each hand-washing sink.

(E) A mirror shall be placed at each hand-washing sink located in a resident room, a resident toilet room, and a bathing room and in each public toilet room. The placement of the mirror shall allow for convenient use by both a person who uses a wheelchair and a person who is ambulatory. The bottom edge of each mirror shall be no more than 40 inches from floor level.

(10) Lighting.

(A) All interior and exterior nursing facility lighting shall be designed to reduce glare.

(B) Each space occupied by persons, machinery, equipment within the nursing facility, and approaches to the nursing facility and parking lots shall have lighting.

(C) Each corridor and stairway shall remain lighted at all times.

(D) Each resident room shall have general lighting and night lighting. The nursing facility shall have a reading light for each resident. At least one light fixture for night lighting shall be switched at the entrance to each resident's room. All switches for the control of lighting in resident areas shall be of the quiet-operating type.

(E) Each light located in a resident-use area shall be equipped with a shade, globe, grid, or glass panel.

(F) Each light fixture in wet areas, including kitchens and showers, shall be vapor-resistant and shall have cleanable, shatter-resistant lenses and no exposed lamps.

(c) Finishes.

(1) Flooring.

(A) Each floor surface shall be easily cleaned and maintained for the location.

(B) If the area is subject to frequent wet-cleaning methods, the floor surface shall not be physically affected by germicidal or other types of cleaning solutions.

(C) Each floor surface, including tile joints used in areas for food preparation or food assembly, shall be water-resistant, greaseproof, and resistant to food acids. Floor construction in dietary and food preparation areas shall be free of spaces that can harbor rodents and insects.

(D) Each flooring surface, including wet areas in kitchens, showers, and bath areas, entries from exterior to interior spaces, and stairways and ramps, shall have slip-resistant surfaces.

(E) All floor construction and joints of structural elements that have openings for pipes, ducts, and conduits shall be tightly sealed to prevent entry of rodents and insects.

(F) Highly polished flooring or flooring finishes that create glare shall be avoided.

(G) Each flooring surface shall allow for ease of ambulation and movement of all wheeled equipment used by residents or staff and shall provide for smooth transitions between differing floor surfaces.

(H) Each threshold and expansion joint shall be designed to accommodate rolling traffic and prevent tripping.

(I) Each carpet and carpet with padding in all resident-use areas shall be glued down or stretched taut and free of loose edges or wrinkles to avoid hazards or interference with the operation of lifts, wheelchairs, walkers, wheeled carts, and residents utilizing orthotic devices.

(2) Walls, wall bases, and wall protection.

(A) Each wall finish shall be washable and, if located near plumbing fixtures, shall be smooth and moisture-resistant.

(B) Wall protection and corner guards shall be durable and scrubbable.

(C) Each wall base in areas that require frequent wet cleaning, including kitchens, clean and soiled workrooms, and housekeeping rooms, shall be continuous and coved with the floor, tightly sealed to the wall, and constructed without voids that can harbor rodents and insects.

(D) All wall construction, finish, and trim in dietary and food storage areas shall be free from spaces that can harbor rodents, insects, and moisture.

(E) Each wall opening for pipes, ducts, and conduits and the joints of structural elements shall be tightly sealed to prevent entry of rodents and insects.

(F) Highly polished walls or wall finishes that create glare shall be avoided.

(3) Ceilings.

(A) The finish of each ceiling in resident-use areas and staff work areas shall be easily cleanable.

(B) Each ceiling in dietary, food preparation, food assembly, and food storage areas shall have a finished ceiling covering all overhead pipes and ducts. The ceiling finish shall be washable or easily cleaned by dustless methods, including vacuum cleaning.

(C) Each ceiling opening for pipes, ducts, and conduits and all joints of structural elements shall be tightly sealed to prevent entry of rodents and insects.

(D) Impervious ceiling finishes that are easily cleaned shall be provided in each soiled workroom, housekeeping room, and bathing room.

(E) Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces unless required for fire protection. (Authorized by and implementing K.S.A. 39-932; effective Jan. 7, 2011.)

26-40-305. Nursing facility physical environment; mechanical, electrical, and plumbing systems. (a) Applicability. This regulation shall apply to all nursing facilities.

(b) Codes and standards. Each nursing facility shall meet the requirements of the building codes, standards, and regulations enforced by city, county, or state jurisdictions. The requirements specified in this regulation shall be considered as a minimum.

(1) Each nursing facility shall meet the requirements of the national fire protection association's NFPA 101 "life safety code" (LSC), as adopted by reference in K.A.R. 26-39-105.

(2) Each applicant for a nursing facility license and each addition to a nursing facility licensed on or after the effective date of this regulation shall meet the requirements of the "international building code" (IBC), as adopted by reference in K.A.R. 26-39-105.

(3) Each nursing facility and each portion of each nursing facility that was approved under a previous regulation shall, at a minimum, remain in compliance with the regulation or building code in effect at the date of licensure, unless otherwise indicated.

(4) Each nursing facility shall have a complete set of manufacturer's operating, maintenance, and preventive maintenance instructions for each piece of building, mechanical, dietary, and laundry equipment.

(c) Heating, ventilation, and air conditioning systems. Each nursing facility's heating, ventilation, and air conditioning systems shall be initially tested, balanced, and operated to ensure that system performance conforms to the requirements of the plans and specifications.

(1) Each nursing facility shall have a test and balance report from a certified member of the national environmental balancing bureau or the associated air balance council and shall maintain a copy of the report for inspection by department personnel.

(2) Each nursing facility shall meet the minimum ventilation rate requirements in table 1a. If the building was licensed as a nursing facility on the effective date of this

regulation, the minimum ventilation rate requirements shall be the levels specified in table 1b.

(3) Each nursing facility shall have a heating, ventilation, and air conditioning system designed to maintain a year-round indoor temperature range of 70°F to 85°F in resident care areas.

(d) Insulation. Each nursing facility shall have insulation surrounding the mechanical, electrical, and plumbing equipment to conserve energy, protect residents and personnel, prevent vapor condensation, and reduce noise. Insulation shall be required for the following fixtures within the nursing facility:

(1) All ducts or piping operating at a temperature greater than 100°F; and

(2) all ducts or pipes operating at a temperature below ambient at which condensation could occur.

(e) Plumbing and piping systems. The water supply systems of each nursing facility shall meet the following requirements:

(1) Water service mains, branch mains, risers, and branches to groups of fixtures shall be valved. A stop valve shall be provided at each fixture.

(2) Backflow prevention devices or vacuum breakers shall be installed on hose bibs, janitors' sinks, bedpan flushing attachments, and fixtures to which hoses or tubing can be attached.

(3) Water distribution systems shall supply water during maximum demand periods at sufficient pressure to operate all fixtures and equipment.

(4) Water distribution systems shall provide hot water at hot water outlets at all times. A maximum variation of 98°F to 120°F shall be acceptable at bathing facilities, at sinks in resident-use areas, and in clinical areas. At least one sink in each dietary services area not designated as a hand-washing sink shall have a maximum water temperature of 120°F.

(5) Water-heating equipment shall have sufficient capacity to supply hot water at temperatures of at least 120°F in dietary and laundry areas. Water temperature shall be measured at the hot water point of use or at the inlet to processing equipment.

(f) Electrical requirements. Each nursing facility shall have an electrical system that ensures the safety, comfort, and convenience of each resident.

(1) Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits the panelboards serve. This requirement shall not apply to emergency system circuits.

(2) The minimum lighting intensity levels shall be the levels specified in table 2a. Portable lamps shall not be an acceptable light source to meet minimum requirements, unless specified in table 2a. If the building was licensed as a nursing facility on the effective date of this regulation, the minimum lighting intensity levels shall be the levels specified in table 2b.

(3) Each electrical circuit to fixed or portable equipment in hydrotherapy units shall have a ground-fault circuit interrupter.

