



Kansas Register

Kris W. Kobach, Secretary of State

Vol. 32, No. 41

October 10, 2013

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State of Kansas

Kansas Water Office

Notice of Hearing

The Kansas Water Office (KWO) will conduct a public hearing at 10 a.m. Monday, November 4, at the city of Emporia, 516 Mechanic St. (west side of City Hall), Conference Rooms 1 A and B, Emporia, for comments on the Stream and Riparian Restoration on the Cottonwood River Nonpoint Source Project Management Plan Phase 1. The goal of the project is to reduce sedimentation through the stabilization of approximately 9,625 feet of streambank. Citizens who desire to appear at this public hearing should notify the KWO at least seven days prior to the date of the hearing.

The goal of the Nonpoint Source Project Management Plan is to reduce sedimentation in the river that will also reduce sediment transport to John Redmond Reservoir. More information on the project can be found on the KWO website at www.kwo.org or may be obtained by calling 785-296-3185 or toll free 888-526-9283 (KAN-WATER).

Written comments must be submitted before 4 p.m. November 8 and should be mailed to the Kansas Water Office, attention Bobbi Wendt, 901 S. Kansas Ave., Topeka, 66612, faxed to 785-296-0878 or emailed to bobbi.wendt@kwo.ks.gov.

If accommodations are needed for persons with disabilities, please notify the KWO at least five working days prior to the hearing.

Tracy Streeter
Director

Doc. No. 041970

State of Kansas

Kansas Water Office

Notice of Hearing

The Kansas Water Office (KWO) will conduct a public hearing at 11 a.m. Monday, November 4, at the city of Emporia, 516 Mechanic St. (west side of City Hall), Conference Rooms 1 A and B, Emporia, for comments on the Stream and Riparian Restoration on the Cottonwood River Nonpoint Source Project Management Plan Phase 2. The goal of the project is to reduce sedimentation through the stabilization of approximately 9,781 feet of streambank. Citizens who desire to appear at this public hearing should notify the KWO at least seven days prior to the date of the hearing.

The goal of the Nonpoint Source Project Management Plan is to reduce sedimentation in the river that will also reduce sediment transport to John Redmond Reservoir. More information on the project can be found on the KWO website at www.kwo.org or by calling 785-296-3185 or toll free 888-526-9283 (KAN-WATER).

Written comments must be submitted before 4 p.m. November 8 and should be mailed to the Kansas Water Office, attention Bobbi Wendt, 901 S. Kansas Ave., Topeka, 66612, faxed to 785-296-0878 or emailed to bobbi.wendt@kwo.ks.gov.

If accommodations are needed for persons with disabilities, please notify the KWO at least five working days prior to the hearing.

Tracy Streeter
Director

Doc. No. 041971

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State of Kansas

Department of Transportation

Request for Applications for FTA Programs

The Kansas Department of Transportation's Office of Public Transportation is now accepting applications for the Federal Transit Administration (FTA) programs:

- U.S.C. 49-5310 — Specialized Transportation for the Elderly and Disabled
- U.S.C. 49-5311 — General Public Transportation in Non-urbanized Areas
- U.S.C. 49-5316 — Job Access/Reverse Commute (JARC)
- U.S.C. 49-5317 — New Freedom

The application is to cover agencies' needs for state fiscal year 2015 (July 1, 2014 through June 30, 2015). The application is required annually from all KDOT-funded 5310, 5311, 5316 and 5317 transit provider agencies including those not requesting capital and/or operating expenses.

The application is available on the KDOT Public Transportation website at <http://www.ksdot.org/burTransPlan/pubtrans/index.asp>.

The purpose of the *U.S.C. 49-5310* program is to provide funds to support private nonprofit corporations and authorized governments to provide transportation services to meet the special needs of the elderly and persons with disabilities. Federal funding under this program is available for capital expenditures only. State funding is available for operating expenses with the maximum award set by KDOT.

The purpose of the *U.S.C. 49-5311* program is to provide funds to support rural and non-urbanized (cities less than 50,000 population) public transportation projects. The goal of the *U.S.C. 49-5311* program is to provide services to the general public on an equal opportunity basis. Funds can be used for either operating or capital expenses.

