



# Kansas Register

Kris W. Kobach, Secretary of State

Vol. 32, No. 28

July 11, 2013

Pages 843-880

In this issue . . .	Page
<b>Legislative interim committee schedule</b> .....	844
<b>Department for Children and Families</b>	
Request for proposals for provision of secure staff placement for juvenile victims of human trafficking.....	845
<b>Attorney General</b>	
Opinions 2013-08 through 2013-10.....	845
<b>Historic Sites Board of Review</b>	
Notice of meeting.....	845
<b>Kansas State Fair Board</b>	
Notice of meeting.....	846
<b>Kansas Board of Regents Universities</b>	
Notice to bidders.....	846
<b>Department of Revenue</b>	
Notice of available publications.....	846
<b>North Central Regional Planning Commission</b>	
Notice to bidders.....	847
<b>Department of Administration—Procurement and Contracts</b>	
Notice to bidders for state purchases.....	847
<b>Department of Administration—Office of Management Analysis and Standards</b>	
Public notice.....	847
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	847
<b>Department of Health and Environment</b>	
Notice concerning water pollution control permits/applications.....	847
<b>Notice of Bond Sale</b>	
City of Hays.....	849
<b>Secretary of State</b>	
Notice of judgment interest rate.....	849
Notice of corporations forfeited.....	850
<b>Office of the Securities Commissioner</b>	
Notice of hearing on proposed administrative regulations.....	850
<b>Wildlife, Parks and Tourism Commission</b>	
Notice of hearing on proposed administrative regulations.....	852
<b>State Board of Nursing</b>	
Notice of hearing on proposed administrative regulations.....	852
<b>Kansas Department for Aging and Disability Services</b>	
Notice of hearing on proposed administrative regulations.....	853
<b>Permanent Administrative Regulations</b>	
Department of Wildlife, Parks and Tourism.....	854
<b>Temporary Administrative Regulations</b>	
State Fire Marshal.....	859
Department of Corrections.....	862
Attorney General.....	864
Department for Aging and Disability Services.....	867
<b>Index to administrative regulations</b> .....	876

## State of Kansas

## Legislature

## Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet during the period of July 12-26, based on current information and subject to change. 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 711, or email LegServ@las.ks.gov.

Date	Room	Time	Committee	Agenda
July 22	152-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 041724

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

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**Published by**  
Kris W. Kobach  
Secretary of State  
1st Floor, Memorial Hall  
120 S.W. 10th Ave.  
Topeka, KS 66612-1594  
785-296-4564  
[www.sos.ks.gov](http://www.sos.ks.gov)



**Register Office:**  
1st Floor, Memorial Hall  
785-296-3489  
Fax 785-296-8577  
[kansasregister@sos.ks.gov](mailto:kansasregister@sos.ks.gov)

## State of Kansas

## Department for Children and Families

## Request for Proposals

The Kansas Department for Children and Families (DCF), Prevention and Protection Services (PPS), announces the release of a request for proposals to provide secure staff placement for juvenile victims of human trafficking. Eligible applicants are placement facilities located in the state of Kansas, and at the time of the grant start-up are in compliance with all current regulatory requirements established by the Kansas Department of Health and Environment. Government agencies, public universities and colleges, and private, nonprofit and for-profit organizations, including faith-based and community organizations, are eligible to submit proposals.

A complete copy of the RFP may found at <http://www.dcf.ks.gov/services/PPS/Pages/PPSservices.aspx> under "Grant Information."

A pre-bid conference will be held at 2 p.m. July 22 in Room 620-N, Docking State Office Building, 915 S.W. Harrison, Topeka. Written questions about the RFP from potential bidders will be accepted until 5 p.m. July 26. Questions should be emailed to Joy Bodyk, DCF grant manager/procurement officer, at [joy.bodyk@dcf.ks.gov](mailto:joy.bodyk@dcf.ks.gov). Answers will be posted on the aforementioned webpage by August 12. Proposals must be received not later than 5 p.m. August 30 at the Department for Children and Families, c/o Joy Bodyk, grant manager/procurement officer, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Kathe Decker  
Deputy Secretary, Family Services

Doc. No. 041717

## State of Kansas

## Attorney General

## Opinion 2013-08

**Re: Cities and Municipalities—Buildings, Structures and Grounds—Downtown Redevelopment Act; Taxation of Real Property Approved for Tax Benefits; Rebate of Property Tax Increments to Taxpayers; April 12, 2013.**

**Synopsis:** For purposes of the Kansas Downtown Redevelopment Act, the "tax increment" includes all additional real property taxes attributable to the increase in value of the improved property, not just those additional taxes that would have been paid to the city. Cited herein: K.S.A. 2012 Supp. 12-17,121; 12-17,122; 12-17,123; 12-17,124; 12-17,125; 79-1439. DC

## Opinion 2013-09

**Re: Public Health—Maternity Centers and Child Care Facilities—License or Temporary Permit Required; Exemptions; Definitions; Competent Supervision and Care of Children; April 15, 2013.**

**Synopsis:** A boarding school is a child care facility for the purposes of K.S.A. 65-501 et seq. Cited herein: K.S.A. 1997 Supp. 65-501; K.S.A. 65-501; K.S.A. 1997 Supp. 65-503; K.S.A. 2012 Supp. 65-503; K.S.A. 1997 Supp. 65-508; K.S.A. 2012 Supp. 65-508. SF

## Opinion 2013-10

**Re: Procedure, Civil—Asset Seizure and Forfeiture—Disposition of Forfeited Property; Use of Proceeds of Sale; April 29, 2013.**

**Synopsis:** Asset forfeiture funds may be used to pay for victim or witness relocation if the prosecutor determines the expenditure is for an additional law enforcement and prosecutorial purpose or the head law enforcement officer determines the expenditure is for a special, additional law enforcement purpose and the expenditure is not used to supplant normal expenditures. In addition, counties are not prohibited from agreeing to pay certain expenses for such victim or witness relocation so long the appropriate official in each county determines the expenditure meets the applicable statutory requirement. Cited herein: K.S.A. 60-4101; 60-4102; K.S.A. 2012 Supp. 60-4117. AEA

Derek Schmidt  
Attorney General

Doc. No. 041714

## State of Kansas

## Historic Sites Board of Review

## Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, August 10, in the classrooms in the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka. The board will consider the following items:

- Approval of minutes of May 4, 2013, meeting.
- National Register of Historic Places — Nominations:
  - Westwood Hills Historic District — Westwood Hills, Johnson County
  - El Dorado Downtown Historic District — El Dorado, Butler County
  - Linwood Place Historic District — Wichita, Sedgwick County
  - St. John the Divine Catholic Church — 2511 Metropolitan Ave., Kansas City, Wyandotte County
  - Meeks, Cordell, House — 600 Oakland Ave., Kansas City, Wyandotte County
  - Kubach, Gustave, House — 101 S. Buckeye Ave., Abilene, Dickinson County
  - New Lancaster General Store — New Lancaster, Miami County
  - New Lancaster Grange Hall #223 — New Lancaster, Miami County
  - Thoes, Peter, Barn — Wabaunsee County
  - Jenkins Culvert — Gove County
  - Benson Culvert — Gove County
- Register of Historic Kansas Places — Nomination:
  - Lahn Building — 2006-2010 E. Douglas Ave., Wichita, Sedgwick County

Persons requiring special accommodations to attend the meeting should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, 785-272-8681, ext. 240, at least two weeks prior to the meeting to discuss how the board may ensure participation.

Jennie Chinn  
Executive Director

Doc. No. 041718

## State of Kansas

## State Fair Board

## Notice of Meeting

The Kansas State Fair Board will meet at 10:30 a.m. Friday, July 19, in Hutchinson. For more information contact Denny Stoecklein at 620-669-3600 or [denny@kansasstatefair.com](mailto:denny@kansasstatefair.com).

Ron Hinrichsen  
President

Doc. No. 041709

## State of Kansas

## Board of Regents Universities

## Notice to Bidders

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

**Emporia State University** – Bid postings: [www.emporia.edu/busaff/](http://www.emporia.edu/busaff/). Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: [tshepher@emporia.edu](mailto:tshepher@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](http://www.fhsu.edu/purchasing/bids). Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu). Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

**Kansas State University** – Bid postings: [www.k-state.edu/purchasing/rfq](http://www.k-state.edu/purchasing/rfq). Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

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

**University of Kansas** – Electronic bid postings: <http://www.procurement.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 20, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: [purchasing@ku.edu](mailto: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](http://www.wichita.edu/purchasing). Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of

Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Tess Shepherd  
Chair of Regents Purchasing Group  
Procurement Officer II  
Emporia State University

Doc. No. 041700

## State of Kansas

## Department of Revenue

## Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for June 2013. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at 785-296-3081.

**Private Letter Rulings**

No new publications

**Opinion Letters**

O-2013-001 Diesel fuel consumed in "filter regeneration" operations.

**Final Written Determinations**

No new publications

**Revenue Rulings**

No new publications

**Notices**

- 13-07 State Sales Tax Rate Change from 6.3% to 6.15% in 2013 House Bill 2059.
- 13-08 Same as Notice 13-07 (Note: Notice 13-07 was revoked and replaced by 13-08).
- 13-09 2013 Liquor Drink Tax Legislative Update.
- 13-10 Income tax rates lowered for individuals, estates and trusts.
- 13-11 Itemized deductions for individual income tax.
- 13-12 Food sales tax credit.
- 13-13 More counties designated as rural opportunity zones.
- 13-14 Standard deductions for individual income tax adjusted.
- 13-15 2013 Mineral Severance Tax legislative update.

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

No new publications

**Information Guides**

Medical Offices and Clinics Self-Audit Fact Sheet  
Manufactured and Mobile Home Manufacturers Self-Audit Fact Sheet  
General Automotive Repair & Restoration Self-Audit Fact Sheet

Nick Jordan  
Secretary of Revenue

Doc. No. 041715

(Published in the Kansas Register July 11, 2013.)

**North Central Regional  
Planning Commission**

**Notice to Bidders**

Sealed bids for a mobile communications satellite system that is easily transported and deployed by one person will be accepted by the North Central Regional Planning Commission, 109 N. Mill St., Beloit, 67420, until 3 p.m. Friday, August 2, 2013, at which time they will be publicly opened and read aloud at the same address. Copies of Instructions to Bidders and project specifications can be accessed by going to [www.procurement.ncrpc.org/HS/projects.html](http://www.procurement.ncrpc.org/HS/projects.html) or by contacting the NCRPC at 785-738-2218 or [jcyr@nckcn.com](mailto:jcyr@nckcn.com). Unit pricing is being sought with cost breaks identified for orders involving two (2) or more such systems. This action is being taken on behalf of the Northeast Kansas Regional Homeland Security Council. The estimated project value exceeds \$50,000.

John R. Cyr  
Special Project Coordinator

Doc. No. 041729

**State of Kansas  
Department of Administration  
Procurement and Contracts**

**Notice to Bidders**

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

- 07/23/2013 EVT0002484 Agricultural Tractor — Parsons
- 07/23/2013 EVT0002486 Bituminous Plant Mix — Colby & Hays
- 07/30/2013 EVT0002441 Highway Lighting Maintenance — District 3
- 08/09/2013 EVT0002487 Square Steel Tubing
- 08/13/2013 EVT0002480 Legacy System Conversion, Group II, Services

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

<http://www.da.ks.gov/purch/contracts/bids.aspx>

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

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

- 07/23/2013 A-012293 Dome Reroof — Alma Geodesic—  
Alma, Kansas Dept. of  
Transportation, Topeka

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

Tracy T. Diel, Director  
Procurement and Contracts

Doc. No. 041728

**State of Kansas**

**Department of Administration  
Office of Management Analysis  
and Standards**

**Public Notice**

Under requirements of K.S.A. 65-34,117(c), as amended, records of the Office of Management Analysis and Standards show the unobligated balances are \$8,366,731.15 in the Underground Petroleum Storage Tank Release Trust Fund and \$914,970.07 in the Above-ground Petroleum Storage Tank Release Trust Fund at June 30, 2013.

Martin Eckhardt, Director  
Office of Management  
Analysis and Standards

Doc. No. 041725

**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. 2012 Supp. 12-1675(b)(c)(d) and K.S.A. 2012 Supp. 12-1675a(g).

**Effective 7-8-13 through 7-14-13**

Term	Rate
1-89 days	0.10%
3 months	0.04%
6 months	0.08%
1 year	0.18%
18 months	0.29%
2 years	0.41%

Scott Miller  
Director of Investments

Doc. No. 041708

**State of Kansas**

**Department of Health  
and Environment**

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

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The

*(continued)*

final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

**Public Notice No. KS-AG-13-180/185  
Pending Permits for Confined Feeding Facilities**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Don Herbers Stampede Feeders, Inc. 5503 E. Road 210 Scott City, KS 67871	W/2 of Section 24, T17S, R32W, Scott County	Smoky Hill River Basin
Kansas Permit No. A-SHSC-C012      Federal Permit No. KS0086886		

This is a permit modification and reissuance for an existing facility with the maximum capacity for 20,000 head (20,000 animal units) of cattle weighing greater than 700 pounds. The facility consists of approximately 110.4 acres of open lot pens and associated feedlot areas. Surface runoff and process water are collected and stored in five earthen retention control structures. Proposed modifications to the facility include the construction of a diversion berm and the enlargement of two retention control structures. This facility has an approved Nutrient Management Plan on file with KDHE.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Ed Schneider 4S Feeders LLC 1965 Ave. K Kanopolis, KS 67454	SE/4 of Section 19, T15S, R07W, Ellsworth County	Smoky Hill River Basin
Kansas Permit No. A-SHEW-C001      Federal Permit No. KS0097675		

This permit is being reissued for an existing facility with a maximum capacity of 2,500 head (2,500 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Wayne Niehues 758 O Road Goff, KS 66428	N/2 of Section 33, T04S, R13E, Nemaha County	Kansas River Basin
Kansas Permit No. A-KSNM-S014		

This permit is being reissued for an existing facility with a maximum capacity of 478 head (191.2 animal units) of swine more than 55 pounds, 555 head (55.5 animal units) of swine 55 pounds or less, 100 head (50 animal units) of cattle 700 pounds or less and 25 head (2.5 animal units) of sheep, for a total of 299.2 animal units. This represents a decrease in the permitted animal units.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Rodney Lowe Sand Creek Land & Cattle LLC 5924 N. Kansas Road Newton, KS 67114	W/2 of Section 28, T22S, R01E, Harvey County	Little Arkansas River Basin
Kansas Permit No. A-LAHV-C004      Federal Permit No. KS0098248		

This permit is being reissued for an existing facility for 2,000 head (2,000 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Doug Garber Garber Farms, Inc. — Home Place 2533 V Road Sabetha, KS 66534	SE/4 of Section 33, T01S, R14E, Nemaha County	Kansas River Basin
Kansas Permit No. A-KSNM-S005		

This permit is being reissued for an existing facility with a maximum capacity of 600 head (240 animal units) of swine more than 55 pounds. There is no change in the permitted animal units.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Robert Z. Hume Hume Feedlot Box 125 Manter, KS 67862	SE/4 of Section 24 & NE/4 of Section 25, T30S, R43W, Stanton County	Cimarron River Basin
Kansas Permit No. A-CIST-C007      Federal Permit No. KS0096628		

This permit is being reissued for an existing facility for 3,500 head (3,500 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

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 August 10 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-13-180/185) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the secretary of the Department 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.

Robert Moser, M.D.  
Secretary of Health  
and Environment

Doc. No. 041730

State of Kansas

Secretary of State

Notice of Judgment Interest Rate

Pursuant to the provisions of K.S.A. 16-204, the rate of interest on judgments rendered by courts of the state of Kansas pursuant to the code of civil procedure is 4.75 percent during the period of July 1, 2013, through June 30, 2014.

Kris W. Kobach  
Secretary of State

Doc. No. 041719

(Published in the Kansas Register July 11, 2013.)

**Summary Notice of Bond Sale**  
**City of Hays, Kansas**  
**\$1,255,000\***  
**General Obligation Refunding and**  
**Improvement Bonds, Series 2013-A**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Bids**

Subject to the Notice of Bond Sale dated June 13, 2013, written and electronic bids will be received on behalf of the clerk of the city of Hays, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. (CDT) July 25, 2013, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 1, 2013, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2014	\$120,000
2015	125,000
2016	125,000
2017	125,000
2018	95,000
2019	95,000
2020	95,000
2021	105,000
2022	110,000
2023	40,000
2024	40,000
2025	45,000
2026	45,000
2027	45,000
2028	45,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2014.

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$25,100.

**Delivery**

The issuer will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about August 13, 2013, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2012 is \$211,288,398. The total general obligation indebtedness of the issuer as of the closing date, including the bonds being sold but excluding bonds being refunded, is \$14,570,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned, or from the financial advisor, at the addresses set forth below.

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**

City of Hays, Kansas  
1507 Main St.  
Hays, KS 67601  
785-628-7300  
Fax: 785-628-7323  
dwing@haysusa.com

**Financial Advisor:**

George K. Baum & Company  
4801 Main St., Suite 500  
Kansas City, MO 64112  
Attn: Dave Arteberry  
816-474-1100  
Fax: 816-283-5326  
arteberry@gkbaum.com

Dated June 13, 2013.

City of Hays, Kansas

\*Preliminary; subject to change as provided in the Notice of Bond Sale.