(4) Each resident bedroom shall have at least one duplex-grounded receptacle on each side of the head of each bed and another duplex-grounded receptacle on another

(continued)

wall. A television convenience outlet shall be located on at least one wall. If the building was constructed before February 15, 1977 and licensed as a nursing facility on the effective date of this regulation, each resident bedroom shall have at least one duplex-grounded receptacle.

(5) Duplex-grounded receptacles for general use shall be installed a maximum of 50 feet apart in all corridors and a maximum of 25 feet from the ends of corridors.

(g) Emergency power. Each nursing facility shall have an emergency electrical power system that can supply adequate power to operate all of the following:

- (1) Lighting of all emergency entrances and exits, exit signs, and exit directional lights;
- (2) equipment to maintain the fire detection, alarm, and extinguishing systems;
- (3) exterior electronic door monitors;
- (4) the call system;
- (5) a fire pump, if installed;
- (6) general illumination and selected receptacles in the vicinity of the generator set;
- (7) the paging or speaker system if the system is intended for communication during an emergency; and

(8) if life-support systems are used, an emergency generator. The emergency generator shall be located on the premises and shall meet the requirements of the LSC, as adopted by reference in K.A.R. 26-39-105.

(h) Reserve heating. Each nursing facility's heating system shall remain operational under loss of normal electrical power. Each nursing facility shall have heat sources adequate in number and arrangement to accommodate the nursing facility's needs if one or more heat sources become inoperable due to breakdown or routine maintenance.

(i) Preventive maintenance program. Each nursing facility shall have a preventive maintenance program to ensure that all of the following conditions are met:

- (1) All electrical and mechanical equipment is maintained in good operating condition.
 - (2) The interior and exterior of the building are safe, clean, and orderly.
 - (3) Resident care equipment is maintained in a safe, operating, and sanitary condition.
- (j) Tables.

Table 1a

Pressure Relationships and Ventilation of Certain Areas

Room Name or Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied to Room	Minimum Total Air Changes Per Hour Supplied to Room	All Air Exhausted Directly to Outdoors	Recirculated Within Room Units
Resident's room:					
General	*	2	4	Optional	Optional
Bed	*	2	4	Optional	Optional
Toilet room	Negative	Optional	10	Yes	No
Medication room	Positive	2	4	Optional	Optional
Consultation room	*	2	6	Optional	Optional
Clean workroom	Positive	2	4	Optional	Optional
Soiled workroom	Negative	2	10	Yes	No
Housekeeping	Negative	Optional	10	Yes	No
Public restroom	Negative	Optional	10	Yes	No
Living, dining, and recreation room	*	2	4	Optional	Optional
Nourishment area	*	2	4	Optional	Optional
Kitchen and other food preparation and serving areas	*	2	10	Yes	Yes
Warewashing room	Negative	Optional	10	Yes	Yes
Food storage (nonrefrigerated)	*	Optional	2	Yes	No
Den	*	2	4	Optional	Optional
Central bath and showers	Negative	Optional	10	Yes	No
Soiled Linen Sorting and Storage	Negative	Optional	10	Yes	No
Laundry, Processing	*	2	10	Yes	No
Clean Linen Storage	Positive	Optional	2	Yes	No
Multipurpose room	*	2	4	Optional	Optional
Rehabilitation room	Negative	2	6	Optional	Optional
Beauty and barber shop	Negative	2	10	Yes	No
Corridors	*	Optional	2	Optional	Optional
Designated smoking area	Negative	Optional	20	Yes	No

* Continuous directional control not required

Table 1b

Pressure Relationships and Ventilation of Certain Areas

Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied to Room	Minimum Total Air Changes Per Hour Supplied to Room	All Air Exhausted Directly to Outdoors	Recirculated Within Room Units
Resident's Room	Equal	2	2	Optional	Optional
Resident Area Corridor	Equal	Optional	2	Optional	Optional
Examination and Treatment Room	Equal	2	6	Optional	Optional
Physical Therapy	Negative	2	6	Optional	Optional
Activities Room	Negative	2	6	Optional	Optional
Soiled Workroom	Negative	2	10	Yes	No
Medicine Preparation and Clean Workroom	Positive	2	4	Optional	Optional
Toilet Room	Negative	Optional	10	Yes	No
Bathroom	Negative	Optional	10	Yes	No
Janitors' Closets	Negative	Optional	10	Yes	No
Linen and Trash Chute Rooms	Negative	Optional	10	Yes	No
Food Preparation Center	Equal	2	10	Yes	No
Warewashing Room	Negative	Optional	10	Yes	No
Dietary Dry Storage	Equal	Optional	2	Yes	No
Laundry, Processing Room	Equal	2	10	Yes	No
Soiled Linen Sorting and Storage	Negative	Optional	10	Yes	No
Clean Linen Storage	Positive	Optional	2	Optional	Optional
Personal Care Room	Negative	2	6	Yes	No
Designated Smoking Area	Negative	Optional	20	Yes	No

Table 2a

Artificial Light Requirements

Place	Light Measured in Foot-Candles	Where Measured
Resident's room:		
General	30	Three feet above floor
Bed	30	Mattress top level, at bed wall to three feet out from bed wall
Toilet room	30	Three feet above floor
Medication preparation	30	Counter level
Nurses' work area and office:		
General	30	Three feet above floor
Desk and charts	50	Desk level
Medication room	100	Counter level
Consultation room	30	Three feet above floor
Clean and soiled workrooms	30	Counter level
Storage room	30	Three feet above floor
Housekeeping	30	Three feet above floor
Public restroom	30	Floor level
Living, recreation rooms	30	Three feet above floor
Dining room	50	Table level
Nourishment area	50	Counter level
Kitchen in a resident unit	50	Counter level
Central kitchen (includes food preparation and serving areas)	70	Counter level
Food storage (nonrefrigerated)	30	Three feet above floor
Den	30	Chair or table level
Reading and other specialized areas (may be portable lamp)	70	Chair or table level
Central bath and showers	30	Three feet above floor
Laundry	30	Three feet above floor
Multipurpose room	30	Three feet above floor
Rehabilitation room	30	Three feet above floor
Beauty and barber shop	50	Counter level
Corridors:		
Resident waking hours	30	Floor level
Resident sleeping hours	10	Floor level
Stairways	20	Step level

(continued)

Exits:		
Resident waking hours	30	Floor level
Resident sleeping hours	10	Floor level
Maintenance service and equipment area	30	Floor level
Heating plant space	30	Floor level

Table 2b

Artificial Light Requirements

Place	Light Measured in Foot-Candles	Where Measured
Kitchen in a resident unit	50	Counter level
Central kitchen (includes food preparation and serving areas)	70	Counter level
Dining Room	25	Table level
Living room or recreation room		
General	15	Three feet above floor
Reading and other specialized areas (may be portable lamp)	50	Chair or table level
Nurses' station and office:		
General	20	Three feet above floor
Desk and charts	50	Desk level
Clean workroom	30	Counter level
Medication room	100	Counter level
Central bath and showers	30	Three feet above floor
Resident's room:		
General	10	Three feet above floor
Bed	30	Mattress top level, at bed wall to three feet out from bed wall
Laundry	30	Three feet above floor
Janitor's closet	15	Three feet above floor
Storage room:		
General	5	Three feet above floor
Disinfectant or cleaning agent storage area	15	Three feet above floor
Corridors	10	Floor level
Stairways	20	Step level
Exits	5	Floor level
Heating plant space	5	Floor level

(Authorized by and implementing K.S.A. 39-932; effective Jan. 7, 2011.)