The purpose of the *U.S.C. 49-5316* Job Access & Reverse Commute (JARC) program is to improve access to transportation services to employment and employment-related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized and non-urbanized areas to suburban employment opportunities.

The *U.S.C. 49-5317* New Freedom formula grant program aims to provide additional tools to overcome existing barriers facing Americans with disabilities and seeks to reduce the barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.

The state funding for urban and rural public transportation for the state fiscal year (SFY) 2013 is budgeted at \$11 million. With the challenging financial situation facing the state of Kansas, it is possible that state fund availability could be reduced, which may increase the requirement for local match.

Applicants for the 5310, 5311, 5316 and 5317 funds must be local units of government, Indian Tribes, or private nonprofit organizations registered with the Kansas Secretary of State to do business in Kansas. In addition, all applicants must be an active member in good standing of their Coordinated Transit District (CTD) in order to receive funding. Those agencies applying for funds in the metropolitan areas of Kansas City, Wichita, Lawrence and Topeka need to contact their respective Metropolitan Planning Organization (MPO) to ensure that their application request is included in the MPO's Transportation Improvement Program (TIP).

When downloading the applications from the Internet potential applicants will need the appropriate application form, application instructions and vehicle cost estimates. The CTD and KDOT contact lists are also available on the website. Any potential applicants that do not have Internet access can request an application by contacting the KDOT Public Transit office.

The application must indicate whether the request is for replacement vehicles, an expansion of services currently provided, a new start application, or if the application is for the funding of only operating assistance. "New start" is defined as any proposed service that was not previously in existence. "Expansion" is defined as adding transit service to areas not already receiving services (for example, providing services to new locations or adding evening and weekend service).

KDOT has developed selection criteria to be used by the Kansas Coordinated Transit District Council (KCTDC) in evaluating the capital request applications. The applications will be ranked by the KCTDC in January 2014. After the application ranking by the KCTDC, KDOT staff will use the selection criteria in their evaluation of the applications. It should be noted that all items on the application must be completed. Points will be deducted in the ranking process for missing or incomplete information.

All applications must be received by KDOT (address below) by 3 p.m. Friday, November 22, 2013. Applications received after the deadline will not be accepted.

Kansas Department of Transportation
Office of Public Transportation
700 S.W. Harrison — 2nd Floor (Planning)
Topeka, KS 66603-3745

For more information contact the appropriate KDOT staff:

- Stacey Cowan — CTDs 3, 4, 5, 9 & 13 — 785-296-5284 or staceyc@ksdot.org
- Scott Lein — CTDs 1, 2, 12, 13 & 14 — 785-368-7091 or slein@ksdot.org
- Connie A. Spencer — CTDs 6, 7, 8, 10 & 11 — 785-296-5194 or connies@ksdot.org

Mike King
Secretary of Transportation

Doc. No. 041981

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/. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: 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. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: 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. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: 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. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: 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.

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

Wichita State University – Bid postings: www.wichita.edu/purchasing. Additional contact info: phone: 316-978-3080, 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 Administration
Office of the Chief Financial Officer

Public Notice

Under requirements of K.S.A. 65-34,117(c), as amended, records of the Office of the Chief Financial Officer show the unobligated balances are \$5,882,443.49 in the Underground Petroleum Storage Tank Release Trust Fund and \$4,352,745.59 in the Aboveground Petroleum Storage Tank Release Trust Fund at September 30, 2013.