Doc. No. 041727

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of June 2013 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

## Domestic Corporations

Audacity Church, Wichita, KS  
 Bittel, Inc., Salida, CO  
 Blue Eyed Bull Investment Corporation, Northbrook, IL  
 Briggs Farms, Inc., Minneapolis, KS  
 Caring & Sharing Grandparents, Inc., Hutchinson, KS  
 Casa de Dios Church, Wichita, KS  
 Children's Feeding Network, Inc., Mansfield, TX  
 Commerce Gardens, Inc., Hutchinson, KS  
 Crime Stoppers of Topeka, Inc., Topeka, KS  
 Dead Sea Psoriasis and Arthritis Treatment Foundation of America, Wichita, KS  
 Devinely Designed Co., Overland Park, KS  
 Emporians for Drug Awareness, Inc., Emporia, KS  
 Greater Riley County Optimist Club, Riley, KS  
 Greg Bauer Farms, Inc., Harper, KS  
 Heart for China, Inc., Olathe, KS  
 Holy Cross Families in Crisis Fund, Overland Park, KS  
 Humpty's, Inc., Overland Park, KS  
 Individual Sovereign Univ Association, Lawrence, KS  
 It Takes a Village-KC Inc., Kansas City, KS  
 Kansans United in Voice & Spirit, Inc., Lawrence, KS  
 Kansas Surgical Assistant Association, Lenexa, KS  
 KCI Roadrunner Express, Inc., Junction City, KS  
 Kelly Thomas Enterprises, Inc., Olathe, KS  
 Kiwanis Club of Derby, Kansas, Derby, KS  
 Kiwanis Club of Lindsborg, Kansas, Lindsborg, KS  
 KT Management Corporation, Prospect, KY  
 Legends Basketball Inc., Overland Park, KS  
 Littles' Candies, Inc., Prairie Village, KS  
 Mennonite Evangelical Church of Copeland, Kansas, Inc., Copeland, KS  
 Moka Dock Dogs Club, Prairie Village, KS  
 Quilts of Valor Foundation NW Kansas, Brookville, KS  
 Razook's Furniture, Inc., Wichita, KS  
 Reginald D. Harrison, Inc., St. John, KS  
 Salina Youth Care Home Foundation, Salina, KS  
 Sirens Promotional Events and Models Corporation, Topeka, KS  
 Smoky Solomon Resource Enhancement, Inc., Natoma, KS  
 Strange Tractor and Implement Co., Inc., Wichita, KS  
 Sunshine Connections, Inc., Hays, KS  
 T & M Transportation, Inc., Kansas City, KS  
 TFB Farms, Inc., Hanover, KS  
 The Abilene Country Club, Abilene, KS  
 The Down-Town Wichita Kiwanis Foundation, Wichita, KS  
 The Kiwanis Club of Arkansas City, Kansas, Arkansas City, KS  
 The Kiwanis Club of Junction City-South, Kansas, Junction City, KS  
 The Kiwanis Club of Wichita, Incorporated, Wichita, KS  
 The Optimist Club of Northeast Wichita, Inc., Wichita, KS  
 TK's Inc., Sedan, KS  
 Watch Nature Foundation, Lawrence, KS  
 Williford Group, Inc., Shawnee, KS

World Trade Associates, Inc., Hays, KS

## Foreign Corporations

Adults & Children's Alliance, Inc., St. Paul, MN  
 Blue Eagle Productions, Inc., DeSoto, TX  
 Champion Youth Outreach Programs, Inc., Kennesaw, GA  
 EJM Pipe Services, Inc., Lino Lakes, MN  
 Food for Life Supreme, Inc., Kansas City, KS  
 OCE Financial Services, Inc., Trumbull, CT  
 OCE North America, Inc., Trumbull, CT  
 Points of Light Foundation, Atlanta, GA  
 Water.org, Kansas City, MO

Kris W. Kobach  
 Secretary of State

Doc. No. 041720

## State of Kansas

## Office of the Securities Commissioner

## Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, September 10, at the Office of the Securities Commissioner, 109 S.W. 9th St., Suite 600, Topeka, to consider amendments to K.A.R. 81-14-9 and the adoption of K.A.R. 81-14-11 on a permanent basis.

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 amendment and adoption of regulations. All interested parties may submit written comments prior to the hearing to the attention of the commissioner at the address above or by email to [ksc@ksc.ks.gov](mailto:ksc@ksc.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public 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. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commissioner as a basis for making changes to the proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Nichole Oathout, legal assistant, at 785-296-5266 or the Kansas Relay Center at 800-766-3777. Handicapped parking is located on 9th Street or Kansas Avenue near the office building, and the hearing room is accessible to individuals with disabilities.

Summaries of the proposed regulations and their economic impacts follow. Copies of the full text of the proposed regulations and the economic impact statement may be obtained by writing to the Office of the Securities Commissioner at the address above or by email to [ksc@ksc.ks.gov](mailto:ksc@ksc.ks.gov).

**Amendments to K.A.R. 81-14-9 — Custody of client funds or securities; safekeeping; financial reporting; minimum net worth; bonding.** The regulation currently specifies requirements for registered investment advisers



that have custody of client funds or securities, or discretionary authority over client funds or securities, based on circumstances deemed to constitute custody or discretionary authority as defined in the regulation. The requirements were based on a model rule with provisions intended to protect clients' funds and securities. However, the commissioner and staff have determined that several of the requirements do not effectively or significantly provide for such protection. Therefore, most of the amendments to the regulation are to delete requirements that are deemed unnecessary in relation to other protections that remain in K.A.R. 81-14-9 and other regulations.

The number of investment advisers currently registered in Kansas having custody of client funds or securities is relatively limited. For those investment advisers that do have custody, there are already sufficient safekeeping provisions within subsection (b) of K.A.R. 81-14-9 to provide for protection of client funds and securities. For example, one condition for investment advisers having custody is that a qualified custodian as defined in the regulation must independently maintain the funds and securities in a separate account for each client. That condition along with others pertaining to account statements involving independent persons or professionals are deemed to provide sufficient safeguards.

Special orders issued by the commissioner on May 21, 2012, and November 7, 2012, as authorized under the Kansas Uniform Securities Act (KUSA) waived the following requirements for investment advisers registered or required to be registered under KUSA:

- 1) surety bond requirements specified under K.A.R. 81-14-9(e);
- 2) a notice of fee deduction required by K.A.R. 81-14-9(b)(1)(F);
- 3) an audited balance sheet required by K.A.R. 81-14-9(c)(1); and
- 4) minimum adjusted net worth required by K.A.R. 81-14-9(d).

The special orders described above continue in effect until automatically vacated by adoption of amendments to K.A.R. 81-14-9. The proposed amendments to K.A.R. 81-14-9 would permanently eliminate the requirements listed above by deletion of those provisions from the regulation.

Although economic impacts of the proposed amendments to K.A.R. 81-14-9 cannot be accurately estimated, it is expected that the primary impact will be reduced costs for registered investment advisers doing business in Kansas. There will be no material fiscal impacts on the operations of the Office of the Securities Commissioner of Kansas or any other government agencies. No adverse economic impact on the general public in Kansas is expected due to the proposed reduction in regulatory requirements for investment advisers registered in Kansas.

**K.A.R. 81-14-11 — Kansas private adviser exemption.** This is a new regulation proposed for adoption by the commissioner, which is intended to encourage more investment activity in Kansas by exempting certain investment advisers who manage a limited number of private investment funds or portfolios of individual Kansas in-

vestors from the registration and other regulatory requirements under KUSA. The adoption of K.A.R. 81-14-11 will make permanent the temporary exemptions that were implemented by special orders issued March 29, 2012, and July 19, 2011, for consistency with and extension of a similar exemption under former section 203(b)(3) of the federal Investment Advisers Act of 1940 that was repealed by the Dodd-Frank Act. Continuation of the exemption described further below will enable Kansas-based private investment advisers to operate without duplicative regulatory oversight or regulation deemed unnecessary by the Office of the Securities Commissioner of Kansas. Investment advisers that were previously exempt from federal registration with the Securities and Exchange Commission (SEC) and which now are required to either register or file a notice as an exempt reporting adviser with the SEC when they manage assets in excess of \$25 million can continue to be exempt from registration and other regulatory requirements in Kansas if they comply with all requirements and conditions of proposed K.A.R. 81-14-11. Individual investment adviser representatives employed by exempt investment adviser firms can also be exempt from registration with the Office of the Securities Commissioner of Kansas if they meet conditions specified by the proposed K.A.R. 81-14-9.

The exemption provided by proposed K.A.R. 81-14-11 requires an investment adviser to: maintain its principal place of business in Kansas; provide investment advice solely to fewer than 15 clients; not hold out generally to the public as an investment adviser; not act as an investment adviser to any investment company registered under the federal Investment Company Act of 1940 (the 1940 act) or a company that has elected and not withdrawn its election to be a Business Development Company under the 1940 act; and not be, nor any of its advisory affiliates or investment adviser representatives, subject to a disqualification provision as described in SEC Rule 262.

The primary economic impact expected by adoption of K.A.R. 81-14-11 would be to enable the private investment advisers that claim and comply with the exemption provided by the regulation to avoid the significant costs of registration and other regulatory requirements for registered investment advisers and representatives under KUSA. There will be no material fiscal impacts on the operations of the Office of the Securities Commissioner of Kansas or any other government agencies. The amount of registration fees not received from exempt investment advisers and representatives at \$100 per firms and \$55 per individual each fiscal year cannot be estimated but is most likely immaterial in relation to total agency revenues. No material adverse economic impact on the general public in Kansas is expected due to the continued exemption of private advisers. No complaints by clients of Kansas-based private advisers or investment damages caused by exempt private advisers in Kansas have been reported to the Office of the Securities Commissioner in recent years. Persons claiming exemption under K.A.R. 81-14-11 as proposed would still be subject to anti-fraud provisions and penalties for violations under KUSA.

Joshua A. Ney  
Interim Securities Commissioner

Doc. No. 041726

## State of Kansas

## Wildlife, Parks and Tourism Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 10 a.m. Thursday, August 29, by conference call, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks and Tourism. Members of the public may participate at either the office of the secretary, 1020 S. Kansas Ave., Suite 200, Topeka, or at the Operations Office, 512 S.E. 25th Ave., Pratt. Additional locations may be available, and interested parties may contact the commission secretary for additional information.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, commission secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 800-432-0698 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-25-19.** This exempt regulation sets the dove hunting management unit, hunting season, shooting hours, and bag and possession limits. The proposed version increases the possession limit pursuant to changes in federal frameworks.

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

**K.A.R. 115-25-20.** This exempt regulation sets the sandhill crane hunting management unit, hunting season, shooting hours, and bag and possession limits. The proposed version increases the possession limit pursuant to changes in federal frameworks.

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

**K.A.R. 115-25-21.** This exempt regulation sets the snipe, rail and woodcock hunting management unit, hunting

season, shooting hours, and bag and possession limits. The proposed version increases the possession limits for snipe and woodcock pursuant to changes in federal frameworks.

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

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

Gerald Lauber  
Chairman

Doc. No. 041722

## State of Kansas

## Board of Nursing

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Wednesday, September 11, in Room 1051 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in two existing rules and regulations relating to licensed mental health technician fees and IV therapy. The licensed mental health technicians fee proposed changes include deleting the fee for endorsement and increasing the fee for examination. The IV therapy proposed changes include clarifying language of the scope of practice for licensed practical nurses performing IV therapy.

All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 1051, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. Phone comments will be taken by calling 877-278-8686 (access code 640465) at 1:30 p.m. the day of the hearing. In order to give all persons the opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

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

**K.A.R. 60-8-101. Payment of fees.** The proposed language deletes the fee for licensure by endorsement for licensed mental health technicians and increases the examination fee from \$20.00 to \$40.00. This will be approximately a \$1,200.00 increase of revenue each year for the Kansas State Board of Nursing and will cost each of the possible mental health technicians \$20.00 more to take the examination. There is no economic impact for other governmental entities or private business.

**K.A.R. 60-16-102. Scope of practice for licensed practical nurse performing intravenous fluid therapy.** The proposed language deletes "excluding the initial dosage of medications or solutions," which clarifies that the li-

censed practical nurse may administer IV solutions that may be the initial dose. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

A copy of each of the proposed regulations and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing website at [www.ksbn.org](http://www.ksbn.org) or by contacting the executive administrator at the address above or 785-296-3350, prior to the date of hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the State Board of Nursing.

Mary Blubaugh, MSN, RN  
Executive Administrator

Doc. No. 041723

## State of Kansas Department for Aging and Disability Services

### Notice of Hearing on Proposed Administrative Regulations

**(Editor's Note: The hearing on proposed administrative regulations scheduled for September 9, 2013, notice of which was published in the July 4, 2013, Kansas Register, has been cancelled. The hearing has been rescheduled as published in the following notice.)**

A public hearing will be conducted at 1:30 p.m. Thursday, September 19, in the Kansas Department for Aging and Disability Services' 331W conference room, New England Building, 503 S. Kansas Ave., Topeka, to consider the adoption of proposed rules and regulations of the Kansas Department for Aging and Disability Services (KDADS) on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed rules and regulations and replaces the previous public hearing date of September 9, 2013. All interested parties may submit written comments prior to the hearing to Karla Werth, Legal Division, Kansas Department for Aging and Disability Services, 503 S. Kansas, Topeka, 66603, or by email to [karla.werth@kdads.ks.gov](mailto:karla.werth@kdads.ks.gov). All interested parties will be given a reasonable opportunity to present their views written or orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Karla Werth at 785-291-0653 or TTY 785-291-3167. Handicapped parking

is located on the east side of the New England Building's entrance on Kansas Avenue.

Copies of the proposed regulations and the economic impact statement for the proposed regulations can be viewed at the following website: [www.kdads.ks.gov/HOC/HOC\\_Index.html](http://www.kdads.ks.gov/HOC/HOC_Index.html). Printed copies are available at the front desk of the KDADS office at the address listed above.

A list of the proposed regulations and a brief summary follows. No economic impact is anticipated.

### Regulations Proposed for Amending: Definitions for Adult Care Homes and Their Employees

**K.A.R. 26-39-100. Definitions.** The amendment to this KDADS regulation specifies its applicability to both adult care homes and their employees, with the following revisions incorporated: 1) definition for "concentrated livestock operation"; 2) terminology changes to "intermediate care facility for people with intellectual disabilities" and "advanced practice registered nurse"; and 3) changes of the department's name to Kansas Department for Aging and Disability Services, and regulatory references for nurse aide and medication aides.

### New Regulations: Health Occupation Credentialing Regulations-Unlicensed Employees in Adult Care Homes

**K.A.R. 26-50-10. Definitions.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-164. The regulation includes additional terms: general supervision, course supervisor; revised definitions: instructor, eligible for employment; and deleted duplicate terms defined in K.A.R. 26-39-100.

**K.A.R. 26-50-12. Curricula and instruction manual.** This new regulation centralizes the Nurse Aide and Medication Aide Curriculum Guides and the respective course instruction manual dated May 10, 2013, into a single regulation.

**K.A.R. 26-50-20. Nurse aide; training program.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-165. The regulation identifies the certification of a person as a nurse aide by placement of that person's name on the Kansas nurse aide registry versus the issuance of a paper certificate. The regulation also specifies clinical instruction and demonstration of skill competency of the training course must take place in a setting that offers a full range of clinical tasks and experiences as specified in the curriculum.

**K.A.R. 26-50-22. Nurse aide training course; personnel and course sponsor.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-166. The regulation presents a new structure and additional requirements for the nurse aide training course personnel that includes: 1) A course supervisor who provides general supervision of the CNA training course. The requirements for a person in this position were previously those of the course instructor. 2) An RN who is the instructor of the training course. This person must complete seven hours of professional continuing education offerings on person-centered care prior to teaching the course and annually thereafter. This replaces the current requirement of having 1,750 hours of licensed nursing experience in

*(continued)*

an adult care home or long-term care unit of a hospital.  
3) A registered nurse who has at least one year of licensed nurse experience in providing care for the elderly or chronically ill who are 16 years of age or older to whom a nurse aide trainee must demonstrate competency in all skills identified on part I of the nurse aide training and competency evaluation program task checklist.

**K.A.R. 26-50-24. Nurse aide; state test.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-168. The regulation permits any entity administering the state test to charge each person a test administration fee.

**K.A.R. 26-50-26. Nurse aide; out-of-state and allied health training equivalency.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-167. The statutory requirement for granting equivalency was added to this regulation.

**K.A.R. 26-50-30. Medication aide; program.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-169a. The regulation requires a medication aide to be at least 18 years of age.

**K.A.R. 26-50-32. Medication aide course; instructor and course sponsor.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-169a.

**K.A.R. 26-50-34. Medication aide; state test; registry.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-169b. The regulation specifies the eligibility requirements for a person who takes the test. The regulation also identifies the certification of a person as a medication aide on the Kansas nurse aide registry versus the issuance of a paper certificate.

**K.A.R. 26-50-36. Medication aide; out-of-state and allied health training equivalency.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-169a.

**K.A.R. 26-50-38. Medication aide; certification renewal and reinstatement; notification of changes.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-169c. The regulation requires a person whose certification as a medication aide has been expired for more than one year to retake the medication aide course and state test for reinstatement of their certification.

**K.A.R. 26-50-40. Medication aide; continuing education course.** This new regulation corresponds to existing KDHE regulation K.A.R. 28-39-169c.

#### Health Occupations Credentialing Regulation Revocations:

**K.A.R. 28-39-164** — Definitions.

**K.A.R. 28-39-165** — Nurse aide training program.

**K.A.R. 28-39-166** — Nurse aide course instructor.

**K.A.R. 28-39-167** — Out-of-state and allied health training endorsement for nurse aide.

**K.A.R. 28-39-168** — State nurse aide test.

**K.A.R. 28-39-169a** — Medication aide.

**K.A.R. 28-39-169b** — State medication aide test.

**K.A.R. 28-39-169c** — Medication aide continuing education.

Shawn Sullivan  
Secretary for Aging and  
Disability Services

#### State of Kansas

### Department of Wildlife, Parks and Tourism

#### Permanent Administrative Regulations

#### Article 12.—AGRITOURISM PROMOTION ACT

**110-12-1.** (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,165, 74-50,166, 74-50,167, 74-50,168, 74-50,169, 74-50,170, 74-50,171 and 74-50,172, and 74-50,173; effective April 8, 2005; revoked July 26, 2013.)

**110-12-2.** (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,168; effective April 8, 2005; revoked July 26, 2013.)

**110-12-3.** (Authorized by and implementing K.S.A. 2004 Supp. 74-50,173; effective April 8, 2005; revoked July 26, 2013.)

**110-12-4.** (Authorized by and implementing K.S.A. 2004 Supp. 74-50,173; effective April 8, 2005; revoked July 26, 2013.)

**110-12-5.** (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,168; effective April 8, 2005; revoked July 26, 2013.)