Martin Kennedy
Secretary of Aging

Doc. No. 038997

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2008 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-64	New	V. 28, p. 1338
1-2-65	New	V. 28, p. 1338
1-7-3	Amended	V. 28, p. 1338
1-7-4	Amended	V. 28, p. 1338
1-7-6	Amended	V. 28, p. 1339
1-7-7	Amended	V. 28, p. 1339
1-7-10	Amended	V. 28, p. 1339
1-7-11	Amended	V. 28, p. 1340
1-7-12	Amended	V. 28, p. 1340
1-14-8	Amended	V. 28, p. 1341
1-16-8	Amended	V. 29, p. 676
1-16-15	Amended	V. 29, p. 677

1-16-18	Amended	V. 29, p. 677
1-16-18a	Amended	V. 29, p. 678
1-16-20	Amended	V. 29, p. 680

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New	V. 27, p. 1517
3-3-2	Amended (T)	V. 29, p. 702
3-4-1	Amended	V. 28, p. 1716
3-4-2	Amended	V. 28, p. 1716
3-4-4	Amended	V. 28, p. 1716
3-4-5	Amended	V. 28, p. 1717
3-4-6	Revoked	V. 28, p. 1717
3-4-7	Amended	V. 28, p. 1717

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-6-1	Amended	V. 28, p. 1594
4-6-2	Amended	V. 28, p. 1594
4-6-3	New	V. 27, p. 1741
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-10-1	Amended	V. 29, p. 254

4-10-1a	New	V. 29, p. 255
4-10-1b	New	V. 29, p. 255
4-10-2a		
4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f		
4-10-2k		
4-10-4	Revoked	V. 29, p. 256
4-10-4	Revoked	V. 29, p. 256
4-10-4a		
4-10-4a		
4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
4-10-6	Revoked	V. 29, p. 259
4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
4-10-15	Revoked	V. 29, p. 260
4-10-16	Amended	V. 29, p. 260
4-10-17	Revoked	V. 29, p. 261
4-13-1	Amended	V. 27, p. 186
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71
4-13-17	Amended	V. 29, p. 72

4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72
4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-25	Amended	V. 29, p. 1242
4-13-25b through		
4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
4-13-25j	Amended	V. 29, p. 1246
4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
4-13-25m	New	V. 29, p. 1247
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-62	Amended	V. 29, p. 73
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-5	Amended	V. 28, p. 690
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-1a	Amended	V. 27, p. 1741
4-16-1c	Amended	V. 27, p. 1742
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
4-17-301	Revoked	V. 27, p. 1026
4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
4-17-304	Amended	V. 27, p. 1026
4-17-305	Amended	V. 27, p. 1027
4-20-11	Amended	V. 27, p. 1027
4-27-1 through		
4-27-22	New	V. 29, p. 706-720
4-28-1	Amended	V. 29, p. 720
4-28-2	Amended	V. 29, p. 720
4-28-5	Amended	V. 27, p. 1742
4-28-8 through		
4-28-16	New	V. 27, p. 191-195
4-28-8	Amended	V. 29, p. 721
4-28-11	Amended	V. 29, p. 722
4-28-12	Amended	V. 29, p. 722
4-28-18 through		
4-28-30	New	V. 29, p. 723-725

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 27, p. 1549
5-1-2	Amended	V. 27, p. 1553
5-1-4	Amended	V. 29, p. 652
5-1-7	Amended	V. 27, p. 1553
5-1-9	Amended	V. 29, p. 653
5-2-4	New	V. 27, p. 1554
5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
5-3-16	Amended	V. 27, p. 1555
5-3-23	Amended (T)	V. 29, p. 1338
5-3-23	Amended	V. 29, p. 1598
5-4-1	Amended	V. 29, p. 1476
5-4-1a	New	V. 29, p. 1477
5-4-2	New	V. 27, p. 1556
5-5-6c	New	V. 27, p. 1556
5-5-13	Amended	V. 27, p. 1556

5-5-14	Amended	V. 27, p. 1557
5-6-2	Amended	V. 27, p. 1557
5-6-5	Amended	V. 27, p. 1557
5-7-1	Amended	V. 29, p. 653
5-7-4	Amended	V. 28, p. 1715
5-9-1a through		
5-9-1d	New	V. 27, p. 1557, 1558
5-14-3	Amended	V. 28, p. 241
5-14-3a	New	V. 28, p. 242
5-14-10	Amended	V. 27, p. 1558
5-17-2	Amended	V. 29, p. 654
5-20-1	New	V. 28, p. 1317
5-20-2	New	V. 28, p. 1318
5-22-7	Amended	V. 29, p. 596
5-25-5	Amended	V. 29, p. 1598
5-25-15	Amended	V. 29, p. 654
5-40-24	Amended	V. 27, p. 1438
5-45-1	Amended	V. 27, p. 1439
5-45-4	Amended	V. 27, p. 1440
5-45-19 through		
5-45-23	New	V. 27, p. 1441, 1442

AGENCY 7: SECRETARY OF STATE

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7-16-1 (T)	Amended	V. 29, p. 1115
7-16-1	Amended	V. 29, p. 1281
7-16-2	Amended	V. 27, p. 1548
7-17-1	Amended	V. 27, p. 965
7-17-4	Amended	V. 27, p. 966
7-17-11	Amended	V. 27, p. 966
7-17-19	Amended	V. 27, p. 966
7-17-21	Amended	V. 27, p. 966
7-17-22	Amended	V. 27, p. 966
7-17-24	Amended	V. 27, p. 967
7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
7-23-13	Revoked	V. 27, p. 968
7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968
7-41-1 through		
7-41-7	Amended	V. 28, p. 193-195
7-41-8	Revoked	V. 28, p. 195
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7-41-17	Amended	V. 28, p. 195, 196
7-41-18 through		
7-41-29	Revoked	V. 28, p. 196
7-41-30	Amended	V. 28, p. 196
7-41-31	Revoked	V. 28, p. 196
7-41-32	Amended	V. 28, p. 196
7-41-33	Amended	V. 28, p. 197
7-41-34	New	V. 28, p. 197
7-41-35	New	V. 28, p. 197
7-45-1	New	V. 27, p. 968
7-45-2	New	V. 27, p. 968

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-4	Amended (T)	V. 29, p. 703
9-7-4	Amended	V. 29, p. 1336
9-27-1	Amended	V. 29, p. 1337

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-6-1 through		
11-6-6	New	V. 27, p. 1633, 1634
11-12-1	Amended	V. 27, p. 1374
11-12-2	Amended	V. 27, p. 1375
11-12-3	Amended	V. 27, p. 1376
11-12-4	Amended	V. 27, p. 1377
11-12-6	Amended	V. 27, p. 1377

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

Reg. No.	Action	Register
14-6-2a	Revoked	V. 29, p. 1306
14-6-3	Revoked	V. 29, p. 1306
14-6-4	Amended	V. 29, p. 1306
14-8-6	Revoked	V. 27, p. 1214
14-8-7	Amended	V. 27, p. 1214
14-8-8	Revoked	V. 27, p. 1214
14-8-12	Revoked	V. 27, p. 1214
14-11-1	New	V. 29, p. 1307
14-11-4	New	V. 29, p. 1307
14-11-5	Amended	V. 29, p. 1307
14-11-6	Amended	V. 29, p. 1307
14-11-7	Amended	V. 29, p. 1307
14-11-9	Amended	V. 29, p. 1307
14-11-10a	Revoked	V. 29, p. 1307
14-11-10b	Revoked	V. 29, p. 1308
14-11-10d	Revoked	V. 29, p. 1308
14-11-11	Revoked	V. 29, p. 1633
14-11-14	Revoked	V. 29, p. 1308
14-11-15	Amended	V. 29, p. 1308
14-11-16	Amended	V. 29, p. 1308
14-11-22	New	V. 29, p. 1633
14-11-23 through		
14-11-29	New	V. 29, P. 1308-1310
14-11-27	Revoked	V. 29, p. 1730
14-16-25	New	V. 29, p. 1310
14-17-7	New	V. 27, p. 1214
14-19-27	Amended	V. 29, p. 1310
14-19-38	New	V. 29, p. 1311
14-19-39	New	V. 29, p. 1311
14-20-29	Amended	V. 29, p. 1311
14-20-40	New	V. 29, p. 1312
14-20-41	New	V. 29, p. 1312
14-21-12	Amended	V. 29, p. 1313
14-21-21	New	V. 29, p. 1313
14-21-22	New	V. 29, p. 1313
14-23-2	Amended	V. 29, p. 1314
14-23-5	Amended	V. 29, p. 1314
14-23-8	Amended	V. 29, p. 1314
14-23-10	Amended	V. 29, p. 1315
14-24-1 through		
14-24-6	Revoked	V. 29, p. 1315