Martin Eckhardt, Manager
Audit and Assurance

Doc. No. 041974

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:

10/21/2013	EVT0002684	Software, Field Collection
10/22/2013	EVT0002683	Excavating Services at Prairie Spirit Trail State Park
10/23/2013	EVT0002685	4-Wheel-Drive Loader
10/23/2013	EVT0002688	Clothing, Uniform
10/23/2013	EVT0002693	Fence at Prairie Spirit Trail State Park
10/24/2013	EVT0002682	Lawn Equipment
10/29/2013	EVT0002694	ELISA Drug Detection Kits, Equipment
10/31/2013	EVT0002678	Deer Creek II Reclamation Project
11/06/2013	EVT0002965	Training, Computer Based
11/12/2013	EVT0002691	Outside Counsel for Acquisition of Highway Right-of-Way and Representation in Eminent Domain Related Proceedings

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>

10/22/2013	A-012365	Roof Replacement – Laundry Facility – Osawatomie State Hospital, Osawatomie
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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. 041982

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 October 11-24, 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
Oct. 11	582-N	10:00 a.m.	Special Committee on Agriculture and Natural Resources	Discuss SB 57 and SB 230 – Pet Animal Act.
Oct. 16	548-S	9:00 a.m.	Health Care Stabilization Fund Oversight Committee	Annual meeting; Actuarial Report and Statutory Report, HCSF Board of Governors.
Oct. 17	548-S	TBA	Legislative Coordinating Council	Legislative matters.
Oct. 21	144-S	10:00 a.m.	Joint Committee on Information Technology	Agenda not available.
Oct. 22-24	Bus leaves Topeka	7:45 a.m.	Ways and Means/ Appropriations Biennial Tour	Campus tours/presentations.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 041976

State of Kansas

**Department of Agriculture
Division of Conservation**

Notice to Contractors

Sealed bids, in single copy, for the work described herein will be accepted on or before 11 a.m. local time November 19, 2013, at the Garden Plain Senior Center, 1006 N. Main St., Garden Plain. All bids will be publicly opened and read for the floodwater retarding rehabilitation dam site R-1. No bids will be accepted after 11 a.m. local time November 19, 2013. If submitting bids by mail be aware of late bid procedures in the bid packet.

Bids should be mailed to James Munyon, contracting officer, c/o Terrell Black, 3651 S. 327th St. West, Cheney, KS 67025 (316-945-4045). Mailed bids must be received not later than noon local time on November 18, 2013.

The estimated quantities and major items of work follow:

Site R-1

Earthfill – 69,795 Cu.Yd.
Excavation – 51,460 Cu.Yd.
Drainfill – 477 Cu.Yd.
Plastic Drainage Pipe, 6-Inch Diameter – 746 Lin.Ft.
Plastic Drawdown Pipe, 10-Inch Diameter – 54 Lin.Ft.
Rock Riprap Filter – 49 Ton
Reinforced Concrete, Class 4000M – 22 Cu.Yd.
Bonneted Knife Gate Valve, 10-Inch Dia. – 1 Each
Water for Construction – 400 M.Gal
Salvaging and Spreading Topsoil – 26,500 Sq.Yd.
Trash Rack and Ladder – 1 Each
Steel Reinforcement – 1,918 Lbs.

Rock Riprap – 441 Ton
Fences (Barbed Wire) – 5,920 Lin.Ft.
Seeding and Mulching – 13.8 Acre
Concrete Pressure Pipe, 30-Inch Diameter – 160 Lin.Ft.

The estimated price range for the work is \$500,000 to \$1,000,000.

All bids over \$100,000 must be accompanied by a bid bond, certified check, cashier's check, postal money order or cash in an amount not less than 5 percent of the amount bid.

The successful bidder will be required to execute a formal contract and furnish performance and payment bonds in an amount equal to 100 percent each of the total amount of the contract.

Corporations executing the bonds as sureties must be among those appearing on the U.S. Treasury Department's list of approved sureties. No contract will be awarded to any firm in which any official of the sponsoring local organization, the contracting local organization or any member of such official's immediate family has a direct or indirect pecuniary interest.

All work must be completed within 235 calendar days after the date of receipt of notice to proceed.

Prospective bidders may assemble at the Garden Plain Senior Center, 1006 N. Main St., Garden Plain, at 10 a.m. October 22 for a group showing of the worksite.

Complete assembly of the invitation for bids may be obtained from the contracting officer. Bid packets will only be sent to prospective bidders upon request.