**110-12-6.** (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,169; effective April 8, 2005; revoked July 26, 2013.)

#### Article 5.—FURBEARERS

**115-5-1.** Furbearers and coyotes; legal equipment, taking methods, and general provisions. (a) Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

(1) Firearms, except fully automatic firearms;

(2) archery equipment;

(3) crossbows; and

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

(1) Smooth-jawed foothold traps, except that all types of foothold traps may be used in water sets;

(2) body-gripping traps;

(3) box traps;

(4) cage traps;

(5) colony traps;

(6) snares; and

(7) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

(1) Calls may be used in the taking of furbearers and coyotes.

(2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while trapping furbearers or coyotes or while running furbearers.

(3) Any .22 or .17 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 or .17 caliber rimfire rifle or handgun may be used while using a handheld, battery-powered flashlight, hat lamp, or handheld lantern to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes.

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Each body-gripping trap with a jawspring of eight inches or greater shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with either the user's name and address or the user's department-issued identification number and shall be tended and inspected at least once every calendar day.

(14) Each foothold trap that has an outside jawspring greater than seven inches shall be used only in a water set. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-807, K.S.A. 2012 Supp. 32-1002, and K.S.A. 2012 Supp. 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009; amended July 22, 2011; amended July 26, 2013.)

**115-5-2. Furbearers and coyotes; possession, disposal, and general provisions.** (a) Legally taken raw furs, pelts, skins, carcasses, or meat of furbearers may be possessed without limit in time.

(b) Live furbearers legally taken during a furbearer season may be possessed only through the last day of the season in which taken.

(c) Legally acquired skinned carcasses and meat of furbearers may be sold or given to and possessed by another, and legally acquired raw furs, pelts, and skins of furbearers may be given to and possessed by another, if a

written notice that includes the seller's or donor's name, address, and furharvester license number accompanies the carcass, pelt, or meat. A bobcat, otter, or swift fox tag as described in subsection (f) shall meet the requirements of written notice.

(d) Legally taken raw furs, pelts, skins, or carcasses of coyotes or legally taken live coyotes may be possessed without limit in time.

(e) Any person in lawful possession of raw furbearer or coyote furs, pelts, skins, or carcasses may sell or ship or offer for sale or shipment the same to licensed fur dealers or any person legally authorized to purchase raw furbearer or coyote furs, pelts, skins, or carcasses.

(f) Each bobcat, otter, or swift fox pelt legally taken in Kansas shall be submitted to the department so that an export tag provided by the department can be affixed to the pelt.

(1) The pelt of any bobcat, otter, or swift fox taken in Kansas shall be presented to the department for tagging within seven days following closure of the bobcat, otter, or swift fox hunting and trapping season.

(2) The lower canine teeth of any otter presented to the department for tagging shall be permanently surrendered to the department at the time of presentation.

(3) Each pelt presented for tagging shall be accompanied by the furharvester license number under which the pelt was taken.

(g) Properly licensed persons may legally salvage furbearers and coyotes found dead during the established open seasons for hunting or trapping of furbearers or coyotes. Salvaged furbearers and coyotes may be possessed or disposed of as authorized by this regulation. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 32-942; effective March 19, 1990; amended Oct. 17, 1994; amended Nov. 29, 1999; amended July 19, 2002; amended Sept. 4, 2009; amended July 22, 2011; amended July 26, 2013.)

## Article 6.—FUR DEALERS

**115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation.** (a) Each application shall be submitted on a form provided by the department. Each applicant shall provide the following information:

- (1) Name of applicant;
- (2) residential address;
- (3) the address of each business location;
- (4) an inventory of raw furs, pelts, skins, and carcasses of furbearing animals and coyotes on hand at time of application; and
- (5) any other relevant information as required by the secretary.

(b) Each fur dealer license shall expire on June 30 following the date of issuance.

(c) Each fur dealer shall deal only with properly licensed persons and only at authorized fur dealer business locations.

(d) Any fur dealer may buy, purchase, or trade in the furs, pelts, skins, or carcasses of coyotes.

(e) Any fur dealer may possess legally acquired furs, pelts, skins, or carcasses of furbearing animals for no

*(continued)*

more than 30 days after the expiration date of the fur dealer's license. Coyote furs, pelts, skins, or carcasses may be possessed without limit in time.

(f) Each fur dealer shall purchase or acquire only those bobcat, otter, and swift fox pelts that have been tagged with a department export tag or with the official export tag provided by the wildlife agency of another state.

(g) Each fur dealer shall maintain a furharvester record book and a fur dealer book provided by the department. Entries shall be made in the appropriate record book whenever receiving, shipping, or otherwise disposing of furs, pelts, skins, or carcasses of furbearing animals or coyotes. Each record book, all receipts, and all furs, pelts, skins, and carcasses in the fur dealer's possession shall be subject to inspection upon demand by any conservation officer. Each record book and all receipts shall be subject to copying upon demand by any conservation officer. Each fur dealer shall forward all record books to the department annually on or before May 1.

(1) The furharvester record book shall include the following information:

- (A) The name of the fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) the date of each receipt of furs, pelts, skins, or carcasses;
- (E) name, address, and license number of each person from whom furs, pelts, skins, or carcasses were acquired;
- (F) name of the state where the furs, pelts, skins, or carcasses were harvested;
- (G) number of each species of furs, pelts, skins, or carcasses acquired; and
- (H) any other relevant information as required by the secretary.

(2) The fur dealer record book shall include the following information:

- (A) The name of the fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) date of each receipt or disposal of furs, pelts, skins, or carcasses;
- (E) name, address, and fur dealer license number of each fur dealer from which furs, pelts, skins, or carcasses are acquired or to which they are sold;
- (F) number and species of furs, pelts, skins, or carcasses acquired or sold; and
- (G) any other relevant information as required by the secretary.

(h) In addition to other penalties prescribed by law, a fur dealer's license may be refused issuance or revoked by the secretary under any of the following circumstances:

- (1) The application is incomplete or contains false information.
- (2) The fur dealer fails to meet reporting requirements.
- (3) The fur dealer violates license conditions.
- (4) The fur dealer has violated department laws or regulations or has had any other department license or permit revoked or suspended. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 32-942; effective March 19, 1990; amended Sept. 4, 2009; amended July 26, 2013.)

## Article 8.—DEPARTMENT LANDS AND WATERS

**115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms.** (a) Subject to provisions and restrictions as established by posted notice or as specified in the document adopted by reference in subsection (e), the following activities shall be allowed on department lands and waters:

(1) Hunting during open seasons for hunting on lands and waters designated for public hunting;

(2) furharvesting during open seasons for furharvesting on lands and waters designated for public hunting and other lands and waters as designated by the department;

(3) target practice in areas designated as open for target practice; and

(4) noncommercial training of hunting dogs.

(b) Other than as part of an activity under subsection (a), the discharge of firearms and other sport hunting equipment capable of launching projectiles shall be allowed on department lands and waters only as specifically authorized in writing by the department.

(c) The discharge of fully automatic rifles or fully automatic handguns on department lands and waters shall be prohibited.

(d) Department lands and waters shall be open neither for commercial rabbit and hare furharvesting nor for commercial harvest of amphibians and reptiles.

(e) The department's "KDWPPT fisheries and wildlife division public land special use restrictions," dated March 25, 2013, is hereby adopted by reference. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009; amended July 23, 2010; amended Nov. 14, 2011; amended Jan. 1, 2013; amended July 26, 2013.)

**115-8-2. Blinds, stands, and decoys.** Subject to provisions and restrictions as established by posted notice, blinds, stands, and decoys shall be allowed on department lands and waters as follows: (a) Floating blinds and portable stands used for hunting may be placed not more than 14 days before the hunting season for which the blind or stand will be used and shall be removed from department property within 14 days after the hunting season for which the blind or stand was placed has ended.

(b) Floating blinds and portable stands used for purposes other than hunting may be placed for a period not to exceed 14 days and shall be removed from department property at the conclusion of 14 days or after the intended use of the blind or stand has ended, whichever time period is less.

(c) Ladders, screw-in metal steps, and steps attached by ropes, cables, or chains may be used for access to portable stands and shall be removed when the portable stand is removed as required by subsection (a) or (b).

(d) Natural blinds may be used for any authorized activity and shall be constructed of natural herbaceous materials or woody debris, or both, that are present at the site of the natural blind.

(e) Any individual may use a placed portable blind, floating blind, portable stand, or natural blind when the blind or stand is not occupied.

(f) Any blind, stand, or climbing device not in conformance with regulations or posted notice provisions or restrictions may be removed or destroyed by the department.

(g) Each portable blind, floating blind, and portable stand shall be marked with either the user's name and address or the user's department-issued identification number in a visible, legible, and weatherproof manner.

(h) No individual shall place more than two portable blinds or stands on any single department-owned or department-managed property.

(i) Portable blinds shall not be left unattended overnight.

(j) Decoys shall not be left unattended overnight. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective April 30, 1990; amended July 20, 2012; amended July 26, 2013.)

**115-8-23. Bait; hunting.** (a) No person shall place, deposit, expose, or scatter bait while hunting or preparing to hunt on department lands or place, deposit, expose, or scatter bait in a manner that causes another person to be in violation of this regulation.

(b) Hunting shall be prohibited within 100 yards of any bait placed, deposited, exposed, or scattered on department lands. Bait shall be considered placed, deposited, exposed, or scattered on department lands for 10 days following complete removal of the bait.

(c) (1) Nothing in this regulation shall prohibit the hunting or taking of wildlife over any of the following:

(A) Standing crops or flooded standing crops, including aquatic crops;

(B) standing, flooded, or manipulated natural vegetation;

(C) flooded harvested croplands;

(D) lands or areas where seeds or grains have been scattered solely as the result of normal agricultural planting, harvesting, postharvest manipulation, or soil stabilization practice; or

(E) standing or flooded standing agricultural crops over which grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed wildlife.

(2) The taking of wildlife, except migratory waterfowl, coots, and cranes, on or over any lands or areas meeting the following conditions shall not be prohibited:

(A) Are not otherwise baited; and

(B) have grain or other feed that has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, scattered solely as the result of normal agricultural operations, or scattered solely as the result of normal weather conditions.

(d) For the purposes of this regulation, "bait" shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective July 20, 2012; amended July 26, 2013.)

#### Article 16.—WILDLIFE DAMAGE CONTROL

**115-16-5. Wildlife control permit; operational requirements.** (a) Each person holding a valid wildlife

control permit issued according to K.A.R. 115-16-6, and each person assisting the permittee while under the constant and direct supervision and in the constant presence of the permittee, shall be authorized to take, transport, release, and euthanize wildlife subject to the restrictions described in this regulation and on the permit.

(b) Wildlife may be taken under the authorization of a wildlife control permit only when one or more of the following circumstances exist:

(1) The wildlife is found in or near buildings.

(2) The wildlife is destroying or about to destroy property.

(3) The wildlife is creating a public health or safety hazard or other nuisance.

(c) Subject to the restrictions described in this regulation and on the permit, a wildlife control permit shall allow the taking of the following species, despite any other season, open unit, or limit restrictions that may be established by the department:

(1) Furbearers;

(2) small game;

(3) reptiles;

(4) amphibians;

(5) coyotes;

(6) nongame mammals, except house mice and Norway rats;

(7) pigeons, English sparrows, and starlings; and

(8) migratory birds and waterfowl, subject to K.S.A. 32-1008 and amendments thereto.

(d) Subject to applicable federal, state, and local laws and regulations, the wildlife listed in subsection (c) may be taken with the following equipment or methods:

(1) Trapping equipment, if each trapping device is equipped with a metal tag with the permittee's name and address or the permittee's department-issued identification number and is checked at least once each calendar day, and if snares are not attached to a drag. Trapping equipment shall consist of the following:

(A) Foothold traps;

(B) body-gripping traps;

(C) box traps;

(D) live traps; and

(E) snares;

(2) firearms and accessory equipment, as follows:

(A) Optical scopes or sights; and

(B) sound-suppression devices;

(3) BB guns and pellet guns;

(4) archery equipment;

(5) dogs;

(6) falconry;

(7) toxicants registered by the Kansas department of agriculture, except that such use may be subject to K.A.R. 115-16-1, K.A.R. 115-16-2, or K.A.R. 115-16-3;

(8) habitat modification;

(9) net or seine;

(10) glue board;

(11) hand;

(12) any other methods to exclude or frighten wildlife, including repellents; and

(13) any other method as specified on the permit.

(continued)

(e) No person shall possess a live species of wildlife taken under the authority of a wildlife control permit beyond the close of the calendar day following capture, unless specifically authorized by the department. Live wildlife shall not be used for display purposes, programs, training dogs, or otherwise kept in captivity, except that pigeons may be used for training dogs.

(f) Subject to applicable federal, state, and local laws and regulations, wildlife taken pursuant to a wildlife control permit shall be disposed of using one or more of the following methods:

(1) Wildlife taken alive may be controlled using lethal methods or equipment including the methods or equipment listed in paragraphs (d)(2), (d)(3), (d)(4), and (d)(7).

(2) Wildlife taken alive may be relocated and released, subject to the following requirements:

(A) Wildlife may be released only in suitable habitat located at least 10 miles from the original capture site and only with the prior written permission of the person in legal possession of the release site.

(B) Wildlife shall not be released in a location so close to human dwellings that the release is likely to result in recurrence of the reason the wildlife was taken.

(C) Wildlife shall not be released within the limits of any municipality without prior written permission from the appropriate municipal authority.

(D) Wildlife may be released on department lands or waters only with the prior written approval of the department.

(E) Wildlife shall not be released if injured or if displaying common symptoms of disease, including any of the following:

- (i) Lack of coordination;
- (ii) unusual lack of aggressiveness;
- (iii) unusual secretions from the eyes, nose, or mouth;
- (iv) rapid or uneven respiration;
- (v) malnourishment;
- (vi) loss of muscle control; or
- (vii) loss of large patches of hair.

(F) Wildlife shall not be transported from the state except as authorized by the department.

(3) Wildlife species listed in K.A.R. 115-15-1 or K.A.R. 115-15-2, or other wildlife species designated by the department, shall be released according to paragraph (f)(2) if unharmed. If harmed or injured, these species shall be submitted to either the department or a person holding a valid wildlife rehabilitation permit issued according to K.A.R. 115-18-1.

(4) Wildlife controlled by poison shall be removed immediately, and all dead wildlife shall be disposed of using one of the following methods:

(A) The wildlife may be submitted to a licensed landfill, renderer, or incinerator.

(B) The wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the property, except that the wildlife shall not be disposed of within the limits of any municipality without prior written permission from the appropriate municipal authority.

(C) Any part of the wildlife, excluding the flesh, may be sold, given, purchased, possessed, and used for any purpose, with the following restrictions and exceptions:

(i) The raw fur, pelt, or skin of furbearers may be sold only to a licensed fur dealer.

(ii) The carcass and meat of a furbearer may be sold, given, purchased, possessed, and used for any purpose.

(iii) No part of any migratory bird or waterfowl shall be sold, given, purchased, possessed, or used for any purpose.

(iv) Each person purchasing unprocessed parts of the wildlife shall maintain a bill of sale for at least one calendar year.

(D) Dead wildlife controlled by poison or showing symptoms of disease shall be either buried below ground or disposed of as authorized by paragraph (f)(4)(A).

(g) Each bobcat, otter, or swift fox taken under authority of a wildlife control permit shall be subject to the tagging requirements established by K.A.R. 115-5-2. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective July 19, 2002; amended Nov. 27, 2006; amended April 8, 2011; amended July 26, 2013.)

#### Article 40.—AGRITOURISM

**115-40-1. Definitions.** As used in this article and for purposes of administering the act, each of the following terms shall have the meaning specified in this regulation:

(a) "Act" means agritourism promotion act, K.S.A. 2012 Supp. 32-1430 through K.S.A. 2012 Supp. 32-1438 and amendments thereto.

(b) "Cost" means an expenditure directly related to insuring any agritourism activity.

(c) "Department" means department of wildlife, parks, and tourism.

(d) "Liability insurance" means a policy insuring against the following:

(1) Loss, expense, or liability by reason of bodily injury or death by accident, for which the insured could be liable or have assumed liability and loss; and

(2) damage to any goods on the premises of the insured, or the loss of or damage to the property of another for which the insured is liable. (Authorized by and implementing K.S.A. 2012 Supp. 32-1438 and 32-1438a; effective July 26, 2013.)

**115-40-2. Registration.** (a) Each provider of an agritourism activity wanting to register the activity with the secretary pursuant to the act shall provide the information requested by the department. Upon request, a registration form shall be mailed to the provider. Although no charge is made for registration, no registration shall be deemed complete until the operator provides all of the information requested by the department.

(b) If an incomplete registration form is returned to the department, a request for the missing information shall be sent to the applicant. The applicant shall have 10 business days to respond to the request. If there is no response within this period, the registration form shall be returned, and the applicant's operation shall be considered not to be registered.

(c) The social security number from any registration form shall not be disclosed by the department. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-1433; effective July 26, 2013.)



**115-40-3. Liability insurance; costs qualifying for tax credits.** The following costs associated with liability insurance shall be eligible for the tax credits authorized by the act:

(a) The cost of a rider with a separate premium for specific risk for an agritourism activity; and

(b) the amount that an insurance agent certified on a tax credit form provided to the registered agritourism operator by the department of revenue and filed for the operator that represents the cost of the liability insurance covering the registered agritourism activity. (Authorized by and implementing K.S.A. 2012 Supp. 32-807, 32-1438, and 32-1438a; effective July 26, 2013.)

**115-40-4. Tax credits.** (a) No costs of liability insurance specified in K.A.R. 115-40-3 shall be allowed for consideration for tax credits, unless the registered agritourism operator or the operator's authorized attorney or insurance agent provides the department of revenue with the following information and documents:

(1) The name of the registered agritourism operator's liability insurance company;

(2) the liability insurance policy number;

(3) the name, complete address, and phone number of the liability insurance company's agent; and

(4) a copy of the completed tax credit form provided to the registered agritourism operator under K.A.R. 115-40-3(b).