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-24-2	Amended	V. 28, p. 1371
17-24-3	Amended	V. 28, p. 1371
17-24-4	Amended	V. 28, p. 1371
17-24-5	New	V. 28, p. 1373
17-24-6	New	V. 28, p. 1373
17-25-1	New	V. 27, p. 356

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Reg. No.	Action	Register
19-6-1	Amended	V. 29, p. 112
19-20-4	Amended	V. 27, p. 1020
19-20-5	New	V. 27, p. 1021
19-27-2	Amended	V. 27, p. 1021

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-6-1	Amended	V. 27, p. 1834
22-6-2	Revoked	V. 27, p. 1834
22-6-3	Revoked	V. 27, p. 1834
22-6-4	Revoked	V. 27, p. 1834
22-6-5	Amended	V. 27, p. 1834
22-6-6	Revoked	V. 27, p. 1834
22-6-7	Revoked	V. 27, p. 1835
22-6-8	Revoked	V. 27, p. 1835
22-6-9	Amended	V. 27, p. 1835
22-6-12	Amended	V. 27, p. 1835
22-6-13	Revoked	V. 27, p. 1835
22-6-14	Revoked	V. 27, p. 1835
22-6-18 through		
22-6-27	New	V. 27, p. 1835-1837

(continued)

Reg. No.	Action	Register	Reg. No.	Action	Register	Reg. No.	Action	Register
22-24-3	Amended	V. 28, p. 1367	28-19-735	Amended	V. 29, p. 1511	28-36-30	Revoked	V. 29, p. 727
AGENCY 26: DEPARTMENT ON AGING			28-19-750	Amended	V. 29, p. 1511	28-36-31	Revoked	V. 29, p. 727
26-39-100			28-19-750a	Amended	V. 29, p. 1511	28-36-33		
through			28-21-1	Revoked	V. 29, p. 725	through		
26-39-105	New	V. 28, p. 615-623	28-21-6	Revoked	V. 29, p. 725	28-36-49	Revoked	V. 27, p. 73
26-39-144	Revoked	V. 28, p. 623	28-21-7	Revoked	V. 29, p. 725	28-36-70		
26-39-243	Revoked	V. 28, p. 649	28-21-8	Revoked	V. 29, p. 725	through		
26-39-278	Revoked	V. 28, p. 649	28-21-9	Revoked	V. 29, p. 725	28-36-89	Revoked	V. 29, p. 727
26-39-427	Revoked	V. 28, p. 649	28-21-10	Revoked	V. 29, p. 726	28-36-101		
26-41-101			28-21-11	Revoked	V. 29, p. 726	through		
through			28-21-20a	Revoked	V. 29, p. 726	28-36-109	Revoked	V. 29, p. 727
26-41-106	New	V. 28, p. 649-651	28-21-21a	Revoked	V. 29, p. 726	28-38-18	Amended	V. 27, p. 1742
26-41-200			28-21-22a	Revoked	V. 29, p. 726	28-38-19	Amended	V. 27, p. 1743
through			28-21-23a	Revoked	V. 29, p. 726	28-38-21	Amended	V. 27, p. 1743
26-41-207	New	V. 28, p. 652-657	28-21-24a	Revoked	V. 29, p. 726	28-38-22	Amended	V. 27, p. 1744
26-42-101	New	V. 28, p. 657	28-21-25a	Revoked	V. 29, p. 726	28-38-23	Amended	V. 27, p. 1744
26-42-102	New	V. 28, p. 658	28-21-26a	Revoked	V. 29, p. 726	28-38-29	Amended	V. 27, p. 1745
26-42-104	New	V. 28, p. 659	28-21-27a	Revoked	V. 29, p. 726	28-39-145a	Revoked	V. 28, p. 623
26-42-105	New	V. 28, p. 659	28-21-28a	Revoked	V. 29, p. 726	28-39-146	Revoked	V. 28, p. 623
26-42-200			28-21-29a	Revoked	V. 29, p. 726	28-39-147	Revoked	V. 28, p. 623
through			28-21-30a	Revoked	V. 29, p. 726	28-39-148	Revoked	V. 28, p. 623
26-42-207	New	V. 28, p. 659-664	28-21-31a	Revoked	V. 29, p. 726	28-39-164		
26-43-101			28-21-32a	Revoked	V. 29, p. 726	through		
through			28-21-33a	Revoked	V. 29, p. 726	28-39-168	Amended	V. 28, p. 798-800
26-43-106	New	V. 28, p. 664-667	28-21-34a	Revoked	V. 29, p. 726	28-39-240		
26-43-200			28-21-35a	Revoked	V. 29, p. 726	through		
through			28-21-40a	Revoked	V. 29, p. 726	28-39-253	Revoked	V. 28, p. 672
26-43-207	New	V. 28, p. 667-671	28-21-41a	Revoked	V. 29, p. 726	28-39-275		
AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT			28-21-42a	Revoked	V. 29, p. 726	through		
28-1-20	Amended	V. 27, p. 989	28-21-43a	Revoked	V. 29, p. 726	28-39-288	Revoked	V. 28, p. 672
28-4-92	Amended (T)	V. 29, p. 1348	28-21-44a	Revoked	V. 29, p. 726	28-39-425		
28-4-92	Amended	V. 29, p. 1705	28-21-50a	Revoked	V. 29, p. 726	through		
28-4-117	Amended	V. 27, p. 990	28-21-51a	Revoked	V. 29, p. 726	28-39-436	Revoked	V. 28, p. 672
28-4-120	Amended	V. 27, p. 990	28-21-52a	Revoked	V. 29, p. 726	28-43-1		
28-4-121	New	V. 27, p. 990	28-21-53a	Revoked	V. 29, p. 726	through		
28-4-122	Amended	V. 27, p. 317	28-21-54a	Revoked	V. 29, p. 726	28-43-11	Revoked	V. 29, p. 1137
28-4-311	Amended	V. 27, p. 317	28-21-55a	Revoked	V. 29, p. 726	28-45b-1		
28-4-312			28-21-56a	Revoked	V. 29, p. 726	through		
through			28-21-57a	Revoked	V. 29, p. 726	28-45b-28	New	V. 28, p. 973-988
28-4-317	Revoked	V. 27, p. 317, 318	28-21-58a	Revoked	V. 29, p. 726	28-46-1	Amended	V. 29, p. 1138
28-4-370			28-21-59a	Revoked	V. 29, p. 726	28-46-2a	Amended	V. 29, p. 1138
through			28-21-60a	Revoked	V. 29, p. 726	28-46-3		
28-4-379	Revoked	V. 29, p. 1024	28-21-61a	Revoked	V. 29, p. 726	through		
28-4-430	Amended	V. 27, p. 991	28-21-62a	Revoked	V. 29, p. 726	28-46-22	Amended	V. 29, p. 1139-1141
28-4-503	Amended	V. 29, p. 1662	28-21-63	Revoked	V. 29, p. 726	28-46-27	Amended	V. 29, p. 1141
28-4-505	Amended	V. 29, p. 1662	28-21-64	Revoked	V. 29, p. 726	28-46-28	Amended	V. 29, p. 1141
28-4-514	Amended	V. 29, p. 1663	28-21-70a	Revoked	V. 29, p. 726	28-46-29	Amended	V. 29, p. 1141
28-4-520	New	V. 29, p. 1663	28-21-71a	Revoked	V. 29, p. 726	28-46-29a	New	V. 29, p. 1142
28-4-521	New	V. 29, p. 1663	28-21-72a	Revoked	V. 29, p. 726	28-46-30	Amended	V. 29, p. 1142
28-4-800			28-21-82			28-46-30a	New	V. 29, p. 1142
through			through			28-46-30b	New	V. 29, p. 1144
28-4-825	New	V. 27, p. 318-334	28-21-85	Revoked	V. 29, p. 726	28-46-31	Amended	V. 29, p. 1144
28-4-1200			28-23-4	Revoked	V. 29, p. 726	28-46-33	Amended	V. 29, p. 1144
through			28-23-9	Revoked	V. 29, p. 726	28-46-34	Amended	V. 29, p. 1145
28-4-1218	New	V. 28, p. 1426-1437	28-23-10	Revoked	V. 29, p. 726	28-46-35	Amended	V. 29, p. 1145
28-4-1300			28-23-16	Revoked	V. 27, p. 191	28-46-40	Amended	V. 29, p. 1145
through			28-23-20			28-46-41	Amended	V. 29, p. 1145
28-4-1318	New	V. 29, p. 1024-1032	through			28-46-44	Amended	V. 29, p. 1145
28-16-28g	Amended	V. 29, p. 181	28-23-24	Revoked	V. 29, p. 726	28-46-45	New	V. 29, p. 1145
28-17-6	Amended	V. 28, p. 1809	28-23-26			28-53-1		
28-17-12	Amended	V. 28, p. 1809	through			through		
28-19-200a	New	V. 29, p. 1634	28-23-32	Revoked	V. 29, p. 726	28-53-5	Amended	V. 28, p. 240, 241
28-19-202	Amended	V. 29, p. 1509	28-23-34			28-59-5	Amended	V. 27, p. 462
28-19-325	New	V. 29, p. 1634	through			28-61-1	Amended	V. 29, p. 419
28-19-350	Amended	V. 29, p. 1635	28-23-36	Revoked	V. 29, p. 727	28-61-2	Amended	V. 29, p. 419
28-19-517	Amended	V. 29, p. 1510	28-23-41			28-61-5	Amended	V. 29, p. 420
28-19-712	New	V. 29, p. 866	through			28-61-8	Amended	V. 29, p. 422
28-19-712a			28-23-55	Revoked	V. 29, p. 727	28-61-11	Amended	V. 27, p. 464
through			28-23-70	Revoked	V. 29, p. 727	28-70-4	New	V. 28, p. 800
28-19-712d	New	V. 29, p. 867	28-23-71	Revoked	V. 29, p. 727	28-72-1	Revoked	V. 29, p. 357
28-19-713	New	V. 29, p. 867	28-23-73	Revoked	V. 29, p. 727	28-72-1a	New	V. 29, p. 357
28-19-713a			28-23-75	Revoked	V. 29, p. 727	28-72-1c	New	V. 29, p. 357
through			28-23-78			28-72-1d	New	V. 29, p. 358
28-19-713d	New	V. 29, p. 867, 868	through			28-72-1e	New	V. 29, p. 358
28-19-720	Amended	V. 29, p. 1510	28-23-80	Revoked	V. 29, p. 727	28-72-1g	New	V. 29, p. 358
28-19-728	Revoked	V. 29, p. 1511	28-29-501	New	V. 28, p. 1809	28-72-1h	New	V. 29, p. 358
28-19-728a			28-32-1	Revoked	V. 27, p. 247	28-72-1i	New	V. 29, p. 359
through			28-32-2	Revoked	V. 27, p. 247	28-72-1k	New	V. 29, p. 359
28-19-728f	Revoked	V. 29, p. 1511	28-32-4	Revoked	V. 27, p. 247	28-72-1l	New	V. 29, p. 359
			28-32-5	Revoked	V. 27, p. 247	28-72-1m	New	V. 29, p. 360
			28-32-6	Revoked	V. 27, p. 247	28-72-1n	New	V. 29, p. 360
			28-32-7	Revoked	V. 27, p. 247	28-72-1o	New	V. 29, p. 360
			28-32-8			28-72-1p	New	V. 29, p. 360
			through			28-72-1r	New	V. 29, p. 361
			28-32-14	New	V. 27, p. 247-249	28-72-1s	New	V. 29, p. 361