Greg A. Foley
Executive Director

Doc. No. 041975

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 10-7-13 through 10-13-13

Term	Rate
1-89 days	0.08%
3 months	0.04%
6 months	0.08%
12 months	0.15%
18 months	0.25%
2 years	0.34%

Scott Miller
Director of Investments

Doc. No. 041965

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment has prepared a proposed Kansas Water Pollution Control Permit, A-SHGL-H001, for Seaboard Foods LLC, Ladder Creek Site, located near Tribune, Kansas. The proposed permit is for an expansion for the addition of four new sites with each site having 15 barns. The maximum number of swine will be increased to 396,000 head from the existing authorization of 264,000 (new maximum animal unit capacity of 158,400). The facility is located in the E/2 of Section 12, Township 16 South, Range 40 West; and the W/2 of Section 07, the N/2 and SW/4 of Section 18, the SE/4 of Section 19, the S/2 of Section 20, the SW/4 of Section 21, and the N/2 of Section 29, Township 16 South, Range 39 West, Greeley County, Kansas. A notice in the Kansas Register dated October 10, 2013, informed the public of the availability of the proposed water pollution control permit for Seaboard Foods LLC, Ladder Creek Site.

In conformance with K.A.R. 28-16-61, a public hearing on the proposed permit has been scheduled at 5:30 p.m. mountain standard time (6:30 p.m. central standard time) Wednesday, November 20, at the Greeley County 4-H Pavilion Building (fairgrounds), located at 1001 Ingalls Ave., Tribune.

Copies of the permit application, the proposed KDHE permit and other pertinent documents may be viewed at, or requested by contacting, the Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, 785-296-6432 or fax 785-296-5509. Appropriate copying charges will be assessed for each request.

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

Doc. No. 041980

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-13-281/289
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Don Owens Seaboard Foods – Ladder Creek Site 2801 Hurliman Road Guymon, OK 73942	E/2 of Section 12, T16S, R40W & W/2 of Section 07 & N/2 & SW/4 of Section 18 & SE/4 of Section 19 & S/2 of Section 20 & SW/4 of Section 21 & N/2 of Section 29 T16S, R39W, Greeley County	Smokey Hill River Basin

Kansas Permit No. A-SHGL-H001 Federal Permit No. KS0100315
This permit is being reissued with an expansion for the addition of 4 new sites with each site having 15 barns. The maximum number of swine will be increased to 396,000 head from the existing authorization of 264,000 (new maximum animal unit capacity of 158,400). The department has completed its review of the permit application and has reached a tentative decision to issue a permit for the expansion. This public notice is to provide any interested party the opportunity to inform the department of any factual information that the department has not yet received or reviewed that has a bearing on whether or not the permit application and draft permit meet statute and regulation. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Ken McCarty McCarty Family Farms 2231 CR 31 Rexford, KS 67753	SW/4 of Section 18, T07S, R31W & SE/4 of Section 13, T07S, R32W, Thomas County	Solomon River Basin

Kansas Permit No. A-SOTH-D001 Federal Permit No. KS0095150
This is a permit modification and reissuance for an existing facility with the maximum capacity of 2,600 head (3,640 animal units) of mature dairy cattle, 1,600 head (1,600 animal units) of dairy cattle weighing

more than 700 pounds and 2,000 head (1,000 animal units) of dairy cattle weighing 700 pounds or less, for a total of 6,200 head (6,240 animal units) of dairy cattle. The facility is proposing to construct a mortality composting pad within the existing manure composting area, which is part of the south drainage area. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
David B. Blackwell H & H Feedlot 901 Bluff Drive Larned, KS 67550	SW/4 of Section 25, T22S, R15W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-B007

This permit is being reissued for an existing facility for 999 head (999 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Seibert Seibert Feeding 651 20th Ave. Macksville, KS 67557	E/2 of Section 02, T23S, R15W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-C005 Federal Permit No. KS0098540

This permit is being reissued for an existing facility for 4,000 head (2,000 animal units) of cattle weighing less 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.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Mattas 2929 15th Ave. Lindsborg, KS 67456	SW/4 of Section 35, T16S, R03W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B009