(b) If, during the first five years that an agritourism operator is registered under the act, the secretary believes for any reason that the registered agritourism operator has not complied, or is not complying, with these regulations and through such noncompliance could have jeopardized the operator's eligibility for tax benefits under the act, all relevant information shall be forwarded by the secretary to the secretary of revenue. (Authorized by and implementing K.S.A. 2012 Supp. 32-807, 32-1438, and 32-1438a; effective July 26, 2013.)

**115-40-5. New registration form.** If a registered agritourism operator changes the agritourism activities at the registered agritourism operator's facility, that individual shall file a new registration form for the agritourism activity with the department in accordance with K.A.R. 115-40-2. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-1433; effective July 26, 2013.)

**115-40-6. Contracts.** Each written contract or agreement with a participant shall contain the warning notice specified in K.S.A. 2012 Supp. 32-1434(b), and amendments thereto. This warning notice shall be printed in at least 10-point font. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-1434; effective July 26, 2013.)

Robin Jennison  
Secretary of Wildlife,  
Parks and Tourism

Doc. No. 041721

State of Kansas

State Fire Marshal

Temporary Administrative Regulations

Article 4.—EXPLOSIVE MATERIALS

**22-4-5. Adoption by reference.** (a) The 2013 edition of NFPA 495, "explosive materials code," published by the national fire protection association (NFPA), is hereby adopted by reference, with the alterations specified in subsections (b) through (d).

(b) The following provisions shall be excluded from adoption:

(1) All material before chapter 1 and all annexes;

(2) chapters 2, 8, and 12;

(3)(A) The last sentence of section 1.3.1;

(B) sections 1.4 through 1.4.3; and

(C) section 1.6;

(4)(A) The last sentence of section 3.1;

(B) section 3.2.1; and

(C) sections 3.2.3 through 3.2.7;

(5)(A) Section 4.1.7;

(B) sections 4.2.3.1 through 4.2.3.3;

(C) section 4.4.2.2;

(D) sections 4.7.2 through 4.7.4;

(E) section 4.8.2; and

(F) section 4.10.2;

(6) section 5.2.13.2;

(7)(A) Sections 6.3 through 6.3.5; and

(B) sections 6.6 through 6.6.8;

(8) sections 7.3 through 7.3.2;

(9) section 10.3.8.1;

(10) section 11.4.3;

(11) section 13.1.2; and

(12)(A) Sections 14.1 through 14.3.8;

(B) sections 14.4.1 through 14.4.4; and

(C) sections 14.4.8 through 14.5.9.

(c) The following modifications shall be made to NFPA 495:

(1) In section 1.3.2, all text after "state military agencies" shall be replaced with the following: "nor shall it apply to the use of explosive materials by federal, state, or municipal agencies while engaged in public safety functions, except that state and municipal agencies shall be subject to the storage, recordkeeping, and permitting requirements of this code."

(2) In section 1.3.5, the phrase "as defined in NFPA 1122, Code for Model Rocketry; NFPA 1125, Code for the Manufacture of Model Rocket and High Power Rocket Motors; and NFPA 1127, Code for High Power Rocketry" shall be deleted.

(3) The following text shall be added after section 1.3.6: "This code shall not apply to small arms ammunition and components of small arms ammunition.

"This code shall not apply to commercially manufactured black powder and black powder substitutes in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnical fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms as defined in 18 U.S.C. §921(a)(16) or in antique

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devices exempted from the term 'destructive device' in 18 U.S.C. §921(a)(4)."

(4) In section 3.2.2, the definition of "Authority Having Jurisdiction (AHJ)" shall be replaced with the following: "The state fire marshal or designee, except when the context indicates that the term is referring to a local fire department or law enforcement agency."

(5) In section 3.3.8, the definition of blasting agent shall be replaced with the following: "Any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined."

(6) The following sentence shall be added at the end of section 3.3.20: "The term shall also include two or more precursor chemicals sold or possessed together which if mixed or combined would constitute a binary explosive."

(7) Section 3.3.49 shall be replaced with the following: "Small arms ammunition and components of small arms ammunition. Small arms ammunition or cartridge cases, primers, or smokeless propellants designed for use in small arms, including percussion caps, and 3/32 inch and other external burning pyrotechnic hobby fuses. The term does not include black powder, but does include black powder substitutes provided the propellant is a component of small arms ammunition."

(8) In section 4.2.1, "or permits from the state fire marshal" shall be added at the end of the sentence.

(9) Section 4.2.4 shall be replaced with the following: "Each permitted manufacturer, distributor, and user in the state shall maintain continuous general liability coverage that includes coverage for intentional blasting of not less than \$2,000,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas and shall annually provide proof of this insurance to the state fire marshal."

(10) Section 4.3.1 shall be replaced with the following sentence: "Before a person conducts an operation or activity that uses explosive materials in the state, the person shall obtain a user permit from the state fire marshal."

(11) Section 4.3.2 shall be replaced with the following sentence: "Before an individual performs or supervises the loading and firing of explosive materials in the state, that individual shall obtain the appropriate permit to blast, as specified in Table 4.3.2, from the state fire marshal, except that this requirement shall not apply to a trainee who is acting under the direct supervision of and is being trained by the holder of a blaster permit."

(12) The following classes of blasting permits shall be added to table 4.3.2:

(A) Class P1 permit. The category name for this permit shall be "Public Safety, Bomb Technician." The permit shall allow "blasting by a bomb technician acting on behalf of the state or a political or taxing subdivision in a public safety capacity."

(B) Class P2 permit. The category name for this permit shall be "Public Safety, Explosive Breacher." The permit shall allow "explosive breaching by a person acting on behalf of the state or a political or taxing subdivision in a public safety capacity."

(13) The following text shall be added after section 4.3.2:

"Permit to Manufacture. Before a person manufactures explosive materials in the state, that person shall obtain a manufacturer permit from the state fire marshal. A holder of a manufacturer permit shall not be required to obtain a distributor or user permit.

"Permit to Distribute. Before a person sells, offers for sale, consigns, gives, imports, exports or otherwise furnishes explosive materials within the state to any other person, that person shall obtain a distributor permit from the state fire marshal, except that this requirement shall not apply to common carriers or to an out-of-state person who distributes explosive materials to the holder of a manufacturer or distributor permit. A holder of a distributor permit shall not be required to obtain a user permit.

"Handler Permit. Before an individual, other than the holder of a blaster permit, handles any explosive materials in the state, that individual shall obtain a handler permit from the state fire marshal. Permitted handlers may include individuals who load or unload vehicles, trainees, magazine keepers, drillers, stemmers and sales staff.

"Storage Permit. Before a person stores explosive materials in the state, that person shall obtain a site-specific storage permit. The storage permit may be temporary or permanent. A permanent storage permit shall be required to store more than 500 pounds of explosive materials at a site or to store any amount of explosive materials for longer than 90 days. A temporary storage permit shall be valid for no longer than 90 days and shall entitle the holder to store no more than 500 pounds of explosive materials. Before either storage permit will be issued, the person shall obtain a manufacturer, distributor, or user permit from the state fire marshal, any explosive permit required by the bureau of alcohol, tobacco, firearms and explosives, and a certification from the fire department with jurisdiction over the area where the storage site will be located that the proposed storage of explosive materials will not violate any local laws."

(14) In section 4.4.1, "at least 500 hours of" shall be added after "demonstrate." At the end of the sentence, the following text shall be added: "except that applicants for a class P1 permit shall only be required to demonstrate 240 hours of training and experience and applicants for a class P2 permit shall only be required to demonstrate 80 hours of training and experience."

(15) In section 4.4.2.1, the phrase "complete a blaster training program and" shall be added before the word "pass." The following sentence shall be added at the end of the section: "The blaster training program and qualifying examination shall be approved in advance by the state fire marshal."

(16) In sections 4.4.5 and 4.4.6, "complete an approved blaster training program and" shall be added before the word "pass."

(17) The following text shall be added after section 4.4.6:

"If the holder of a blaster or handler permit ceases to be employed by a permitted manufacturer, distributor, or user, the blaster or handler shall notify the office of the state fire marshal within five business days, and the in-

dividual's permit shall be placed on inactive status. The individual shall not blast or handle explosive materials while the permit is on inactive status. Before resuming work with a permitted manufacturer, distributor, or user, the blaster or handler shall notify the office of the state fire marshal, and the permit shall be returned to active status. However, if the permit has been on inactive status for at least one year, the holder shall complete an approved blaster refresher class for a blaster permit or an approved explosive safety course for a handler permit before the permit is returned to active status.

"Requirement for a Handler Permit. Before applying for or renewing a handler permit, an individual shall complete an explosive safety course approved by the state fire marshal."

(18) Sections 4.5.1 and 4.5.2 shall be replaced with the following sentence: "The holder of any permit or permits issued pursuant to this code shall maintain a copy of the permit or permits at all sites where explosive materials are stored or used and in any vehicle used to transport explosive materials."

(19) Section 4.6.2 shall be replaced with the following sentence: "An individual shall be at least 18 years old before applying for a handler permit and at least 21 years old before applying for a blaster permit."

(20) In section 4.7.1(3), "is a fugitive from justice" shall be replaced with "has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding."

(21) Section 4.8.1.1 shall be replaced with the following sentence: "Permit holders shall keep records in accordance with 27 C.F.R. Part 555, Subpart G, as adopted by reference in K.A.R. 22-4-5."

(22) In section 4.10.1, all text after the first use of the word "permit" shall be replaced with the following: "the existing permit shall not expire until the state fire marshal has taken final action upon the application for renewal or, if the state fire marshal's action is unfavorable, until the last day for seeking judicial review of the state fire marshal's action or a later date fixed by the reviewing court."

(23) The following sentence shall be added after section 4.10.3: "Before applying for renewal, the holder of a blaster permit shall complete a blaster refresher course approved by the state fire marshal and the holder of a handler permit shall complete an explosive safety course approved by the state fire marshal."

(24) In section 5.4.4.1.2, the word "periodically" shall be replaced with "at least annually."

(25) In section 5.4.7, the phrase "and the IAPMO Uniform Mechanical Code" shall be deleted.

(26) In section 9.7.2, "3 days" shall be replaced with "7 days."

(27) The following sentence shall be added before section 10.1: "A holder of a user permit shall notify the office of the state fire marshal at least 48 hours before beginning blasting operations at a site and before resuming blasting operations at a site if those operations have been suspended or discontinued for more than six months."

(28) Section 10.1.19.1(2) shall be replaced with the following: "Compliance with the safe distances in safety library publication 20, 'safety guide for the prevention of

radio frequency radiation hazards in the use of commercial electric detonators (blasting caps),' published by the institute of makers of explosives (IME) and dated December 2011, parts II and III of which are hereby adopted by reference, with the exception of all text before table 1 and pages 36 through 38."

(29) The following sentence shall be added at the end of section 11.1.1: "As used in this chapter, 'buildings and structures' shall refer to dwellings, public buildings, schools, places of worship, and commercial or institutional buildings."

(30) In section 11.1.3, all text after "with" shall be replaced with "the international society of explosives engineers' 'ISEE performance specifications for blasting seismographs,' 2011 edition."

(31) In section 11.1.4, the phrase "2009 edition" shall be added at the end of the sentence.

(32) The following text shall be added after section 11.1.4:

"The blaster-in-charge or designee shall conduct a preblast survey of all buildings and structures within a scaled distance of 35 ft/lbs<sup>1/2</sup> from the blast site, except that a preblast survey shall not be required for a building or structure if the owner refuses permission or if the owner does not respond after three documented attempts to obtain permission.

"Where blasting seismographs are used, the permitted user shall maintain the seismograph recording and accompanying records for at least three years. These records shall include the maximum ground vibration and acoustics levels recorded, the specific location of the seismograph equipment, its distance from the detonation of the explosives, the date and time of the recording, the name of the individual responsible for operation of the seismograph equipment, the type of seismograph instrument, its sensitivity, and the calibration signal or certification date of the last calibration."

(33) Section 11.2.3 shall be replaced with the following sentence: "The ground vibration limit for underground utilities, pipelines, fiber optic lines, and similar buried engineered structures shall be five inches per second."

(34) In section 11.4.2, all text before the word "propelled" shall be replaced with the following: "Reasonable precautions shall be taken to prevent flyrock from being."

(35) The following text shall be added at the end of chapter 11: "The blaster-in-charge shall ensure that a record of each use of explosives is made, and this record shall be retained for at least three years by the permitted user. The record shall include:

"(A) The name and permit number of the permitted user;

"(B) the location, date, and time of the detonation;

"(C) the name and permit number of the blaster-in-charge;

"(D) the type of materials blasted;

"(E) the type of explosives used;

"(F) the weight of each explosive product used and the total weight of explosives used;

"(G) the maximum weight of explosives detonated within any eight-millisecond period;

*(continued)*

“(H) the initiation system, including the number of circuits and the timer interval, if a sequential timer is used;

“(I) the type of detonator and delay periods used, in milliseconds;

“(J) the sketch of delay pattern, including decking;

“(K) the distance and scaled distance, if applicable, to the nearest building or structure;

“(L) the location of the nearest building or structure, using the best available information; and

“(M) if bore holes are used, the number of bore holes, burden, and spacing; the diameter and depth of bore holes; and the type and length of stemming.”

(36) Section 13.1.1 shall be replaced with the following sentence: “Two or more precursor chemicals that would constitute a binary explosive if mixed or combined shall be stored and used in the same manner as other explosive materials.”

(37) In section 13.4.2, the term “authority having jurisdiction” shall be replaced with “the office of the state fire marshal, the bureau of alcohol, tobacco, firearms and explosives, and a local law enforcement agency.”

(d)(1) Each citation in NFPA 495 to the following codes shall mean the edition adopted by reference in K.A.R. 22-1-3:

(A) NFPA 13, “standard for the installation of sprinkler systems”; and

(B) NFPA 70, “national electric code.”

(2) Each citation in NFPA 495 to the following codes shall mean the edition adopted by reference in K.A.R. 22-6-20:

(A) NFPA 1123, “code for fireworks display”; and

(B) NFPA 1124, “code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles”; and

(C) NFPA 1126, “standard for the use of pyrotechnics before a proximate audience.”

(3) Each citation of NFPA 1, “fire code,” shall be replaced by “the international fire code (IFC) as adopted by reference in K.A.R. 22-1-3.”

(4) Each citation of NFPA 5000, “building construction and safety code,” shall be replaced by “the international building code (IBC) as adopted by reference in K.A.R. 22-1-3.”

(e) 27 C.F.R. part 555, subpart G, as in effect on April 27, 2012, is hereby adopted by reference, with the following modifications:

(1) 27 C.F.R. 555.121(b), 555.122, 555.123(f), 555.124(f), 555.125(a), (b)(2), and (b)(6), 555.126, and 555.129 are not adopted.

(2) In 27 C.F.R. 555.121(c), the last sentence shall be deleted.

(3) In 27 C.F.R. 555.127, all text after “end of the day” shall be deleted.

(4) In 27 C.F.R. 555.128, the last sentence shall be replaced with the following sentence: “Copies of the records shall be delivered to the office of the state fire marshal within 30 days following the discontinuance of the business or operations.”

(5) Wherever the term “Director, Industry Operations” appears in subpart G, this term shall be replaced with “state fire marshal.”

(6) Each reference to a “licensed manufacturer” shall mean a “person with a state manufacturer permit.” Each reference to a “licensed dealer” shall mean a “person with a state distributor permit.”

(7) Each reference to a “limited permit” shall be deleted.

(f)(1) The requirement to obtain a manufacturer, distributor, user, blaster, or handler permit shall not become effective until 30 days after this regulation is published in the Kansas register.

(2) Each existing user permit and each existing blaster permit issued by the state fire marshal shall be deemed valid and shall remain effective until the permit’s expiration date, unless the permit is revoked or suspended before then, except that each existing blaster permit bearing a handler designation shall be reclassified and reissued as a handler permit. If the holder of an existing user permit was engaged in business as a manufacturer or distributor of explosive materials before the effective date of this regulation, the permit holder may apply to the state fire marshal to have that permit holder’s user permit converted to a manufacturer permit or a distributor permit.

(3) Each applicant for an initial state manufacturer, distributor, user, blaster, or handler permit shall be issued a temporary permit upon receipt of the application by the office of the state fire marshal. This temporary permit shall remain valid until the state fire marshal approves or denies the application. If the application is denied, the applicant shall immediately return the temporary permit and all copies of the permit to the office of the state fire marshal. (Authorized by and implementing K.S.A. 2012 Supp. 31-133; effective, T-22-6-28-13, June 28, 2013.)

Doug Jorgensen  
State Fire Marshal

Doc. No. 041712

## State of Kansas

### Department of Corrections

#### Temporary Administrative Regulations

#### Article 15.—GRIEVANCE PROCEDURE FOR INMATES

**44-15-204. Special procedures for sexual abuse grievances; sexual harassment grievances and grievances alleging retaliation for filing same; reports of sexual abuse or sexual harassment submitted by third parties.** (a) Definitions. For the purpose of this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) “Sexual abuse of an inmate by another inmate” means any of the following acts if the victim does not consent, is coerced into the act by overt or implied threats of violence, or is unable to consent or refuse:

(A) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(B) contact between the mouth and the penis, vulva, or anus;

(C) penetration of the anal or genital opening of another person, however slight, by a hand, finger, or object; or

(D) any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

(2) "Sexual abuse of an inmate by a staff member, contractor, or volunteer" means any of the following acts, with or without the consent of the inmate:

(A) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(B) contact between the mouth and the penis, vulva, or anus;

(C) contact between the mouth and any body part if the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(D) penetration of the anal or genital opening, however slight, by a hand, finger, or object, that is unrelated to official duties or if the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(E) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or if the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(F) any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the acts described in paragraphs (a)(2)(A)-(E);

(G) any display by a staff member, contractor, or volunteer of that individual's uncovered genitalia, buttocks, or breast in the presence of an inmate; or

(H) voyeurism by a staff member, contractor, or volunteer.

(3) "Voyeurism by a staff member, contractor, or volunteer" means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, including peering at an inmate who is using a toilet in the inmate's cell to perform bodily functions; requiring an inmate to expose the inmate's buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

(4) "Sexual harassment" means either of the following:

(A) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed to another; or

(B) repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

(b) Submission of grievances concerning sexual abuse.