28-72-1t	New	V. 29, p. 361
28-72-1v	New	V. 29, p. 361
28-72-1x	New	V. 29, p. 361
28-72-2	Amended	V. 29, p. 361
28-72-3	Amended	V. 29, p. 362
28-72-4	Amended	V. 29, p. 362
28-72-4a	Amended	V. 29, p. 366
28-72-4b	Revoked	V. 29, p. 368
28-72-4c	Amended	V. 29, p. 368
28-72-5	Amended	V. 29, p. 369
28-72-6	Amended	V. 29, p. 370
28-72-6a	New	V. 29, p. 371
28-72-7	Amended	V. 29, p. 373
28-72-7a	New	V. 29, p. 373
28-72-8	Amended	V. 29, p. 374
28-72-9	Amended	V. 29, p. 375
28-72-10	Amended	V. 29, p. 376
28-72-10a	New	V. 29, p. 377
28-72-11	Amended	V. 29, p. 378
28-72-12	Amended	V. 29, p. 378
28-72-13	Amended	V. 29, p. 379
28-72-14	Amended	V. 29, p. 379
28-72-15	Amended	V. 29, p. 380
28-72-16	Amended	V. 29, p. 380
28-72-17	Amended	V. 29, p. 381
28-72-18	Amended	V. 29, p. 382
28-72-18a	Amended	V. 29, p. 383
28-72-18b	Amended	V. 29, p. 384
28-72-18c	Amended	V. 29, p. 384
28-72-18d	Amended	V. 29, p. 385
28-72-18e	Amended	V. 29, p. 386
28-72-19	Amended	V. 29, p. 387
28-72-20	Amended	V. 29, p. 387
28-72-21	Amended	V. 29, p. 387
28-72-22	Amended	V. 29, p. 388
28-72-51	Amended	V. 29, p. 388
28-72-52	Amended	V. 29, p. 389
28-72-53	Amended	V. 29, p. 389
28-73-1	Amended	V. 28, p. 74

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-90	Amended	V. 28, p. 916
30-5-78	Revoked	V. 27, p. 1022
30-5-118a	Revoked	V. 29, p. 293
30-10-15a	Revoked	V. 27, p. 1345
30-10-15b	Revoked	V. 27, p. 1345
30-10-17	Revoked	V. 27, p. 1345
30-10-18	Revoked	V. 27, p. 1345
30-10-23a	Revoked	V. 27, p. 1346
30-10-23b	Revoked	V. 27, p. 1346
30-10-25	Revoked	V. 27, p. 1346
30-10-26	Revoked	V. 27, p. 1346
30-10-27	Revoked	V. 27, p. 1346
30-10-200	Revoked	V. 27, p. 1346
30-10-210	Revoked	V. 27, p. 1346
30-45-20	New	V. 28, p. 966
30-46-10	Amended	V. 28, p. 966
30-46-17	Amended	V. 28, p. 967
30-63-10	Amended	V. 28, p. 1806
30-63-11	Amended	V. 28, p. 1807
30-63-12	Amended	V. 28, p. 1807
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-39-2	Amended (T)	V. 29, p. 1090
36-39-2	Amended	V. 29, p. 1416
36-39-4	Amended (T)	V. 29, p. 1091
36-39-4	Amended	V. 29, p. 1416
36-39-6	Amended (T)	V. 29, p. 1091
36-39-6	Amended	V. 29, p. 1416
36-42-1 through 36-42-9	New	V. 29, p. 502-504

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 28, p. 966
40-1-38	Amended	V. 28, p. 1593

40-1-48	Amended	V. 29, p. 1752
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-43	Amended	V. 29, p. 1337
40-3-52	New	V. 27, p. 133
40-3-56	New	V. 28, p. 1518
40-3-57	New	V. 28, p. 1518
40-3-58	New	V. 28, p. 1518
40-4-35	Amended	V. 28, p. 915
40-4-36	Amended	V. 28, p. 1252
40-4-37v	New	V. 28, p. 643
40-4-41	Amended	V. 27, p. 434
40-4-41a through 40-4-41j	Revoked	V. 27, p. 434, 435
40-4-43	New	V. 29, p. 703
40-7-20a	Amended	V. 28, p. 604
40-7-26	New	V. 29, p. 1752
40-7-27	New	V. 29, p. 1753