This permit is being reissued for an existing facility with a maximum capacity of 299 head (299 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Benteman 173 Bismark Road Clifton, KS 66937	NE/4 of Section 29, T05S, R01E, Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-S023

This permit is being reissued for an existing facility with a maximum capacity of 680 head (272 animal units) of swine more than 55 pounds and 590 head (59 animal units) of swine 55 pounds or less, for a total of 1,270 head (331 animal units) of swine. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Gerald Keating Keating Feedlot, Inc. 2519 Bobcat Lane Frankfort, KS 66427	N/2 of Section 19 & S/2 of Section 18, T05S, R10E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-B002

This permit is being reissued for an existing facility with a maximum capacity of 96 head (96 animal units) of cattle more than 700 pounds and 400 head (200 animal units) of cattle 700 pounds or less, for a total of 296 animal units of cattle. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Kendall L. Nichols, Jr. Nichols Farms Box 594 Gaylord, KS 67638	W/2 of Section 05, T05S, R13W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-B020

This permit is being reissued for an existing facility with a maximum capacity of 999 head (499.5 animal units) of cattle 700 pounds or less. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Bronson Smith Mid America Feeders, LLC 251 N.W. 10th Ave. Great Bend, KS 67530	All of Section 18, T19S, R13W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C001 Federal Permit No. KS0040606

This is a permit modification and reissuance for an existing facility with a maximum capacity of 28,000 head (28,000 animal units) of cattle weighing greater than 700 pounds. The facility consists of approximately 189 acres of open lot pens and associated feedlot areas. The waste management system includes sedimentation channels, two sediment basins, and nine earthen retention control structures. Proposed modifications to the facility include the construction of a diversion berm, diversion channel, and sediment basin to exclude a portion of the extraneous runoff from entering the retention control structures. This facility has an approved Nutrient Management Plan 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 November 9 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-13-281/289) 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. 041979

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Frontier El Dorado Refining LLC (FEDR), located at 1401 S. Douglas Road, El Dorado, KS 67042, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to modify its refinery operations in order to meet the U.S. EPA Mobile Source Air Toxics Phase 2 (MSAT II) rule, which limits the benzene content of gasoline produced in the United States to an annual refinery average of 0.62 percent by volume. FEDR's proposal to meet the requirements of the federal MSAT II rule will be facilitated through the Naphtha Fractionation Project (NFP), which includes installation of a 20 MMscfd Hydrogen Generation Unit for providing additional high purity hydrogen and steam including a Pressure Swing Adsorption (PSA) purification unit, a 210 MMBTU/hr reformer furnace that will combust refinery fuel gas, natural gas and PSA off-gas, and atmospheric and analyzer vents; a Crude Unit Stabilizer Column to replace the existing column; a Naphtha Fractionation Column to replace the Hydrotreating Unit #3 Naphtha Splitter Column, the Reformate Splitter Columns and the Deisohexanizer; and process fugitive equipment associated with the project. The reformer furnace will utilize Selective Catalytic Reduction (SCR) technology, which will include an SCR system, an aqueous ammonia storage tank and process fugitive equipment. Existing equipment and/or processes affected by the NFP include a cooling tower, gasoline storage and isomerate storage.

Emissions of oxides of nitrogen (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), particulate matter (PM), PM with an aerodynamic diameter less than or equal to 10 micrometers (PM₁₀), PM with an aerodynamic diameter less than or equal to 2.5 micrometers (PM_{2.5}), volatile organic compounds (VOCs), hazardous air pollutants (HAPs), hydrogen sulfide (H₂S) and greenhouse gas (GHG) were evaluated during the permit review process.

The proposed permit is to be issued in accordance with the provisions of K.A.R. 28-19-350, which adopts by reference the federal standards, procedures and requirements of 40 CFR 52.21, Prevention of Significant Deterioration (PSD) of Air Quality. These air quality regulations apply to major stationary sources and major modifications of major stationary sources located in areas designated as "attainment" or "unclassifiable" under the federal Clean Air Act (CAA). Attainment areas are areas where the air quality meets or is better than the national ambient air quality standards (NAAQS). Unclassifiable areas are areas where the air quality cannot be classified on the basis of available information as meeting or not meeting the NAAQS.