(1) Each inmate submitting a grievance concerning sexual abuse alleged to have already occurred shall state that inmate's intentions by writing "Sexual Abuse Grievance" clearly on the grievance form.

(2) Inmates shall not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse by a staff member, contractor, or volunteer, or a grievance in which it is alleged that sexual abuse by another inmate or by a staff

member, contractor, or volunteer was the result of staff neglect or violation of responsibilities.

(3) Any inmate may submit a grievance to security staff, a unit team member, or administrative personnel in person or by utilizing the inmate internal mail system.

(4) Any inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. The grievance shall not be referred to a staff member who is the subject of the complaint.

(c) Warden's response.

(1) Upon receipt of each grievance report form alleging sexual abuse, a serial number shall be assigned by the warden or designee, and the date of receipt shall be indicated on the form by the warden or designee.

(2) Each grievance alleging sexual abuse shall be returned to the inmate, with an answer, within 10 working days from the date of receipt.

(3) Each answer shall contain findings of fact, conclusions drawn, the reasons for those conclusions, and the action taken by the warden. Each answer shall inform the inmate that the inmate may appeal by submitting the appropriate form to the secretary of corrections.

(4) In all cases, the original and one copy of the grievance report shall be returned by the warden to the inmate. The copy shall be retained by the inmate for the inmate's files. The original may be used for appeal to the secretary if the inmate desires. The necessary copies shall be provided by the warden.

(5) A second copy shall be retained by the warden.

(6) Each facility shall maintain a file for grievance reports alleging sexual abuse, with each grievance report indexed by inmate name and coded as a sexual abuse complaint. Grievance report forms shall not be placed in the inmate's institution file.

(7) If no response is received from the warden in the time allowed, any grievance may be sent by an inmate to the secretary of corrections with an explanation of the reason for the delay, if known, with a notation that no response from the warden was received.

(d) Appeal to the secretary of corrections.

(1) If the warden's answer is not satisfactory to the inmate, the inmate may appeal to the secretary's office by indicating on the grievance appeal form exactly what the inmate is displeased with and what action the inmate believes the secretary should take.

(2) The inmate shall send the appeal directly and promptly by U.S. mail to the department of corrections' central office in Topeka.

(3) If an appeal of the warden's decision is made to the secretary, the secretary shall have 20 working days from receipt to return the grievance report form to the inmate with an answer. The answer shall include findings of fact, conclusions made, and actions taken.

(4) If a grievance report form is submitted to the secretary without prior action by the warden, the form may be returned to the warden for further action, at the option of the secretary's designee.

(5) In all cases, a final decision on the merits of any portion of a grievance alleging sexual abuse, or an appeal

(continued)

thereof, shall be issued by the secretary within 90 days of the initial filing of the grievance.

(6) Computation of the 90-day time period shall not include time taken by inmates in preparing and submitting any administrative appeal.

(7) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level and may proceed to the next level of appeal.

(8) An appropriate official may be designated by the secretary to prepare the answer.

(e) Imminent sexual abuse.

(1) Each inmate submitting a grievance concerning imminent sexual abuse shall state that inmate's intentions by writing "Emergency Sexual Abuse Grievance" clearly on the grievance form.

(2) Each grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse shall be treated as an emergency grievance under K.A.R. 44-15-106.

(3) After receiving an emergency grievance alleging imminent sexual abuse, the warden or designee shall provide an initial response within 48 hours and shall issue a final decision within five calendar days. The initial response and final decision shall document the determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

(f) Submission of grievances concerning sexual harassment or concerning retaliation for submission of a report or grievance concerning sexual abuse or harassment.

(1) Each inmate shall be required to use the informal grievance process specified in K.A.R. 44-15-101 and 44-15-102 for grievances concerning sexual harassment or concerning retaliation for submission of a report or grievance concerning sexual abuse or harassment. These grievances shall otherwise be treated and processed according to the ordinary grievance procedure specified in K.A.R. 44-15-101 and 44-15-102.

(2) Any inmate who alleges sexual harassment or retaliation may submit a grievance without submitting it to a staff member who is the subject of the complaint. The grievance shall not be referred to a staff member who is the subject of the complaint.

(3) Each facility shall maintain a file for grievance reports alleging sexual harassment or retaliation for submission of a report or grievance alleging sexual abuse or harassment, with each grievance report indexed by inmate name and coded accordingly. No grievance report form shall be placed in the inmate's institution file.

(g) Time limits.

(1) There shall be no time limit for submission of a grievance regarding an allegation of sexual abuse.

(2) The time limits for any grievance or portion thereof that does not allege an incident of sexual abuse or imminent sexual abuse shall be the limits specified in K.A.R. 44-15-101b.

(h) Third-party submissions.

(1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates,

shall be permitted to assist any inmate in filing requests for administrative remedies relating to allegations of sexual abuse and shall also be permitted to file these requests on behalf of any inmate.

(2) If a third party files such a request on behalf of an inmate, the alleged victim shall agree to have the request filed on behalf of the alleged victim. The alleged victim shall personally pursue any subsequent steps in the administrative remedy process.

(3) If the inmate declines to have the request processed on that individual's behalf, the facility shall document the inmate's decision.

(i) Grievances in bad faith. Any inmate may be disciplined for filing a grievance related to alleged sexual abuse only if it can be demonstrated that the inmate filed the grievance in bad faith. In this instance, a disciplinary report alleging violation of K.A.R. 44-12-303 or 44-12-317, as appropriate, may be issued. (Authorized by and implementing K.S.A. 2012 Supp. 75-5210 and 75-5251; effective, T-44-6-28-13, June 28, 2013.)

Ray Roberts

Secretary of Corrections

Doc. No. 041710

## State of Kansas

### Attorney General

#### Temporary Administrative Regulations

#### Article 8.—ROOFING CONTRACTORS

**16-8-1. Definitions.** For the purpose of the act and this article, each of the following terms shall have the meaning specified in this regulation:

(a) "Act" means Kansas roofing registration act.

(b) "Applicant" means a person applying for an initial registration certificate or the renewal or reinstatement of a registration certificate.

(c) "Conviction" shall include the following, whether the penalty has been imposed, reduced, or suspended, unless the conviction has been legally expunged:

(1) An unvacated adjudication of guilt;

(2) a plea of guilty or nolo contendere accepted by the court; and

(3) a deferred judgment, diversion, or probation agreement.

(d) "Direct supervision" means that the registered roofing contractor is overseeing the person being supervised and is physically present at the work site.

(e) "Roofing material" shall include cedar, cement, metal, and composition shingles; wood shakes; cement and clay tile; built-up roofing; single-ply roofing materials; fluid-type roofing systems; spray urethane foam; asphalt; protective or reflective materials; deck coatings; sheet metal; and tar.

(f) "Roofing services" shall include the following services on any type of roof:

(1) Installation or repair of any roofing material;

(2) installation or repair of roof sheathing;

(3) installation, application, or repair of roof damp-proofing or weatherproofing, roof insulation panels, or

other roof insulation systems, including work incidental to the installation or application;

(4) repair of structural damage to an existing roof-support system;

(5) extension or repair of vents, drains, or roof penetrations, except electrical penetrations, on an existing structure; and

(6) installation or repair of skylights.

(g) "Valid registration certificate" means a roofing contractor registration certificate issued by the attorney general that has not been suspended or revoked.

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, §§ 2 and 4; effective, T-16-6-28-13, July 1, 2013.)

**16-8-2. Initial application.** Each person seeking an initial registration certificate shall submit an application that includes the following:

(a) An initial application form provided by the attorney general and fully completed by the applicant;

(b)(1) If the applicant is a natural person, a copy of a current state or federal government-issued photographic identification that demonstrates that the applicant is at least 18 years old; or

(2) if the applicant is a business entity, a copy of a current state or federal government-issued photograph identification for each designated agent who will act as a roofing contractor for the entity that demonstrates that each designated agent is at least 18 years old;

(c) a copy of the applicant's current and valid certificate of liability insurance in an amount of at least \$500,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas;

(d) a copy of the applicant's current and valid certificate of workers' compensation insurance under the Kansas workers' compensation act, an affidavit of exemption, or a copy of a valid self-insurance permit issued by the Kansas department of labor;

(e) a current and valid tax clearance certificate from the Kansas department of revenue;

(f) if the applicant is a nonresident contractor, a current and valid appointment of the Kansas secretary of state as legal agent for service of process;

(g) payment of the initial registration certificate fee specified K.A.R. 16-8-6; and

(h) if the applicant holds or has held a registration, certificate, permit, or license as a roofing contractor issued by any other state, current and certified documentation from the appropriate state agency in each such state showing whether the applicant is in good standing, has pending disciplinary proceedings, or has had disciplinary action taken against the registration, certificate, permit, or license.

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, § 5; effective, T-16-6-28-13, July 1, 2013.)

**16-8-3. Renewal application.** Each person seeking renewal of a registration certificate shall submit a renewal application that includes the following:

(a) A renewal form provided by the attorney general and fully completed by the applicant;

(b) a copy of the applicant's current and valid certificate of liability insurance in an amount of at least \$500,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas;

(c) a copy of the applicant's current and valid certificate of workers' compensation insurance under the Kansas workers' compensation act, an affidavit of exemption, or a copy of a valid self-insurance permit issued by the Kansas department of labor;

(d) a current and valid tax clearance certificate from the Kansas department of revenue;

(e) payment of the applicable fee or fees specified in K.A.R. 16-8-6; and

(f) if the applicant holds or has held a registration, certificate, permit, or license as a roofing contractor issued by any other state, current and certified documentation from the appropriate state agency in each such state showing whether applicant is in good standing, has pending disciplinary proceedings, or has had disciplinary action taken against the registration, certificate, permit, or license.

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, § 12; effective, T-16-6-28-13, July 1, 2013.)

**16-8-4. Suspension, revocation, and reinstatement.**

(a) Any registration certificate may be revoked or suspended by the attorney general upon finding that the registered roofing contractor has violated any provision of the act or this article.

(b) Each roofing contractor seeking to reinstate a revoked registration certificate shall submit a reinstatement application that includes the following:

(1) A reinstatement application form provided by the attorney general and fully completed by the applicant;

(2) a copy of the applicant's current and valid certificate of liability insurance in an amount of at least \$500,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas;

(3) a copy of the applicant's current and valid certificate of workers' compensation insurance under the Kansas workers' compensation act, an affidavit of exemption, or a copy of a current and valid self-insurance permit issued by the Kansas department of labor;

(4) a current and valid tax clearance certificate from the Kansas department of revenue;

(5) payment of the reinstatement fee specified in K.A.R. 16-8-6; and

(6) if the applicant holds or has held a registration, certificate, permit, or license as a roofing contractor issued by any other state, current and certified documentation from the appropriate state agency in each such state showing whether applicant is in good standing, has pending disciplinary proceedings, or has had disciplinary action taken against the registration, certificate, permit, or license.

(c) A reinstatement application shall not be submitted until all terms and conditions specified in the revocation order have been fulfilled.

*(continued)*

(d) A roofing contractor shall not be required to apply for annual renewal while that roofing contractor's registration certificate is suspended.

(1) If the suspension is lifted in the same fiscal year as that in which the suspension was ordered, the roofing contractor shall pay the renewal fee for a suspended registration certificate specified in K.A.R. 16-8-6 at the time of the next renewal.

(2) If the suspension was ordered in a previous fiscal year, the suspension shall not be lifted until the roofing contractor submits an application for renewal in accordance with K.A.R. 16-8-3, accompanied by payment of the renewal fee for a suspended registration certificate specified in K.A.R. 16-8-6, and the attorney general approves the application.

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, §§ 12 and 13; effective, T-16-6-28-13, July 1, 2013.)

**16-8-5. Incomplete applications.** (a) If an incomplete application for an initial registration certificate or for renewal or reinstatement of a registration certificate is submitted to the attorney general, the applicant may be notified by the attorney general that the application will be held in abeyance for 30 days. If the applicant fails to provide all missing information, documents, and fees within 30 days of this notification, the application shall be deemed abandoned, and all fees accompanying the application shall be retained by the attorney general and shall not be refunded to the applicant.

(b) The timeline specified in the act for issuance of a registration certificate shall not begin until the date on which a complete application is received in the office of the attorney general.

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, §§ 5, 10, and 12; effective, T-16-6-28-13, July 1, 2013.)

**16-8-6. Fees.** (a) Each applicant shall pay the following fee or fees, as applicable:

- |   |        |
|---|--------|
| (1) Initial registration certificate                    | \$ 250 |
| (2) Renewal of a registration certificate               | \$ 250 |
| (3) Renewal of a suspended registration certificate     | \$ 500 |
| (4) Reinstatement of a revoked registration certificate | \$ 750 |
| (5) Late renewal fee                                    | \$ 250 |
| (6) Change of name or address                           | \$ 25  |

(b) The renewal fee for a suspended registration certificate shall be paid at the time specified in K.A.R. 16-8-4.

(c) If a person submits a complete application for an initial registration certificate to the attorney general on or after January 1 and the attorney general issues the registration certificate on or before April 30 of that year, the applicant shall pay a prorated initial registration certificate fee of \$125 instead of the initial registration certificate fee specified in subsection (a).

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, §§ 8, 10, 11, and 12; effective, T-16-6-28-13, July 1, 2013.)

**16-8-7. Status of registration.** (a) If a registered roofing contractor ceases to be active as a roofing contractor, the roofing contractor shall notify the office of the attorney general within 10 days, and the roofing contractor's registration certificate shall be suspended by the attorney general pursuant to 2013 substitute for HB 2024, §11, and amendments thereto. This suspension shall not constitute a suspension for cause requiring payment of additional renewal fees. The suspended registration certificate shall be classified as "inactive." The roofing contractor shall not engage in business as a roofing contractor while that person's registration certificate is inactive. Any registration certificate may be returned to active status as follows:

(1) In the same fiscal year as that in which the registration certificate was initially classified as inactive, if the roofing contractor notifies the office of the attorney general at least 10 days before resuming business as a roofing contractor; or

(2) in a subsequent fiscal year, if the roofing contractor submits a complete renewal application to the office of the attorney general as specified in K.A.R. 16-8-3. However, the certificate shall not be deemed active until the renewal application is approved by the attorney general.

(b) If a roofing contractor's registration certificate is lost or stolen, the roofing contractor shall notify the office of the attorney general within 10 days after discovery of the fact.

(c) Each change in ownership of at least 50 percent of a business entity shall constitute a change in the legal status of the business requiring a new registration certificate pursuant to the act.

(d) If a registration certificate has been issued to a business entity for use by a group of designated roofing contractors and any designated roofing contractor in that group ceases to be an agent or employee of the entity, the entity shall notify the office of the attorney general within 10 days.

(e) Any business entity may designate new employees to act as roofing contractors under the entity's existing registration certificate by submitting an addendum to the entity's application, on a form provided by the attorney general, to the attorney general.

This regulation shall become effective on July 1, 2013. (Authorized by 2013 Sub for HB 2024, § 4; implementing 2013 Sub for HB 2024, §§ 7 and 11; effective, T-16-6-28-13, July 1, 2013.)

## Article 11.—PERSONAL AND FAMILY PROTECTION ACT

**16-11-7. Signs.** (a) For the purposes of this regulation, the terms "state or municipal building," "state," and "municipal" shall have the meaning specified in 2013 senate substitute for HB 2052, § 2, and amendments thereto.

(b) No license issued pursuant to or recognized under the personal and family protection act shall authorize the licensee to carry a concealed handgun into any building other than a state or municipal building if the building is conspicuously posted with signs that include the graphic in the document titled "buildings other than state and municipal buildings: signage adopted by the Kansas at-



torney general," dated June 20, 2013, which is hereby adopted by reference.

(c) No license issued pursuant to or recognized under the personal and family protection act shall authorize the licensee to carry a concealed handgun into any state or municipal building if the governing body or, if no governing body exists, the chief administrative officer for that state or municipal building has performed the following:

(1) Either installed adequate security measures or temporarily exempted the state or municipal building from 2013 senate substitute for HB 2052, § 2, and amendments thereto; and

(2) conspicuously posted signs that include the graphic and text in the document titled "state and municipal buildings: signage adopted by the Kansas attorney general," dated June 20, 2013, which is hereby adopted by reference. The top of the text shall be at least one inch but no more than two inches below the graphic. The text shall be in black letters and shall be no smaller than the text below the graphic in the document adopted in this paragraph. The text "State or Municipal Building, 2013 HB 2052 EXEMPT" shall be printed in boldface.

(d) "Conspicuously posted," when used to describe any sign specified in this regulation, shall mean that the sign meets the following requirements:

- (1) Has a white background;
- (2) includes the graphic design that is contained in the documents adopted in this regulation and that meets the following requirements:
  - (A) Depicts the handgun in black ink;
  - (B) depicts the circle with a diagonal slash across the handgun in red ink; and
  - (C) is at least six inches in diameter;
- (3) contains no text or other markings within the one-inch area surrounding the graphic design;
- (4) contains no text other than the text specified in the document adopted in paragraph (c)(2);
- (5) is visible from the exterior of the building and is not obstructed by doors, sliding doorways, displays, or other postings;
- (6) is posted at the eye level of an adult, which shall mean that the entire sign is between four feet and six feet from the ground;
- (7) is posted not more than 12 inches to the right or left of each exterior public and nonpublic entrance to the building; and
- (8) is legible. Each sign that becomes illegible shall be replaced immediately.

(e) A copy of each sign that meets the requirements of subsection (b) or paragraph (c)(2) may be obtained by contacting the office of the attorney general or may be reproduced from the web site of the office of the attorney general.

This regulation shall become effective on July 1, 2013. (Authorized by K.S.A. 2012 Supp. 75-7c10, as amended by 2013 Sen Sub for HB 2052, §9; implementing 2013 Sen Sub for HB 2052, §2 and K.S.A. 2012 Supp. 75-7c10, as amended by 2013 Sen Sub for HB 2052, §9; effective Nov. 27, 2006; amended Jan. 14, 2011; amended, T-16-6-28-13, July 1, 2013.)