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127 through 44-6-132	New	V. 27, p. 1135-1138

AGENCY 48: DEPARTMENT OF LABOR—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-1 through 48-1-6	Amended	V. 29, p. 15-17
48-2-1 through 48-2-5	Amended	V. 29, p. 17
48-3-1	Amended	V. 29, p. 18
48-3-2	Amended	V. 29, p. 18
48-3-4	Amended	V. 29, p. 18
48-3-5	Amended	V. 29, p. 18
48-4-1	Amended	V. 29, p. 18
48-4-2	Amended	V. 29, p. 18

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467
49-55-1 through 49-55-12	New	V. 29, p. 675, 676

AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-21a	New (T)	V. 29, p. 701
50-2-21a	New	V. 29, p. 1214

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 29, p. 1508

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-11-101 through 60-11-105	Amended	V. 28, p. 1252-1254
60-11-107	Amended	V. 28, p. 1254
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202
60-16-105	Revoked	V. 29, p. 1115

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 29, p. 990

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-6-6	Amended	V. 28, p. 1536
66-6-8	Revoked	V. 28, p. 1537
66-6-9	Revoked	V. 28, p. 1537
66-7-2	Amended	V. 28, p. 1537
66-8-1	Revoked	V. 28, p. 1537
66-8-3	Amended	V. 28, p. 1537
66-8-4	Amended	V. 28, p. 1537
66-8-6	Amended	V. 29, p. 794
66-8-7	Amended	V. 28, p. 1537
66-9-4	Amended	V. 28, p. 1538
66-10-1	Amended	V. 29, p. 794
66-10-9	Amended	V. 28, p. 1538
66-10-14	Amended	V. 28, p. 1538
66-11-1	Amended	V. 28, p. 1539
66-11-1a	Amended	V. 28, p. 1539
66-11-1b	Amended	V. 28, p. 1539
66-11-4	Amended	V. 28, p. 1539
66-11-5	Amended	V. 28, p. 1539
66-12-1	Amended	V. 29, p. 794
66-12-1	Amended	V. 29, p. 794
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45
66-14-10	Amended	V. 29, p. 794

AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

Reg. No.	Action	Register
67-3-5	New	V. 28, p. 1187

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-1-1h	New	V. 28, p. 1491
68-1-3a	Amended	V. 28, p. 1491

(continued)

68-2-20	Amended	V. 28, p. 1765
68-2-22	Amended	V. 28, p. 1491
68-7-11	Amended	V. 29, p. 1053
68-7-12b	Amended	V. 27, p. 1518
68-7-14	Amended	V. 28, p. 1492
68-7-20	Amended	V. 27, p. 435
68-7-21	New	V. 29, p. 465
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-10a	Amended	V. 29, p. 466
68-20-16	Amended	V. 28, p. 1561
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192
68-21-1 through 68-21-7	New	V. 29, p. 1417-1420

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 28, p. 923
69-11-1	Amended	V. 28, p. 298

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-5-1 through 71-5-6	Revoked	V. 29, p. 1593
71-5-7 through 71-5-13	New	V. 29, p. 1593-1597
71-9-1 through 71-9-4	New	V. 27, p. 1878
71-10-1 through 71-10-4	New	V. 27, p. 1879
71-11-1	New	V. 28, p. 1187

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 28, p. 643
74-4-8	Amended	V. 29, p. 1636
74-4-9	Amended	V. 29, p. 1638
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 29, p. 1638
74-5-2a	New	V. 28, p. 646
74-5-101	Amended	V. 29, p. 1639
74-5-102	Amended	V. 28, p. 646
74-5-103	Amended	V. 28, p. 646
74-5-201	Amended	V. 28, p. 646
74-5-202	Amended	V. 29, p. 1639
74-5-203	Amended	V. 29, p. 1639
74-5-301	Amended	V. 28, p. 647
74-5-302	Amended	V. 28, p. 647
74-5-401	Amended	V. 28, p. 647
74-5-403	Amended	V. 28, p. 647
74-5-405a	Amended	V. 28, p. 647
74-5-406	Amended	V. 28, p. 647
74-6-2	Amended	V. 29, p. 1640
74-7-4	Amended	V. 28, p. 648
74-11-6	Amended	V. 29, p. 1640
74-11-7	Amended	V. 29, p. 1640
74-12-1	Amended	V. 29, p. 1641
74-15-2	Revoked	V. 29, p. 1641

AGENCY 75: OFFICE OF THE STATE BANK COMMISSIONER—CONSUMER AND MORTGAGE LENDING DIVISION

Reg. No.	Action	Register
75-6-1	Amended	V. 28, p. 1367
75-6-9	Amended	V. 28, p. 1367
75-6-31	Amended	V. 28, p. 1367
75-6-33	Revoked	V. 28, p. 1368
75-6-34	Revoked	V. 28, p. 1368
75-6-36	New	V. 28, p. 1368
75-6-37	New	V. 28, p. 1368
75-6-38	New	V. 28, p. 1368

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-3-6	Amended	V. 28, p. 606
81-5-7	Amended	V. 27, p. 1156
81-5-14	Amended	V. 28, p. 571
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 28, p. 610
81-14-9	Amended	V. 27, p. 1163

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-219	Amended	V. 29, p. 1099
82-3-101a	New	V. 29, p. 1508
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-311a	New	V. 29, p. 181
82-3-402	Amended	V. 27, p. 1521
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
82-4-2	Amended	V. 29, p. 1443
82-4-3a through 82-4-3d	Amended	V. 28, p. 1373-1385
82-4-3a	Amended	V. 29, p. 1443
82-4-3d	Amended	V. 29, p. 1444
82-4-3e	Revoked	V. 28, p. 1386
82-4-3f through 82-4-3m	Amended	V. 28, p. 1386-1397
82-4-3f	Amended	V. 29, p. 1390
82-4-3n	New	V. 29, p. 1444
82-4-3o	New	V. 29, p. 1445
82-4-6a	Amended	V. 29, p. 1446
82-4-8h	Amended	V. 29, p. 1446
82-4-20	Amended	V. 28, p. 1397
82-4-21	Amended	V. 29, p. 1446
82-4-22	Amended	V. 29, p. 1446
82-4-23	Amended	V. 29, p. 1447
82-4-24a	Amended	V. 29, p. 1447
82-4-26	Amended	V. 29, p. 1447
82-4-26a	Amended	V. 29, p. 1447
82-4-27	Amended	V. 29, p. 1447
82-4-27a	Amended	V. 29, p. 1448
82-4-27c	Amended	V. 29, p. 1448
82-4-27e	Amended	V. 29, p. 1449
82-4-28	Revoked	V. 29, p. 1449
82-4-28a	Revoked	V. 29, p. 1449
82-4-28b	Revoked	V. 29, p. 1449
82-4-30a	Amended (T)	V. 29, p. 702
82-4-30a	Amended	V. 29, p. 1392
82-4-31	Revoked	V. 29, p. 1450
82-4-32	Amended	V. 29, p. 1450
82-4-33	Amended	V. 29, p. 1450
82-4-35	Amended	V. 29, p. 1450
82-4-35a	Amended	V. 29, p. 1450
82-4-37	Revoked	V. 29, p. 1450
82-4-40	Amended	V. 29, p. 1450
82-4-42	Amended	V. 29, p. 1450
82-4-48	Amended	V. 29, p. 1451
82-4-48a	Amended	V. 29, p. 1451
82-4-53	Amended	V. 29, p. 1451
82-4-54	Amended	V. 29, p. 1452
82-4-55	Amended	V. 29, p. 1452
82-4-56a	Amended	V. 29, p. 1452
82-4-57	Amended	V. 29, p. 1453
82-4-58	Amended	V. 29, p. 1453
82-4-62	Revoked	V. 29, p. 1453
82-4-63	Amended	V. 29, p. 1453
82-4-65	Amended	V. 29, p. 1453
82-4-77	Amended	V. 29, p. 1454
82-11-4	Amended	V. 28, p. 917
82-11-10	Amended	V. 28, p. 922