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each regulated pollutant, including GHG, for which the emission rate exceeds the PSD

significant level. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each regulated pollutant under review. Evaluation of the estimated emissions for the proposed NFP project indicates that the emission rate of GHG exceeds the significant level. The department reviewed FEDR's BACT analysis and concurs with its findings.

- GHG BACT for the reformer furnace associated with the Hydrogen Generation Unit is determined to be good combustion practices, energy efficient design, and combustion of refinery fuel gas and PSA off-gas.
- GHG BACT for the deaerator atmospheric vent is determined to be good design of the Hydrogen Generation Unit.
- GHG BACT for process fugitive equipment is determined to be a leak detection and repair program.

There are no NAAQS or PSD increments established for GHG. Consistent with the EPA Guidance Document "PSD and Title V Permitting Guidance for Greenhouse Gases" (March 2011), FEDR is not required to model for GHG or conduct any assessment of impacts of GHG in the context of the additional impacts analysis or Class I area provisions. The KDHE has determined that compliance with the BACT analysis is the best method that can be used at this time to satisfy the additional impacts analysis and Class I area requirements of the rules related to GHG.

A public comment period has been established until noon November 11 to allow citizens the opportunity to express any concerns they may have regarding the proposed permitting action. All comments should be submitted in writing to Rasha S. Allen, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366.

Any member of the public may request the department to conduct a public hearing to receive comments on the proposed issuance of the draft air quality construction permit. A written request to hold a public hearing should be sent to the attention of Rasha S. Allen at the address listed above or by fax to 785-291-3953 and must be received by noon November 11. If a pertinent request is received, a public hearing is tentatively scheduled by KDHE to be held November 14 at the El Dorado Civic Center, 201 E. Central, El Dorado, beginning at 5 p.m. and continuing until audience members have an opportunity to submit comments. If no pertinent requests to hold the public hearing are received by noon November 11, the public hearing will be cancelled. A notice of the cancellation will be posted at the KDHE website at <http://www.kdheks.gov/bar/publicnotice.html>.

If a hearing is conducted, all interested parties will be given a reasonable opportunity to present their views orally or by submission of written materials during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentations to a specific time limit.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed materials in an accessible format. Requests for accommodation must be made not later

than November 1 by contacting Rasha S. Allen at 785-296-1693.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka. A copy of the proposed permit and all supporting documentation also can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha S. Allen, 785-296-1693, at the KDHE central office, or the air program field staff, 316-337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

These same materials are available, free of charge, at the KDHE Bureau of Air website at <http://www.kdheks.gov/bar/index.html>.

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

Doc. No. 041972

(Published in the Kansas Register October 10, 2013.)

**Summary Notice of Bond Sale
City of Park City, Kansas**

\$1,250,000*

**General Obligation Bonds
Series 2013-A**

\$4,695,000*

**General Obligation Refunding Bonds
Series 2013-B**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the Notice of Bond Sale dated September 24, 2013, separate written facsimile and/or electronic bids will be received on behalf of the clerk/finance director of the city of Park City, 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 10 a.m. (CDT) October 22, 2013, for the purchase of General Obligation Bonds, Series 2013-A, and General Obligation Refunding Bonds, Series 2013-B (collectively, the bonds). No bid of less than 100 percent of the principal amount of the Series 2013-A Bonds and accrued interest thereon to the date of delivery will be considered. No bid of less than 99 percent of the principal amount of the Series 2013-B 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 November 1, 2013, and will bear interest from the dated date at rates to be determined when the bonds are sold as hereinafter provided, which

interest will be payable semiannually on June 1 and December 1 in each year (the interest payment dates).

Series 2013-A Bonds. The Series 2013-A Bonds will become due in principal installments on December 1 in the years as follows:

Year	Principal Amount*
2016	\$50,000
2017	55,000
2018	55,000
2019	55,000
2020	55,000
2021	60,000
2022	60,000
2023	65,000
2024	65,000
2025	60,000
2026	65,000
2027	65,000
2028	70,000
2029	70,000
2030	75,000
2031	75,000
2032	80,000
2033	85,000
2034	85,000

The initial interest payment date for the Series 2013-A Bonds shall be June 1, 2015.