Derek Schmidt  
Attorney General

Doc. No. 041711

## State of Kansas

### Department for Aging and Disability Services

#### Temporary 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 and their employees: (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 department 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 practice registered nurse" and "APRN" mean an RN who holds a license from the Kansas board of nursing to function as a professional nurse in an advanced role as defined by regulations adopted by the Kansas board of nursing.

(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.

(continued)

(j) "Audiologist" means an individual who is licensed by the department 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 for aging and disability services, the Kansas department for children and families, or the division of health care finance in the Kansas department of health and environment.

(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) "Concentrated livestock operation" means a site where domestic animals are kept for sale and profit and where crops, vegetation, forage growth, or postharvest residues are not sustained during the normal growing season.

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

(t) "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.

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

(v) "Department" means Kansas department for aging and disability services.

(w) "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 certifying board for dietary managers of the association of nutrition and foodservice professionals; or

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

(x) "Dietitian" means an individual who is licensed by the department as a dietitian.

(y) "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.

(z) "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 as an RN.

(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.

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

(bb) "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.

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

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

(1) An RN 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.

(ee) "Intermediate care facility for people with intellectual disability" has the meaning specified in K.S.A. 39-923, and amendments thereto.

(ff) "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. 2012 Supp. 38-2201 through 38-2283 and amendments thereto, or the revised Kansas juvenile justice code,

K.S.A. 2012 Supp. 38-2301 through 38-2387 and amendments thereto.

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

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

(ii) "Licensed practical nurse" and "LPN" mean 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.

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

(kk) "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. 65-2801 et seq. and amendments thereto;

(2) a physician assistant (PA) 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 APRN.

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

(mm) "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 resident; and

(4) documenting the dose in the resident's clinical record.

(nn) "Medication aide" means an individual who is certified by the department as a medication aide according to K.A.R. 26-50-30 and is supervised by a licensed nurse.

(oo) "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.

(pp) "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.

(qq) "Nurse aide" means an individual who meets the following requirements:

(1) Is certified as a nurse aide by the department and is listed on the Kansas nurse aide registry according to K.A.R. 26-50-20; and

(2) is supervised by a licensed nurse.

(rr) "Nurse aide trainee" means an individual who is in the process of completing a nurse aide training program as specified in K.A.R. 26-50-20 or K.A.R. 26-50-24, is not certified by the department as a nurse aide, and is not listed on the Kansas nurse aide registry. There are two types of nurse aide trainee: nurse aide trainee I and nurse aide trainee II. These two terms are defined in K.A.R. 26-50-10.

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

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

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

(1) RNs;

(2) LPNs;

(3) licensed mental health technicians in nursing facilities for mental health;

(4) medication aides;

(5) nurse aides;

(6) nurse aide trainees II; and

(7) paid nutrition assistants.

(vv) "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.

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

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

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

(zz) "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 department;

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

(aaa) "Personal care" means assistance provided to a resident to enable the resident to perform activities of daily living, including ambulating, bathing, bed mobility,

*(continued)*

dressing, eating, personal hygiene, toileting, and transferring.

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

(ccc) "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.

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

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

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

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

(hhh) "Registered professional nurse" and "RN" mean an individual who is licensed by the Kansas board of nursing as a registered professional nurse.

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

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

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

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

(mmm) "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.

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

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

(ppp) "Secretary" means secretary of the Kansas department for aging and disability services.

(qqq) "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.

(rrr) "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.

(sss) "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 department and receives supervision from a licensed social worker on a regular basis.

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

(uuu) "Speech-language pathologist" means an individual who is licensed by the department as a speech-language pathologist.

(vvv) "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 and K.S.A. 2012 Supp. 39-1901 and 39-1908; implementing K.S.A. 2012 Supp. 39-923, K.S.A. 39-932, and K.S.A. 2012 Supp. 39-1908; effective May 22, 2009; amended Jan. 7, 2011; amended, T-26-6-28-13, June 28, 2013.)

#### Article 50.—UNLICENSED EMPLOYEES IN ADULT CARE HOMES

**26-50-10. Definitions.** Each of the following terms, as used in this article, shall have the meaning specified in this regulation: (a) "Clinical instruction" shall mean training in which the trainee demonstrates knowledge and skills while performing tasks on a person under the direct supervision of the instructor.

(b) "Course supervisor" shall mean an individual who has been approved by the secretary to provide general supervision of the nurse aide training course.

(c) "Direct care" shall mean assistance provided to perform activities of daily living.

(d) "Direct supervision" shall mean that a supervisor or an instructor is on the facility premises and is readily accessible for one-on-one consultation, instruction, and assistance, as needed.

(e) "Eligible for employment," when describing a certified nurse aide, shall mean that the certified nurse aide meets the following criteria:

- (1) Was employed to perform nursing or nursing-related services for at least eight hours in the preceding 24 months;

- (2) has no record of medicare or medicaid fraud;

- (3) has no record of abuse, neglect, and exploitation; and

- (4) is not prohibited from employment based upon criminal convictions pursuant to K.S.A. 39-970, and amendments thereto.

(f) "General supervision" shall mean a course supervisor's provision of the necessary guidance and maintenance of ultimate responsibility for a nurse aide training course in accordance with the standards established by the department in the "Kansas certified nurse aide curriculum guidelines (90 hours)" and the "Kansas certified nurse aide course (90 hour) instruction manual," which are adopted by reference in K.A.R. 26-50-12.

(g) "Instructor" shall mean either of the following:

(1) An individual who has been approved by the nurse aide course supervisor to teach the nurse aide training course; or

(2) an individual who has been approved by the secretary to teach the home health aide or medication aide training courses.

(h) "Licensed nursing experience" shall mean experience as an RN or LPN.

(i) "Nurse aide trainee I" shall mean a nurse aide trainee who is in the process of completing part I of a 90-hour nurse aide course as specified in K.A.R. 26-50-20.

(j) "Nurse aide trainee II" shall mean a nurse aide trainee who has successfully completed part I of a 90-hour nurse aide course specified in K.A.R. 26-50-20 or whose training has been determined equivalent as specified in K.A.R. 26-50-26.

(k) "Qualified intellectual disability professional" shall mean an individual who meets the requirement specified in 42 C.F.R. 483.430 (a), as revised on June 16, 2012 and hereby adopted by reference.

(l) "Simulated laboratory" shall mean an enclosed area that is in a school, institution, adult care home, or other facility and that is similar to a resident's room in an adult care home. A simulated laboratory may serve as a setting for nurse aide trainees to practice basic nurse aide skills with the instructor and to demonstrate basic nurse aide skills for competency evaluation. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908; effective, T-26-6-28-13, June 28, 2013.)

**26-50-12. Curricula and instruction manuals.** (a) The following departmental documents, which are hereby adopted by reference, shall apply to each certified nurse aide program:

(1) "Kansas certified nurse aide curriculum guidelines (90 hours)," dated May 10, 2013, including appendix C, except the resource list on page 172, and excluding the preface and appendices A and B; and

(2) the cover page and pages 1 through 16 in the "Kansas certified nurse aide course (90 hour) instruction manual," dated May 10, 2013.

(b) The following departmental documents, which are hereby adopted by reference, shall apply to each certified medication aide program:

(1) "Kansas certified medication aide curriculum," dated May 10, 2013, excluding the foreword and the appendices; and

(2) pages 1 through 20 in the "Kansas certified medication aide course instruction manual," dated May 10, 2013. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908; effective, T-26-6-28-13, June 28, 2013.)

**26-50-20. Nurse aide; training program.** (a) Each unlicensed employee who provides direct care to residents shall meet the following training program requirements:

(1) Successfully complete at least a 90-hour nurse aide course approved by the secretary; and

(2) pass the state test as specified in K.A.R. 26-50-24.

(b) Each person shall be certified and shall be listed on the Kansas nurse aide registry upon completion of the

training program requirements specified in subsection (a).

(c)(1) Each nurse aide trainee I in an approved 90-hour course shall be required to successfully complete part I of the course, including the nurse aide training and competency evaluation program task checklist to demonstrate initial competency, before being employed as a nurse aide trainee II. Any nurse aide trainee II may provide direct care to residents only under the direct supervision of an RN or LPN.

(2) Nurse aide trainee II status for employment shall be valid for only one four-month period from the beginning date of the course.

(d)(1) Each nurse aide course shall meet the following requirements:

(A) Consist of a combination of didactic and clinical instruction, with at least 50 percent of part I and at least 50 percent of part II of the curriculum provided as clinical instruction;

(B) be prepared and administered in accordance with the "Kansas certified nurse aide curriculum guidelines (90 hours)" and the "Kansas certified nurse aide course (90 hour) instruction manual," as adopted by reference in K.A.R. 26-50-12; and

(C) be sponsored by one of the following, except as specified in paragraph (d)(3):

(i) An adult care home;

(ii) a long-term care unit of a hospital; or

(iii) a postsecondary school under the jurisdiction of the state board of regents.

(2) Clinical instruction and demonstration of the skills specified in the part I nurse aide training and competency evaluation program task checklist shall be performed in only one or a combination of the following settings that offer the full range of clinical tasks and experiences as specified in the "Kansas certified nurse aide curriculum guidelines (90 hours)":

(A) An adult care home;

(B) a long-term care unit of a hospital; or

(C) a simulated laboratory.

(3) An adult care home shall not sponsor or provide clinical instruction for a 90-hour nurse aide course if that adult care home has been subject to any of the sanctions under the federal regulations for long-term care facilities listed in 42 C.F.R. 483.151(b)(2), as in effect on May 24, 2010.

(e) No correspondence course shall be approved as a nurse aide course.

(f) Each distance-learning offering and each computer-based educational offering of the nurse aide course shall meet the requirements specified in subsection (d). (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908; effective, T-26-6-28-13, June 28, 2013.)

**26-50-22. Nurse aide training course; personnel and course sponsor.** (a) The training of nurse aides shall be performed by or under the general supervision of a course supervisor. Each course supervisor shall meet the following requirements:

(1) Be licensed to practice as an RN and have no pending or current disciplinary actions against that individual's license;

(continued)

(2) have at least two years of full-time licensed nursing experience, which shall include at least 1,750 hours of licensed nursing experience in an adult care home or a long-term care unit of a hospital; and

(3) meet at least one of the following requirements:

(A) Completed a course in adult education;

(B) completed a professional continuing education offering on supervision or adult education;

(C) taught adults; or

(D) supervised nurse aides.

(b) When seeking approval as a course supervisor, the person shall submit a completed course supervisor application to the department at least three weeks before offering an initial training course and shall have obtained approval from the secretary before the beginning date of that training course.

(c) Each instructor of any nurse aide training course shall meet the following requirements:

(1) Be licensed to practice as an RN and have no pending or current disciplinary actions against that individual's license;

(2) have at least two years of full-time licensed nursing experience;

(3) have completed at least seven hours of professional continuing education offerings on person-centered care in an adult care home or a long-term care unit of a hospital not more than one year before becoming an instructor of the nurse aide training course and each year while serving as an instructor; and

(4) meet at least one of the following requirements:

(A) Completed a course in adult education;

(B) completed a professional continuing education offering on supervision or adult education;

(C) taught adults; or

(D) supervised nurse aides.

(d) Any supplemental instructor may provide training in a subject area of the supplemental instructor's health-care profession if that person has skills and knowledge in the subject area, has at least one year of full-time experience in that person's healthcare profession, and is under the direct supervision of the course supervisor or instructor.

(e) One person may serve as both course supervisor or instructor, if the person meets the qualifications of the designated positions as specified in subsections (a) and (c).

(f) Each course supervisor and course sponsor shall ensure that the following requirements are met:

(1) A completed course approval application shall be submitted to the department at least three weeks before offering any initial or subsequent nurse aide training course. Course approval shall be obtained from the secretary before the beginning date of the initial course and each subsequent course. Each change in course supervisor, course location, or course schedule shall require prior approval by the secretary.

(2) All course objectives shall be accomplished.

(3) The course shall be prepared and administered in accordance with the "Kansas certified nurse aide curriculum guidelines (90 hours)" and the "Kansas certified nurse aide course (90 hour) instruction manual," as adopted by reference in K.A.R. 26-50-12.

(4) The provision of direct care to residents by a nurse aide trainee II during clinical instruction shall be under the direct supervision of the instructor and shall be limited to clinical experiences that are only for the purpose of learning nursing skills.

(5) During the clinical instruction, the instructor shall perform no duties other than the provision of direct supervision to the nurse aide trainees.

(6) Each nurse aide trainee in the 90-hour nurse aide course shall demonstrate competency in all skills identified on the part I nurse aide training and competency evaluation program task checklist to an RN, as evidence of successful completion of the training course. The RN shall be licensed in the state of Kansas with no pending or current disciplinary action against that person's license and shall have at least one year of licensed nurse experience in providing care for the elderly or chronically ill who are 16 years of age or older. This RN shall date and sign the checklist verifying the nurse aide trainee's skills competency.

(7) Each course supervisor, instructor, and supplemental instructor shall meet the requirements of the designated positions as specified in subsections (a), (c), and (d).

(g) Any course supervisor or course sponsor who does not meet the requirements of this regulation may be subject to withdrawal of approval to serve as a course supervisor or course sponsor. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908; effective, T-26-6-28-13, June 28, 2013.)

**26-50-24. Nurse aide; state test.** (a) The state test for nurse aides shall consist of 100 multiple-choice questions. A score of 75 percent or higher shall constitute a passing score.

(b)(1) Only persons who have successfully completed an approved 90-hour nurse aide course or have completed education or training that has been deemed equivalent as specified in K.A.R. 26-50-26 shall be allowed to take the state test.

(2) Each person who has completed an approved 90-hour course as specified in K.A.R. 26-50-20 shall have no more than three attempts within 12 months after the beginning date of the course to pass the state test. If the person does not pass the state test within this 12-month period, the person shall be required to retake and successfully complete the entire nurse aide course.

(3) Each person whose education or training has been endorsed or deemed equivalent as specified in K.A.R. 26-50-26 shall have no more than one attempt to pass the state test, except as specified in this paragraph. If the person does not pass the state test, the person shall be required to successfully complete an approved 90-hour nurse aide course as specified in K.A.R. 26-50-20 to be eligible to retake the state test. The person shall have no more than three attempts within 12 months after the beginning date of the course to pass the state test.

(c)(1) Each nurse aide trainee II shall pay a nonrefundable application fee of \$20.00 before taking the state test. A nonrefundable application fee shall be required each time the person is scheduled to take the state test.

(2) Each person who is scheduled to take the state test but fails to take the state test shall submit another non-

refundable application fee of \$20.00 before being scheduled for another opportunity to take the state test.

(3) Each instructor shall collect the application fee and application for each nurse aide trainee II who is eligible to take the state test and shall submit the application fees, application forms, class roster, and accommodation request forms to the department or its designated agent.

(d)(1) Any person who is eligible to take the state test may request reasonable test accommodation or an auxiliary aid to address the person's disability. Each time the person is scheduled to take the test, the person shall submit a request for reasonable accommodation or an auxiliary aid.

(2) Each person who requests a test accommodation shall submit an accommodation request form with the person's application form to the instructor. The instructor shall forward these forms to the department or its designated agent at least three weeks before the desired test date.

(3) Each person whose second language is English shall be allowed to use a bilingual dictionary while taking the state test. Limited English proficiency shall not constitute a disability with regard to accommodations. An extended testing period of up to two additional hours may be offered to persons with limited English proficiency.

(e) Any entity administering the state test may charge each person a test administration fee. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908; effective, T-26-6-28-13, June 28, 2013.)

**26-50-26. Nurse aide; out-of-state and allied health training equivalency.** (a) Any person may be employed in the state without taking the Kansas state test if the person meets the following requirements:

(1) Has been employed as a nurse aide in another state and is eligible for employment in that state; and

(2) has been determined by the secretary to have successfully completed training or passed a test, or both, that is equivalent to the training and state test required in Kansas for nurse aides.

(b) Each person qualified under subsection (a) shall receive written notification from the department of the following:

(1) Exemption from the requirement to take the state test for nurse aides;

(2) placement on the Kansas nurse aide registry; and

(3) eligibility for employment.

(c) Each of the individuals specified in this subsection shall be determined to have training equivalent to the nurse aide training. Any of the following individuals may be deemed eligible to take the state test, as specified in K.A.R. 26-50-24:

(1) The person is currently licensed to practice as an RN or LPN in another state and has no pending or current disciplinary actions against that individual's license.

(2) The person is currently licensed to practice as a licensed mental health technician in Kansas or another state and has no pending or current disciplinary action against that individual's license.

(3) The person's license to practice as an RN, LPN, or licensed mental health technician has become inactive

within the 24-month period immediately before the individual applied for equivalency, and the person has no pending disciplinary actions against that person's license.

(4) The person is currently enrolled in an accredited practical or professional nursing program or mental health technician training program and has successfully completed basic skills courses covering personal hygiene, nutrition and feeding, safe transfer and ambulation techniques, normal range of motion and positioning, and a supervised clinical experience in geriatrics.

(d) Any person eligible under subsection (c) may receive written approval from the secretary or the secretary's designee to take the state test. Upon receiving this written approval, that person may be employed by an adult care home as a nurse aide trainee II to provide direct care under the direct supervision of an RN or LPN. That person shall complete the requirement in K.A.R. 26-50-20(a)(2) for certification and placement on the Kansas nurse aide registry, within one four-month period beginning on the date of approval to take the state test, to continue employment providing direct care. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908; effective, T-26-6-28-13, June 28, 2013.)

**26-50-30. Medication aide; program.** (a) Each medication aide shall meet the following requirements:

(1)(A) Be a certified nurse aide listed on the Kansas nurse aide registry with no pending or current prohibitions against that individual's certification; or

(B) be a qualified intellectual disability professional;

(2) successfully complete a course in medication administration approved by the secretary;

(3) pass the state test approved by the secretary; and

(4) be at least 18 years old.

(b) Each person shall meet one of the following requirements to be eligible to enroll in a medication aide course:

(1) Be a nurse aide listed on the Kansas nurse aide registry with no pending or current prohibitions against that individual's certification and have been screened and tested for reading and comprehension of the written English language at an eighth-grade level; or

(2) be a qualified intellectual disability professional employed by an intermediate care facility for people with intellectual disability.