82-14-1 through 82-14-5	Amended	V. 28, p. 967-971
82-14-6	New	V. 28, p. 972
82-16-1 through 82-16-6	New	V. 29, p. 1598-1601
82-17-1 through 82-17-5	New	V. 29, p. 1136, 1137

AGENCY 84: PUBLIC EMPLOYEE RELATIONS BOARD

Reg. No.	Action	Register
84-2-1	Amended	V. 28, p. 872

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-24-1	Amended	V. 29, p. 1415
88-28-6	Amended	V. 29, p. 408
88-29-1	Amended (T)	V. 28, p. 1101
88-29-1	Amended	V. 28, p. 1561
88-29-4	Amended (T)	V. 28, p. 1102
88-29-4	Amended	V. 28, p. 1562
88-29-5	Amended (T)	V. 28, p. 1103
88-29-5	Amended	V. 28, p. 1563
88-29-7	Amended (T)	V. 28, p. 1103
88-29-7	Amended	V. 28, p. 1563
88-29-8	Amended (T)	V. 28, p. 1103
88-29-8	Amended	V. 28, p. 1563
88-29-8a	New (T)	V. 28, p. 1103
88-29-8a	New	V. 28, p. 1563
88-29-8b	New (T)	V. 28, p. 1104
88-29-8b	New	V. 28, p. 1564
88-29-9	Amended (T)	V. 28, p. 1104
88-29-9	Amended	V. 28, p. 1564
88-29-11	Amended (T)	V. 28, p. 1105
88-29-11	Amended	V. 28, p. 1565
88-29-12	Amended (T)	V. 28, p. 1106
88-29-12	Amended	V. 28, p. 1566
88-29-18	Amended (T)	V. 28, p. 1107
88-29-18	Amended	V. 28, p. 1567
88-29-19	Amended (T)	V. 28, p. 1108
88-29-19	Amended	V. 28, p. 1568

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200	Amended	V. 28, p. 1222
91-1-201	Amended	V. 27, p. 1028
91-1-202	Amended	V. 28, p. 1223
91-1-203	Amended	V. 28, p. 1225
91-1-204	Amended	V. 28, p. 1229
91-1-205	Amended	V. 28, p. 1232
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-216	Amended	V. 28, p. 1233
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 29, p. 1093
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7 through 91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26 through 91-40-31	Amended	V. 27, p. 287-289
91-40-27	Amended	V. 29, p. 1098

91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140		
through		
92-12-145	New	V. 27, p. 866, 867
92-12-145	Amended	V. 28, p. 604
92-19-70	Revoked	V. 27, p. 868
92-24-23	Amended	V. 29, p. 1633
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1		
through		
92-28-4	New	V. 28, p. 113
92-51-25a	New	V. 29, p. 1281
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1		
through		
94-2-21	Revoked	V. 29, p. 1478, 1479
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530
94-5-1		
through		
94-5-25	New	V. 29, p. 1479-1485

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3		
through		
97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4		
through		
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463

97-7-1		
through		
97-7-6	New	V. 29, p. 252-254

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

Reg. No.	Action	Register
99-25-1	Amended	V. 29, p. 1242
99-25-5	Amended	V. 29, p. 1242
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-25-12	New	V. 29, p. 1242
99-26-1	Amended	V. 28, p. 522
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 28, p. 112
100-28a-2	Amended	V. 28, p. 1736
100-28a-10	Amended	V. 28, p. 572
100-29-1	Amended	V. 29, p. 598
100-29-3a	Amended	V. 28, p. 1737
100-29-16	Amended	V. 28, p. 1060
100-49-4	Amended	V. 29, p. 651
100-54-1	Amended	V. 28, p. 1594
100-54-4	Amended	V. 27, p. 209
100-54-8	Amended	V. 28, p. 1595
100-55-1	Amended	V. 29, p. 704
100-55-4	Amended	V. 27, p. 209
100-55-7	Amended	V. 29, p. 651
100-55-9	Amended	V. 28, p. 572
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-69-10	Amended	V. 28, p. 572
100-69-12	New	V. 29, p. 704
100-72-1	Amended	V. 28, p. 112
100-72-2	Amended	V. 29, p. 705
100-72-7	Amended	V. 28, p. 273
100-73-1	Amended (T)	V. 28, p. 923
100-73-1	Amended	V. 28, p. 1282
100-73-2	Amended	V. 29, p. 598
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended (T)	V. 28, p. 1101
102-1-13	Amended	V. 28, p. 1426
102-2-3	Amended	V. 29, p. 340
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 29, p. 1338
105-4-1	Amended	V. 29, p. 1506
105-5-2	Amended (T)	V. 29, p. 1339
105-5-2	Amended	V. 29, p. 1506
105-5-3	Amended (T)	V. 29, p. 1339
105-5-3	Amended	V. 29, p. 1506

105-5-6	Amended (T)	V. 29, p. 1339
105-5-6	Amended	V. 29, p. 1506
105-5-7	Amended (T)	V. 29, p. 1339
105-5-7	Amended	V. 29, p. 1507
105-5-8	Amended (T)	V. 29, p. 1340
105-5-8	Amended	V. 29, p. 1507
105-11-1	Amended (T)	V. 29, p. 1340
105-11-1	Amended	V. 29, p. 1507

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 29, p. 1055
108-1-1	Amended (T)	V. 29, p. 1340
108-1-3	Amended	V. 29, p. 1057
108-1-3	Amended (T)	V. 29, p. 1342
108-1-4	Amended	V. 29, p. 1059
108-1-4	Amended (T)	V. 29, p. 1344

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-9	Amended	V. 28, p. 1030
109-3-1	Amended	V. 28, p. 1030
109-5-1	Amended	V. 29, p. 1281
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-6-3	Revoked	V. 28, p. 575
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-3	Amended	V. 29, p. 1284
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-15-1	New	V. 28, p. 575
109-15-2	Amended	V. 29, p. 1285

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1		
through		
110-19-4	New	V. 27, p. 1064, 1065
110-20-1		
through		
110-20-4	New	V. 27, p. 1065, 1066

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed 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. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-2-234	New	V. 29, p. 746
111-2-235		
through		
111-2-240	New	V. 29, p. 1214, 1215
111-2-241	New	V. 29, p. 1247
111-2-242	New	V. 29, p. 1247
111-2-243		
through		
111-2-248	New	V. 29, p. 1512, 1513

(continued)