(c) A qualified intellectual disability professional who is not listed as a certified nurse aide on the Kansas nurse aide registry shall be allowed to administer medications only to residents in an intermediate care facility for people with intellectual disability after the individual has completed a course in medication administration approved by the secretary and has passed the state test.

(d) Each medication aide course shall meet the following requirements:

(1) Consist of at least 75 hours, which shall include at least 25 hours of clinical instruction;

(2) be prepared and administered in accordance with the "Kansas certified medication aide curriculum" and the "Kansas certified medication aide course instruction manual," as adopted by reference in K.A.R. 26-50-12; and

(3) be sponsored by one of the following:

(continued)

(A) A postsecondary school under the jurisdiction of the state board of regents;

(B) a state-operated institution for persons with intellectual disability; or

(C) a professional health care association approved by the secretary.

(e) No correspondence course shall be approved as a medication aide course.

(f) Each distance-learning offering and each computer-based educational offering of the medication aide course shall meet the requirements in subsection (d). (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-925, 39-936, and 39-1908 and K.S.A. 65-1,120; effective, T-26-6-28-13, June 28, 2013.)

**26-50-32. Medication aide course; instructor and course sponsor.** (a) Each instructor of the medication aide course shall meet the following requirements:

(1) Be licensed to practice as an RN and have no pending or current disciplinary actions against that individual's license; and

(2) have at least two years of clinical experience as an RN. Any pharmacist licensed in Kansas and actively working in the pharmacy field may conduct part of the training under the supervision of an approved instructor.

(b) When seeking approval as a medication aide course instructor, the applicant shall submit a completed instructor approval application to the department at least three weeks before offering an initial course and shall have obtained approval from the secretary before the beginning date of the initial course.

(c) Each instructor and each course sponsor shall ensure that the following requirements are met:

(1) A completed course approval application form shall be submitted to the department at least three weeks before offering any initial or subsequent medication aide course. Course approval shall be obtained from the secretary before the beginning date of each initial or subsequent medication aide course.

(2) The course shall be prepared and administered in accordance with the "Kansas certified medication aide curriculum" and the "Kansas certified medication aide course instruction manual," as adopted by reference in K.A.R. 26-50-12.

(3) Only persons who meet the qualifications specified in K.A.R. 26-50-30 shall be eligible to take the course.

(4) Each person shall be screened and tested for comprehension of the written English language at an eighth-grade reading level before enrolling in the course.

(5) The clinical instruction and skills performance involving the administering of medications shall be under the direct supervision of the instructor and shall be limited to clinical experiences that are only for the purpose of learning medication administration skills.

(6) During the clinical instruction and skills performance, the instructor shall perform no duties other than the provision of direct supervision to the student.

(7) A list of the name of each person who successfully completed the course and passed the state test, along with a nonrefundable application fee of \$20.00 for each person and that person's completed application form, shall be submitted to the department.

(d) Any instructor or course sponsor who does not fulfill the requirements of this regulation may be subject to withdrawal of approval to serve as an instructor or a course sponsor. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-925, 39-936, and 39-1908 and K.S.A. 65-1,120 and 65-1,121; effective, T-26-6-28-13, June 28, 2013.)

**26-50-34. Medication aide; state test; registry.** (a) The state test for medication aides shall be administered by the secretary or the secretary's designee and in accordance with the "Kansas certified medication aide course instruction manual," as adopted by reference in K.A.R. 26-50-12.

(b) The state test for medication aides shall consist of 85 multiple-choice questions. A score of at least 65 correct answers shall constitute a passing score.

(c)(1) Only persons who have met the requirements in K.A.R. 26-50-30 (a)(1), (2), and (4) and in K.A.R. 26-50-36 shall be eligible to take the state test for medication aides.

(2) Each person who has completed the medication aide course as specified in K.A.R. 26-50-30 shall have no more than two attempts within 12 months after the beginning date of the course to pass the state test for medication aides. If the person does not pass the test within this 12-month period, the person shall retake the medication aide course. Each time the person successfully completes the course, the person shall have two attempts to pass the state test within 12 months after the beginning date of the course. The number of times a person may retake the course shall be unlimited.

(3) Each person who is listed on the Kansas nurse aide registry with no current or pending prohibitions and whose training has been deemed equivalent to the Kansas medication aide course shall have no more than one attempt to pass the state test within 12 months after the beginning date of the equivalency approval. If the person does not pass the state test within this 12-month period, the person shall be required to take the state medication aide course.

(d) Each person whose second language is English shall be allowed to use a bilingual dictionary while taking the state test. Limited English proficiency shall not constitute a disability with regard to accommodation. An extended testing period of up to 90 minutes may be offered to persons with limited English proficiency.

(e) Each person shall be identified on the Kansas nurse aide registry as a certified medication aide after the department has received the following:

(1) A list of the name of each person who successfully completed the course;

(2) each person's application; and

(3) each person's nonrefundable fee of \$20.00. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-925, 39-936, and 39-1908 and K.S.A. 65-1,120 and 65-1,121; effective, T-26-6-28-13, June 28, 2013.)

**26-50-36. Medication aide; out-of-state and allied health training equivalency.** Any person whose education or training has been deemed equivalent to the medication aide course offered by an approved sponsor as specified in K.A.R. 26-50-30(d) may apply to take the state



test to become certified as a medication aide. Before requesting a determination of education or training equivalency as a medication aide, that person shall be listed on the Kansas nurse aide registry with no pending or current prohibitions against that person's certification and shall meet one of the following requirements:

(a) The person shall be currently certified to administer medications in another state. The department or its designated agent shall evaluate that state's certification training for equivalency in content and skills level with the requirements for certification as a medication aide in Kansas.

(b) The person shall be currently enrolled in an accredited practical nursing or professional nursing program and shall have completed a course of study in pharmacology with a grade of C or better.

(c) The person shall be currently licensed in Kansas or another state as a licensed mental health technician and shall have no pending or current disciplinary actions against that person's license.

(d) The person's license to practice as an RN, an LPN, or a licensed mental health technician shall have become inactive within the 24-month period immediately before the individual applied for equivalency, and the person shall have no pending or current disciplinary actions against that person's license. (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-925, 39-936, and 39-1908 and K.S.A. 65-1,120; effective, T-26-6-28-13, June 28, 2013.)

**26-50-38. Medication aide; certification renewal and reinstatement; notification of changes.** (a) Each person who has been certified as a medication aide as specified in K.A.R. 26-50-30 and wants to maintain that person's certification shall complete a 10-hour continuing education course every two years before that person's certification expires. The course shall be approved by the secretary. Approved continuing education hours completed in excess of the requirement shall not be carried over to the next certification renewal period.

(b) Each medication aide's certification shall be renewed every two years upon the department's receipt of each of the following from the course instructor before that medication aide's certification expires:

- (1) Verification of the medication aide's completion of 10 hours of an approved continuing education course;
- (2) the medication aide's renewal form; and
- (3) a nonrefundable renewal fee of \$20.00.

(c)(1) Each person's medication aide certification shall be valid for two years from the date of issuance.

(2) Each person whose medication aide certification has been expired for not more than one year may have that person's certification reinstated and may be listed on the Kansas nurse aide registry if the department receives the items specified in paragraphs (b)(1) through (3) from the course instructor.

(3) Each person whose certification has been expired for more than one year shall retake the 75-hour medication aide course and the state test, for reinstatement of certification and listing on the Kansas nurse aide registry.

(d) Each certified medication aide shall notify the department of any change in that person's address or name.

(Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-925, 39-936, and 39-1908 and K.S.A. 65-1,120 and 65-1,121; effective, T-26-6-28-13, June 28, 2013.)

**26-50-40. Medication aide; continuing education course.** (a) A 10-hour continuing education course shall be approved by the secretary for renewal or reinstatement of certification as a medication aide, as specified in K.A.R. 26-50-38.

(b) The continuing education course requirement shall include one or more of the following topics:

- (1) Classes of drugs and new drugs;
- (2) new uses of existing drugs;
- (3) methods of administering medications;
- (4) alternative treatments, including herbal drugs and their potential interaction with traditional drugs;
- (5) safety in the administration of medications; or
- (6) documentation.

(c) Each continuing education program shall be sponsored by one of the following:

- (1) A postsecondary school under the jurisdiction of the state board of regents;
- (2) an adult care home;
- (3) a long-term care unit of a hospital;
- (4) a state-operated institution for persons with intellectual disability; or
- (5) a professional health care association approved by the secretary.

(d) Each instructor of the medication aide continuing education course shall meet the following requirements:

- (1) Be licensed to practice as an RN and have no pending or current disciplinary actions against that individual's license;
- (2) have at least two years of clinical experience as a licensed nurse. Any pharmacist licensed in Kansas and actively working in the pharmacy field may conduct part of the training under the supervision of an approved instructor; and
- (3) submit a completed instructor approval application to the department at least three weeks before first offering a medication aide continuing education course and obtain approval from the secretary before the beginning date of that course.

(e) Each instructor and course sponsor shall ensure that the following requirements are met:

- (1) A course approval application form shall be submitted to the department at least three weeks before offering a course, and course approval shall be received from the secretary before the beginning date of the course.
- (2) The course shall be prepared and administered in accordance with "Kansas certified medication aide curriculum" and the "Kansas certified medication aide course instruction manual," as adopted by reference in K.A.R. 26-50-12.

(3) If clinical instruction and skills performance in administering medication are included in the course, each student administering medication shall be under the direct supervision of the instructor.

(4) A listing of the name of each person who successfully completed the course, along with each person's non-

*(continued)*

refundable renewal fee of \$20.00 and application form, shall be submitted to the department.

(f) Any course sponsor or instructor who does not fulfill the requirements specified in subsections (a) through (e) may be subject to withdrawal of approval to serve as a course sponsor or an instructor.

(g) College courses and vocational training may be approved by the secretary as substantially equivalent to a medication aide continuing education course. The instructor or nursing program coordinator shall submit a department-approved form attesting that the course content is substantially equivalent to the topics listed in paragraphs (b)(1) through (6).

(h) No correspondence course shall be approved for a medication aide continuing education course.

(i) Each distance-learning educational offering and each computer-based educational offering of continuing education for any medication aide shall meet the requirements in subsections (a) through (f). (Authorized by K.S.A. 2012 Supp. 39-925, 39-936, 39-1901, and 39-1908; implementing K.S.A. 2012 Supp. 39-936 and 39-1908 and K.S.A. 65-1,121; effective, T-26-6-28-13, June 28, 2013.)

Supp. 39-936; effective Feb. 28, 1994; amended Dec. 29, 2003; amended June 12, 2009; revoked, T-28-6-28-13, June 28, 2013.)

**28-39-168.** (Authorized by K.S.A. 2008 Supp. 39-925(d)(2) and 39-936; implementing K.S.A. 2008 Supp. 39-936; effective Feb. 28, 1994; amended Dec. 29, 2003; amended June 12, 2009; revoked, T-28-6-28-13, June 28, 2013.)

**28-39-169a.** (Authorized by K.S.A. 75-5625; implementing K.S.A. 65-1,120 and K.S.A. 2010 Supp. 65-1124; effective Dec. 29, 2003; amended Oct. 14, 2011; revoked, T-28-6-28-13, June 28, 2013.)

**28-39-169b.** (Authorized by K.S.A. 75-5625; implementing K.S.A. 65-1,120 and K.S.A. 2010 Supp. 65-1124; effective Dec. 29, 2003; amended Oct. 14, 2011; revoked, T-28-6-28-13, June 28, 2013.)

**28-39-169c.** (Authorized by K.S.A. 65-1,121 and 75-5625; implementing K.S.A. 65-1,121 and K.S.A. 2010 Supp. 65-1124; effective Dec. 29, 2003; amended Oct. 14, 2011; revoked, T-28-6-28-13, June 28, 2013.)

Shawn Sullivan  
Secretary for Aging and  
Disability Services

Doc. No. 041713

**Article 39.—LICENSURE OF ADULT CARE HOMES**

**28-39-164 through 28-39-167.** (Authorized by K.S.A. 2008 Supp. 39-925(d)(2); implementing K.S.A. 2008

**INDEX TO ADMINISTRATIVE REGULATIONS**  
This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2012 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**  
Reg. No. Action Register  
1-64-1 Revoked V. 31, p. 171

**AGENCY 4: DEPARTMENT OF AGRICULTURE**  
Reg. No. Action Register  
4-15-4 Amended V. 31, p. 570  
4-15-5 Amended V. 31, p. 301  
4-15-6 Amended V. 31, p. 301  
4-15-7 Amended V. 31, p. 570  
4-15-8 Amended V. 31, p. 570  
4-15-9 Amended V. 31, p. 571  
4-15-9a New V. 31, p. 571  
4-15-10 Amended V. 31, p. 571  
4-15-13 Amended V. 31, p. 572  
4-16-1a Amended V. 32, p. 408  
4-16-1c Amended V. 32, p. 409  
4-16-7a Amended V. 32, p. 410  
4-16-306 New V. 32, p. 410  
4-17-1a Revoked V. 32, p. 411  
4-17-1c Revoked V. 32, p. 411  
4-17-300 Revoked V. 32, p. 411  
4-17-302 through  
4-17-305 Revoked V. 32, p. 411  
4-27-2 through  
4-27-5 Amended V. 32, p. 93, 94

4-27-8 through  
4-27-12 Amended V. 32, p. 95-100  
4-27-15 through  
4-27-18 Amended V. 32, p. 100-104  
4-27-20 Amended V. 32, p. 104  
4-27-21 Amended V. 32, p. 104  
4-28-1 Amended V. 32, p. 105  
4-28-2 Amended V. 32, p. 349  
4-28-3 Revoked V. 31, p. 1276  
4-28-4 Revoked V. 31, p. 1276  
4-28-5 Amended V. 32, p. 105  
4-28-6 Amended (T) V. 31, p. 998  
4-28-6 Amended V. 32, p. 499  
4-28-7 Revoked V. 31, p. 1277  
4-28-8 Amended V. 32, p. 349  
4-28-9 through  
4-28-16 Revoked V. 32, p. 349  
4-28-18 through  
4-28-22 Revoked V. 32, p. 105  
4-28-23 Amended V. 32, p. 105  
4-28-24 through  
4-28-30 Revoked V. 32, p. 106  
4-28-31 New (T) V. 31, p. 998  
4-28-31 New V. 31, p. 1277  
4-28-32 New V. 32, p. 106  
4-28-33 New V. 32, p. 499  
4-28-34 New V. 32, p. 500

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**  
Reg. No. Action Register  
5-9-3 Amended V. 31, p. 773  
5-16-1 Amended V. 32, p. 566  
5-16-2 Revoked V. 32, p. 566  
5-16-3 Amended V. 32, p. 566  
5-16-4 Amended V. 32, p. 567  
5-16-5 Revoked V. 32, p. 567  
5-16-6 Amended V. 32, p. 567  
5-16-7 Amended V. 32, p. 567

**AGENCY 7: SECRETARY OF STATE**  
Reg. No. Action Register  
7-23-4 Amended V. 31, p. 197  
7-23-14 New V. 31, p. 197  
7-36-7 New V. 31, p. 198  
7-36-8 New V. 31, p. 199  
7-46-1 New V. 31, p. 199  
7-46-2 New V. 31, p. 199  
7-46-3 New V. 31, p. 200

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**  
Reg. No. Action Register  
11-12-1 through  
11-12-7 Amended V. 32, p. 501-503

**AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL**  
Reg. No. Action Register  
14-13-1 Amended (T) V. 31, p. 1356  
14-13-1 Amended V. 32, p. 148  
14-13-2 Amended V. 32, p. 149  
14-13-3 Revoked V. 32, p. 150  
14-13-4 through  
14-13-10 Amended V. 32, p. 150, 151  
14-13-11 Revoked V. 32, p. 152  
14-13-13 Amended (T) V. 31, p. 1357  
14-13-13 Amended V. 32, p. 152  
14-13-15 Amended V. 32, p. 153  
14-13-16 New (T) V. 31, p. 1358  
14-13-16 New V. 32, p. 407  
14-13-17 New (T) V. 31, p. 1359  
14-13-17 New V. 32, p. 408  
14-13-18 New V. 32, p. 408  
14-16-25 Amended V. 31, p. 1427

**AGENCY 16: ATTORNEY GENERAL**  
Reg. No. Action Register  
16-12-1 through  
16-12-10 New (T) V. 31, p. 1359-1365  
16-12-1 through  
16-12-10 New V. 32, p. 23-29

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-11-18	Amended	V. 32, p. 372

**AGENCY 20: CRIME VICTIMS COMPENSATION BOARD**

Reg. No.	Action	Register
20-2-5	Revoked	V. 31, p. 1031
20-3-1	Revoked	V. 31, p. 1031
20-3-2	Revoked	V. 31, p. 1031

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-25-1	New	V. 31, p. 973
22-25-2	New	V. 31, p. 974

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-19-350	Amended	V. 31, p. 1507
28-19-735	Amended	V. 31, p. 1508
28-19-750	Amended	V. 31, p. 1509
28-19-750a	Amended	V. 31, p. 1509
28-21-2	Revoked	V. 32, p. 106
28-21-4	Revoked	V. 32, p. 106
28-21-5	Revoked	V. 32, p. 106
28-23-1	Revoked	V. 32, p. 106
28-23-2	Revoked	V. 32, p. 106
28-23-3	Revoked	V. 32, p. 106
28-23-6	Revoked	V. 32, p. 106
28-23-7	Revoked	V. 32, p. 106
28-23-11	Revoked	V. 32, p. 106
28-23-12	Revoked	V. 32, p. 106
28-23-13	Revoked	V. 32, p. 106
28-29-300	Amended	V. 31, p. 1509

28-29-330	through	
28-29-333	New	V. 31, p. 1510
28-30-2	through	
28-30-6	Amended	V. 32, p. 522-525
28-31-10	Amended	V. 31, p. 196
28-31-260b	New	V. 32, p. 415
28-31-268	Amended	V. 32, p. 416
28-32-13	Amended	V. 32, p. 208
28-35-147a	Amended	V. 32, p. 260
28-35-600	through	
28-35-608	New	V. 31, p. 90-93
28-54-1	through	
28-54-5	Amended	V. 31, p. 280-282
28-56-1	through	
28-56-10	New	V. 31, p. 708-711
28-56-2	Amended	V. 31, p. 1528
28-75-100	New	V. 32, p. 23

**AGENCY 30: DEPARTMENT FOR CHILDREN AND FAMILIES (FORMERLY DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES)**

Reg. No.	Action	Register
30-46-10	Amended (T)	V. 31, p. 887
30-46-10	Amended	V. 31, p. 1126

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-20	Amended	V. 32, p. 183
40-1-37	Amended	V. 31, p. 887
40-1-48	Amended	V. 31, p. 887
40-2-14a	Amended	V. 32, p. 183
40-4-42c	Amended	V. 31, p. 170
40-5-7	Revoked	V. 31, p. 114

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-5-115	Amended	V. 32, p. 58
44-6-101	Amended	V. 32, p. 58
44-6-114e	Amended	V. 32, p. 60

44-6-115a	Amended	V. 32, p. 64
44-6-115b	Amended	V. 32, p. 65
44-6-115c	Amended	V. 32, p. 66
44-6-125	Amended	V. 32, p. 67
44-6-127	Amended	V. 32, p. 68
44-6-134	Amended	V. 32, p. 69
44-6-135	Amended	V. 32, p. 69
44-6-135a	Amended	V. 32, p. 70
44-6-138	Amended	V. 32, p. 70
44-9-101	Amended	V. 31, p. 302
44-9-105	Amended	V. 31, p. 303
44-9-107	New	V. 31, p. 304
44-9-501	through	
44-9-504	New	V. 31, p. 304, 305
44-11-111	Amended	V. 31, p. 193
44-11-113	Amended	V. 31, p. 194
44-11-119	Amended	V. 31, p. 195
44-11-121	Amended	V. 31, p. 195
44-11-123	Amended	V. 31, p. 195
44-11-127	Amended	V. 31, p. 195
44-11-129	Amended	V. 31, p. 196
44-11-132	Amended	V. 31, p. 196

**AGENCY 45: PRISONER REVIEW BOARD**

Reg. No.	Action	Register
45-100-1	Revoked	V. 31, p. 306
45-500-1	through	
45-500-4	Revoked	V. 31, p. 306

**AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-15	Revoked	V. 32, p. 836
51-9-17	Amended	V. 32, p. 88

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-9-105	Amended	V. 32, p. 411
60-9-106	Amended	V. 32, p. 412
60-9-107	Amended	V. 32, p. 413
60-11-101	Amended	V. 31, p. 572
60-11-102	Amended	V. 31, p. 573
60-11-103	Amended	V. 31, p. 573
60-11-104	Amended	V. 31, p. 574
60-11-104a	Amended	V. 31, p. 574
60-11-105	Amended	V. 31, p. 574
60-11-106	Amended	V. 31, p. 575
60-11-107	Amended	V. 31, p. 575
60-11-113	Amended	V. 31, p. 575
60-11-116	Amended	V. 31, p. 575
60-11-118	Amended	V. 31, p. 576
60-11-119	Amended	V. 31, p. 576
60-11-120	Amended	V. 31, p. 576
60-11-121	Amended	V. 31, p. 576
60-12-106	Amended	V. 32, p. 414
60-13-112	Amended	V. 31, p. 576
60-16-102	Amended	V. 31, p. 577
60-16-103	Amended	V. 31, p. 577
60-16-104	Amended	V. 31, p. 578
60-17-101	Amended	V. 31, p. 580
60-17-104	Amended	V. 31, p. 580
60-17-105	Amended	V. 31, p. 581
60-17-110	Amended	V. 31, p. 581
60-17-111	Amended	V. 31, p. 581

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-20-30	New (T)	V. 31, p. 1049

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-12-3	Amended	V. 31, p. 1314
69-13-4	New	V. 31, p. 1314

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-3-9	Amended	V. 32, p. 504

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-4	Amended	V. 31, p. 607
74-2-7	Amended	V. 31, p. 607

74-4-3a	Amended	V. 31, p. 608
74-4-7	Amended	V. 31, p. 608
74-4-8	Amended	V. 31, p. 609
74-4-10	Amended	V. 31, p. 610
74-5-2	Amended	V. 31, p. 610
74-5-101	Amended	V. 31, p. 611
74-5-202	Amended	V. 31, p. 612
74-5-302	Revoked	V. 31, p. 612
74-11-6	Amended	V. 31, p. 612

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-1200	through	
82-3-1223	New	V. 31, p. 1472-1490

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8a	Amended	V. 32, p. 11
88-29-1	Amended	V. 32, p. 43
88-29-5	Amended	V. 31, p. 381
88-29-6	Amended	V. 31, p. 382
88-29-7	Amended	V. 32, p. 44
88-29-7a	Amended	V. 31, p. 382
88-29-8	Amended	V. 32, p. 44
88-29-8a	Amended	V. 32, p. 45
88-29-8b	Amended	V. 32, p. 45
88-29-8c	Amended	V. 32, p. 46
88-29-10	Amended	V. 31, p. 382
88-29-11	Amended	V. 31, p. 1246
88-29a-1	New	V. 32, p. 46
88-29a-2	New	V. 32, p. 47
88-29a-5	Amended	V. 31, p. 383
88-29a-6	Amended	V. 31, p. 384
88-29a-7	Amended	V. 32, p. 47
88-29a-7a	Amended	V. 31, p. 385
88-29a-8	Amended	V. 32, p. 48
88-29a-8c	Amended	V. 32, p. 48
88-29a-10	Amended	V. 31, p. 385
88-29a-11	Amended	V. 31, p. 387
88-29a-18	Amended	V. 31, p. 388
88-29a-19	Amended	V. 31, p. 389
88-29b-1	through	
88-29b-7	New	V. 32, p. 49-53
88-29b-7a	New	V. 32, p. 54
88-29b-8	New	V. 32, p. 54
88-29b-8a	New	V. 32, p. 54
88-29b-8b	New	V. 32, p. 54
88-29b-8c	New	V. 32, p. 55
88-29b-9	New	V. 32, p. 55
88-29b-10	New	V. 32, p. 56

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-209	Amended	V. 31, p. 974
91-42-1	New	V. 32, p. 317
91-42-2	New	V. 32, p. 317

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-28a-5	Amended	V. 31, p. 323
100-28a-10	Amended	V. 31, p. 324

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-6-1	Revoked	V. 31, p. 114
102-6-2	Revoked	V. 31, p. 114
102-6-4	Revoked	V. 31, p. 114
102-6-5	Revoked	V. 31, p. 114
102-6-8	Revoked	V. 31, p. 114
102-6-9	Revoked	V. 31, p. 114
102-6-9a	Revoked	V. 31, p. 114
102-6-10	Revoked	V. 31, p. 114
102-6-11	Revoked	V. 31, p. 114
102-6-12	Revoked	V. 31, p. 114

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-3-2	Amended (T)	V. 31, p. 1002
105-3-2	Amended	V. 31, p. 1313

*(continued)*

105-7-1		
through		
105-7-4	Amended	V. 31, p. 1427, 1428
105-7-6	Amended	V. 31, p. 1428
105-7-8	Revoked	V. 31, p. 1428
105-11-1	Amended	V. 31, p. 1428

**AGENCY 106: COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING (FORMERLY LAW ENFORCEMENT TRAINING COMMISSION)**

Reg. No.	Action	Register
106-1-1		
through		
106-1-8	Revoked (T)	V. 31, p. 1002
106-1-1		
through		
106-1-8	Revoked	V. 31, p. 1221
106-2-1	New (T)	V. 31, p. 1002
106-2-1	New	V. 31, p. 1221
106-2-2	New (T)	V. 31, p. 1003
106-2-2	New	V. 31, p. 1221
106-2-2a	New (T)	V. 31, p. 1003
106-2-2a	New	V. 31, p. 1221
106-2-3	New (T)	V. 31, p. 1004
106-2-3	New	V. 31, p. 1223
106-2-4	New (T)	V. 31, p. 1005
106-2-4	New	V. 31, p. 1223
106-3-1		
through		
106-3-6	New (T)	V. 31, p. 1005, 1006
106-3-1		
through		
106-3-6	New	V. 31, p. 1223, 1224
106-4-1	New (T)	V. 31, p. 1006
106-4-1	New	V. 31, p. 1224

**AGENCY 107: LAW ENFORCEMENT TRAINING CENTER**

Reg. No.	Action	Register
107-1-1		
through		
107-1-5	Revoked (T)	V. 31, p. 1007
107-1-1		
through		
107-1-5	Revoked	V. 31, p. 1225
107-2-1	Revoked (T)	V. 31, p. 1007
107-2-1	Revoked	V. 31, p. 1225
107-3-1	Revoked (T)	V. 31, p. 1007
107-3-1	Revoked	V. 31, p. 1226

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 32, p. 226
109-1-1a	Revoked	V. 32, p. 229
109-2-5	Amended	V. 32, p. 612
109-3-3	New	V. 31, p. 246
109-3-4	New	V. 31, p. 247
109-3-5	Amended	V. 31, p. 1295
109-5-1c	New	V. 31, p. 247
109-5-3	Amended	V. 32, p. 230
109-5-5	Amended	V. 32, p. 231
109-5-7c	New (T)	V. 31, p. 245
109-5-7c	New	V. 31, p. 497
109-7-1	Amended	V. 31, p. 248
109-8-2	New	V. 31, p. 225
109-10-1c	New	V. 31, p. 225
109-11-1	Revoked	V. 32, p. 231
109-11-3	Revoked	V. 32, p. 231
109-11-4	Revoked	V. 32, p. 231
109-11-4a	New	V. 31, p. 225
109-11-5	Revoked	V. 32, p. 231
109-11-6	Revoked	V. 32, p. 231
109-13-1	Amended	V. 31, p. 248
109-15-1	Amended	V. 32, p. 231

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be

found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009 through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. The following regulations were filed after December 22, 2011:

Reg. No.	Action	Register
111-2-270		
through		
111-2-276	New	V. 31, p. 114-116
111-2-277		
through		
111-2-282	New	V. 31, p. 582, 583
111-2-283		
through		
111-2-286	New	V. 31, p. 648
111-2-287	New	V. 31, p. 1428
111-2-288	New	V. 31, p. 1428
111-2-289		
through		
111-2-293	New	V. 32, p. 126-128
111-2-294	New	V. 32, p. 278
111-2-295	New	V. 32, p. 278
111-2-296	New	V. 32, p. 297
111-2-297	New	V. 32, p. 297
111-2-298		
through		
111-2-305	New	V. 32, p. 321-324
111-4-3135	New	V. 31, p. 116
111-4-3136	New	V. 31, p. 121
111-4-3137		
through		
111-4-3142	New	V. 31, p. 274-278
111-4-3144		
through		
111-4-3158	New	V. 31, p. 345-354
111-4-3159		
through		
111-4-3162	New	V. 31, p. 583-587
111-4-3163		
through		
111-4-3171	New	V. 31, p. 613-617
111-4-3172		
through		
111-4-3181	New	V. 31, p. 649-656
111-4-3182		
through		
111-4-3196	New	V. 31, p. 1429-1441
111-4-3197		
through		
111-4-3203	New	V. 31, p. 1468-1470
111-4-3204		
through		
111-4-3211	New	V. 31, p. 1541-1547
111-4-3212		
through		
111-4-3216	New	V. 32, p. 128-131
111-4-3217		
through		
111-4-3223	New	V. 32, p. 153-159
111-4-3224	New	V. 32, p. 278
111-4-3225	New	V. 32, p. 298
111-4-3226	New	V. 32, p. 299
111-4-3227		
through		
111-4-3232	New	V. 32, p. 324-327
111-4-3233		
through		
111-4-3236	New	V. 32, p. 350
111-4-3237		
through		
111-4-3250	New	V. 32, p. 585-594
111-4-3251		
through		
111-4-3263	New	V. 32, p. 811-819
111-5-23		
through		
111-5-28	Amended	V. 31, p. 355-358
111-5-31	Amended	V. 31, p. 359

111-5-33	Amended	V. 31, p. 279
111-5-82	Amended	V. 31, p. 657
111-5-83	Amended	V. 31, p. 657
111-5-194	Amended	V. 31, p. 359
111-5-200	New	V. 31, p. 360
111-5-201		
through		
111-5-206	New	V. 31, p. 618, 619
111-5-207		
through		
111-5-212	New	V. 32, p. 819-821
111-7-249		
through		
111-7-254	New	V. 32, p. 300-302
111-7-255		
through		
111-7-260	New	V. 32, p. 353, 354
111-9-174	New	V. 31, p. 122
111-9-175	New	V. 31, p. 123
111-9-176	New	V. 31, p. 124
111-9-177	New	V. 31, p. 360
111-9-178	New	V. 31, p. 1442
111-9-179	New	V. 31, p. 1442
111-9-180	New	V. 31, p. 1470
111-9-181	New	V. 31, p. 1471
111-9-182	New	V. 32, p. 132
111-9-183	New	V. 32, p. 133
111-9-184	New	V. 32, p. 354
111-9-185	New	V. 32, p. 355
111-9-186	New	V. 32, p. 594
111-9-187	New	V. 32, p. 594
111-15-1	Amended	V. 32, p. 280
111-15-2	Amended	V. 32, p. 280
111-15-3	Amended	V. 32, p. 280
111-15-5	Amended	V. 32, p. 281
111-15-6	Amended	V. 32, p. 281
111-17-3	New	V. 31, p. 279
111-17-4	New	V. 31, p. 619
111-17-5	New	V. 32, p. 159
111-17-6	New	V. 32, p. 282
111-17-6a	New	V. 32, p. 328
111-17-7	New	V. 32, p. 595
111-17-8	New	V. 32, p. 821
111-201-14	Amended	V. 31, p. 361
111-301-6	Amended	V. 31, p. 658
111-301-32		
through		
111-301-44	New	V. 31, p. 1443-1446
111-401-1		
through		
111-401-50	New	V. 31, p. 389-407
111-401-30	Amended	V. 31, p. 1548
111-401-51		
through		
111-401-118	New	V. 31, p. 427-449
111-401-119		
through		
111-401-166	New	V. 31, p. 528-552
111-401-167		
through		
111-401-171	New	V. 32, p. 160-162
111-401-172		
through		
111-401-177	New	V. 32, p. 302-305
111-401-178		
through		
111-401-194	New	V. 32, p. 329-334
111-501-9	Amended	V. 31, p. 124
111-501-12	Amended	V. 31, p. 659
111-501-14		
through		
111-501-26	New	V. 31, p. 124-129
111-501-35		
through		
111-501-81	New	V. 31, p. 129-146
111-501-61	Amended	V. 31, p. 1549
111-501-82		
through		
111-501-102	New	V. 31, p. 620-628
111-501-103		
through		
111-501-117	New	V. 32, p. 162-167
111-501-118	New	V. 32, p. 306
111-501-119	New	V. 32, p. 167
111-501-120	New	V. 32, p. 167

111-501-121 New V. 32, p. 167

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

Reg. No.	Action	Register
115-1-1	Amended	V. 31, p. 1365
115-2-1	Amended	V. 32, p. 318
115-2-2	Amended	V. 31, p. 1368
115-2-3	Amended	V. 32, p. 482
115-4-2	Amended	V. 31, p. 425
115-4-4	Amended	V. 32, p. 319
115-4-4a	Amended	V. 32, p. 320
115-4-11	Amended	V. 32, p. 483
115-4-15	New	V. 31, p. 1368
115-7-3	Amended	V. 31, p. 1370
115-7-10	Amended	V. 31, p. 1370
115-8-1	Amended	V. 31, p. 1370
115-8-2	Amended	V. 31, p. 953
115-8-19	Amended	V. 31, p. 1371
115-8-23	New	V. 31, p. 953
115-8-24	New	V. 31, p. 954
115-9-8	Amended	V. 32, p. 89
115-14-1 through		
115-14-6	Revoked	V. 31, p. 1142
115-14-8	Revoked	V. 31, p. 1142
115-14-9	Revoked	V. 31, p. 1142

115-14-10 Revoked V. 31, p. 1142

115-14-11 through		
115-14-15	New	V. 31, p. 1142-1151
115-14-14	Amended	V. 32, p. 90
115-17-6 through		
115-17-9	Amended	V. 31, p. 954, 955
115-18-1	Amended	V. 31, p. 1152
115-18-7	Amended	V. 32, p. 320
115-18-18	Amended	V. 31, p. 1371
115-18-22	New	V. 31, p. 1371
115-20-7	Amended	V. 31, p. 956

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 31, p. 1066
117-2-2a	Amended	V. 31, p. 1067
117-3-2	Amended	V. 31, p. 1067
117-3-2a	Amended	V. 31, p. 1068
117-4-2	Amended	V. 31, p. 1069
117-4-2a	Amended	V. 31, p. 1070
117-5-2	Amended	V. 31, p. 1070
117-5-2a	Amended	V. 31, p. 1071
117-7-1	Amended	V. 32, p. 226
117-8-1	Revoked	V. 31, p. 1071

117-20-1 through		
117-20-7	New (T)	V. 31, p. 997
117-20-1	New	V. 31, p. 1248
117-20-2	New	V. 31, p. 1248
117-20-3	New	V. 32, p. 89
117-20-4	New	V. 31, p. 1248
117-20-5	New	V. 31, p. 1248
117-20-6	New	V. 31, p. 1248
117-20-7	New	V. 32, p. 89

**AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE**

Reg. No.	Action	Register
129-5-1	Amended	V. 31, p. 1248

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

Reg. No.	Action	Register
130-2-1	Amended	V. 31, p. 224

**AGENCY 132: KANSAS 911 COORDINATING COUNCIL**

Reg. No.	Action	Register
132-2-1	New	V. 31, p. 223
132-3-1	New	V. 31, p. 1540
132-4-1	New	V. 31, p. 224

**Kansas Register**  
**Secretary of State**  
**1st Floor, Memorial Hall**  
**120 S.W. 10th Ave.**  
**Topeka, KS 66612-1594**

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