111-4-2899			111-309-1			115-4-4a	Amended	V. 29, p. 659
through			through			115-4-6	Amended	V. 29, p. 409
111-4-2907	New	V. 29, p. 9-14	111-309-6	New	V. 29, p. 1528-1530	115-4-6a	Revoked	V. 27, p. 112
111-4-2908			111-310-1			115-4-11	Amended	V. 29, p. 67
through			through			115-4-13	Amended	V. 27, p. 404
111-4-2911	New	V. 29, p. 149-152	111-310-6	New	V. 29, p. 1530-1532	115-4-14	Revoked	V. 27, p. 112
111-4-2911a	New	V. 29, p. 152	111-311-1			115-5-1	Amended	V. 28, p. 1250
111-4-2912			through			115-5-2	Amended	V. 28, p. 1251
through			111-311-7	New	V. 29, p. 1532-1535	115-6-1	Amended	V. 28, p. 1251
111-4-2923	New	V. 29, p. 153-157	AGENCY 112: RACING AND GAMING COMMISSION			115-7-1	Amended	V. 29, p. 1606
111-4-2924			Reg. No.	Action	Register	115-7-2	Amended	V. 27, p. 1708
through			112-12-15	New	V. 28, p. 797	115-7-3	Amended	V. 28, p. 1599
111-4-2930	New	V. 29, p. 216-222	112-13-6	New	V. 28, p. 376	115-7-8	Revoked	V. 29, p. 1607
111-4-2931			112-100-1			115-7-9	Amended	V. 29, p. 1607
through			through			115-7-10	New	V. 28, p. 1600
111-4-2938	New	V. 29, p. 467-473	112-100-7	New	V. 27, p. 1378	115-8-1	Amended	V. 29, p. 1092
111-4-2939			112-101-1			115-8-6	Amended	V. 28, p. 1600
through			through			115-8-9	Amended	V. 27, p. 1265
111-4-2948	New	V. 29, p. 569-575	112-101-16	New	V. 28, p. 376-379	115-8-10	Amended	V. 27, p. 1265
111-4-2949			112-102-1			115-8-13	Amended	V. 27, p. 112
through			through			115-15-1	Amended	V. 28, p. 1079
111-4-2984	New	V. 29, p. 746-769	112-102-13	New	V. 28, p. 1161-1163	115-15-2	Amended	V. 28, p. 1080
111-4-2949			112-102-13			115-18-7	Amended	V. 29, p. 659
through			112-103-1			115-18-20	Amended	V. 29, p. 1608
111-4-2984	New	V. 29, p. 746-769	through			115-18-21	New	V. 27, p. 1708
111-4-2985			112-103-12	New	V. 28, p. 376-382	115-20-7	New	V. 29, p. 659
through			112-103-15	New	V. 28, p. 382	AGENCY 117: REAL ESTATE APPRAISAL BOARD		
111-4-2988	New	V. 29, p. 1180-1183	112-103-16	New	V. 28, p. 382	Reg. No.	Action	Register
111-4-2989	New	V. 29, p. 1216	112-104-1			117-1-1	Amended	V. 28, p. 373
111-4-2990	New	V. 29, p. 1217	through			117-2-1	Amended	V. 29, p. 412
111-4-2991	New	V. 29, p. 1218	112-104-33	New	V. 27, p. 1378-1406	117-2-2	Amended	V. 29, p. 413
111-4-2992			112-104-34			117-2-2a	Amended	V. 28, p. 373
through			through			117-3-1	Amended	V. 29, p. 414
111-4-3011	New	V. 29, p. 1248-1259	112-104-41	New	V. 28, p. 1457-1459	117-3-2	Amended	V. 29, p. 415
111-4-3012			112-105-1			117-3-2a	Amended	V. 28, p. 373
through			through			117-4-1	Amended	V. 29, p. 416
111-4-3022	New	V. 29, p. 1513-1522	112-105-7	New	V. 27, p. 1406-1408	117-4-2	Amended	V. 29, p. 417
111-5-175			112-106-1			117-4-2a	Amended	V. 28, p. 374
through			through			117-5-2	Amended	V. 28, p. 374
111-5-179	New	V. 29, p. 157-159	112-106-7	New	V. 27, p. 1408-1411	117-5-2a	Amended	V. 28, p. 375
111-5-180			112-107-1	New	V. 28, p. 424	117-6-1	Amended	V. 29, p. 656
through			112-107-2	New	V. 28, p. 424	117-6-3	Amended	V. 29, p. 656
111-5-194	New	V. 29, p. 222-228	112-107-3	New	V. 28, p. 424	117-7-1	Amended	V. 28, p. 375
111-5-181	Amended	V. 29, p. 1522	112-107-5	New	V. 28, p. 428	117-8-1	Amended	V. 29, p. 418
111-5-184	Amended	V. 29, p. 1523	112-107-6	New	V. 28, p. 428	117-10-1	New	V. 28, p. 375
111-5-186	Amended	V. 29, p. 1524	112-107-7	New	V. 28, p. 428	AGENCY 121: DEPARTMENT OF CREDIT UNIONS		
111-5-194	Amended	V. 29, p. 1525	112-107-9	New	V. 28, p. 429	Reg. No.	Action	Register
111-9-162	New	V. 29, p. 229	112-107-10	New	V. 28, p. 429	121-9-1	Amended	V. 28, p. 457
111-9-163	New	V. 29, p. 229	112-107-11	New	V. 28, p. 430	121-10-1	Amended	V. 29, p. 675
111-9-164	New	V. 29, p. 230	112-107-13			121-10-2	New	V. 27, p. 1099
111-9-165	New	V. 29, p. 769	through			121-11-1	New	V. 28, p. 457
111-9-166	New	V. 29, p. 1184	112-107-32	New	V. 28, p. 430-440	121-11-2	New	V. 28, p. 457
111-9-167	New	V. 29, p. 1526	112-107-34	New	V. 28, p. 441	121-12-1	New	V. 28, p. 459
111-9-168	New	V. 29, p. 1526	112-108-1			AGENCY 123: JUVENILE JUSTICE AUTHORITY		
111-9-169	New	V. 29, p. 1527	through			Reg. No.	Action	Register
111-201-1			112-108-57	New	V. 28, p. 1766-1788	123-2-111	New (T)	V. 29, p. 1115
through			112-110-1			123-2-111	New	V. 29, p. 1415
111-201-17	New	V. 29, p. 73-79	112-110-13	New	V. 28, p. 464-470	AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION		
111-301-1			112-111-1			Reg. No.	Action	Register
through			through			127-2-1	New	V. 28, p. 192
111-301-6	New	V. 29, p. 79, 80	112-111-5	New	V. 28, 470-472	127-2-2	New	V. 28, p. 192
111-302-1			112-112-1			127-2-3	New	V. 28, p. 193
through			through			AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION		
111-302-6	New	V. 29, p. 82-86	112-112-9	New	V. 27, p. 1411-1413	Reg. No.	Action	Register
111-303-1			112-113-1	New	V. 28, p. 382	128-1-1	New (T)	V. 27, p. 106
through			112-114-1			128-1-1	New	V. 27, p. 358
111-303-5	New	V. 29, p. 87-89	through			128-2-1	New	V. 27, p. 360
111-304-1			112-114-6	New	V. 28, p. 472	128-2-3		
through			112-114-8			through		
111-304-6	New	V. 29, p. 89-91	through			128-2-13	New	V. 27, p. 360-362
111-305-1			112-114-12	New	V. 28, p. 472, 473	128-2-12	New (T)	V. 27, p. 107
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111-305-6	New	V. 29, p. 474, 475	AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS			Reg. No.	Action	Register
111-306-1			Reg. No.	Action	Register	128-1-1	New (T)	V. 27, p. 106
through			115-2-1	Amended	V. 29, p. 1602	128-1-1	New	V. 27, p. 358
111-306-6	New	V. 29, p. 1185-1187	115-2-3	Amended	V. 29, p. 1603	128-2-1	New	V. 27, p. 360
111-306-4	Amended	V. 29, p. 1260	115-2-3a	Amended	V. 29, p. 1603	128-2-3		
111-306-6	Amended	V. 29, p. 1219	115-2-5	Amended	V. 27, p. 1265	128-2-13	New	V. 27, p. 360-362
111-307-1			115-4-2	Amended	V. 29, p. 408	128-2-12	New (T)	V. 27, p. 107
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111-307-7	New	V. 29, p. 1189-1191						
111-308-1								
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111-308-7	New	V. 29, p. 1261-1263						

128-4-1		
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128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
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129-5-108	Amended	V. 27, p. 1346
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294

129-5-118b	Amended	V. 29, p. 296
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348
129-10-17	New	V. 27, p. 1348
129-10-18	New	V. 27, p. 1350
129-10-23a	New	V. 27, p. 1353
129-10-23b	New	V. 27, p. 1353
129-10-25	New	V. 27, p. 1354
129-10-26	New	V. 27, p. 1355
129-10-27	New	V. 27, p. 1356
129-10-200	New	V. 27, p. 1356
129-10-210	New	V. 27, p. 1358

**AGENCY 130: HOME INSPECTORS
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130-1-1	New	V. 28, p. 1737
130-1-2	New (T)	V. 29, p. 38

130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-1-5	New	V. 28, p. 1738
130-2-1	New	V. 28, p. 1738
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

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