Series 2013-B Bonds. The Series 2013-B Bonds will become due in principal installments on December 1 in the years as follows:

Year	Principal Amount*
2014	\$770,000
2015	775,000
2016	700,000
2017	710,000
2018	725,000
2019	440,000
2020	240,000
2021	155,000
2022	35,000
2023	35,000
2024	35,000
2025	35,000
2026	40,000

The initial interest payment date for the Series 2013-B Bonds shall be June 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

(continued)

immediately available for use by the issuer. The amount of the deposit for each series of bonds is as follows: (a) Series 2013-A — \$25,000; and (b) Series 2013-B — \$93,900.

Delivery

The issuer will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to each successful bidder on or about November 12, 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 2013 is \$68,153,493. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, but excluding temporary notes in the principal amount of \$1,360,000 and the refunded bonds in the aggregate principal amount of \$4,950,000, which will be retired out of proceeds of the bonds and other available funds, is \$27,405,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, 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 Bid and Good Faith Deposit

Delivery Address:

Terry Coltrain, Clerk/Finance Director
City Hall
6110 N. Hydraulic
Park City, KS 67219
316-744-2026
Fax: 316-744-3865
cityclerk@parkcityks.com

Financial Advisor - Facsimile Bid and Good Faith Deposit Delivery Address:

Ranson Financial Consultants, L.L.C.
200 W. Douglas, Suite 600
Wichita, KS 67202
Attn: John Haas
316-264-3400
Fax: 316-265-4503
jhaas@ransonfinancial.com

Dated September 24, 2013.

City of Park City, Kansas

**Subject to change; see Notice of Bond Sale.*

Doc. No. 041977

State of Kansas

911 Coordinating Council

Notice of Meetings

The Kansas 911 Coordinating Council will meet at 1 p.m. Monday, October 21, at the Topeka Ramada Inn, 420 S.E. 6th Ave., Topeka. Council committees will meet at 11 a.m. at the same location. For more information contact Dana Wethington, Kansas Association of Counties, at 785-272-2585 or wethington@kansascountries.org.

Melissa Wangemann
Kansas Association of Counties
Local Collection Point Administrator

Doc. No. 041966

State of Kansas

Crime Victims Compensation Board

Notice of Hearing on Proposed Administrative Regulations

The Crime Victims Compensation Board will conduct a public hearing at 10 a.m. Thursday, December 12, in Room 118-N of the State Capitol, 300 S.W. 10th Ave., Topeka, to consider the adoption of proposed administrative regulations and the revocation of existing regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Crime Victims Compensation Board, 120 S.W. 10th Ave., 2nd Floor, Topeka, 66612, or by email to Karen.Smith@ksag.org. All interested parties will be given a reasonable opportunity during the public hearing to present their views orally regarding the adoption of the proposed regulations. In order to provide all parties an opportunity to present their views, it may be necessary to require that each participant limit any oral presentation to an appropriate timeframe.

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 Karen Smith at 785-296-2359 or Karen.Smith@ksag.org.

Copies of the proposed regulations and the economic impact statement may be obtained by contacting Karen Smith. Copies of the proposed regulations also are available online at <http://ag.ks.gov/victim-services/victim-compensation>:

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

K.A.R. 20-1-1. This definition regulation is being amended to remove unnecessary definitions and to define previously undefined terms.

K.A.R. 20-1-2 (revocation). This regulation, which provides that terms defined in K.S.A. 74-7301 shall have the same meaning in the board's regulations, is being revoked as unnecessary.

K.A.R. 20-2-1 (revocation). This regulation, governing the investigation of claims by board staff, is self-regulating and unnecessary, and is being revoked for those reasons.

K.A.R. 20-2-2. The amendments to this regulation would remove self-regulating language and clarify what actions constitute a failure to fully cooperate with the board.

K.A.R. 20-2-3. The amendments to this regulation would increase the maximum rates and caps for mental health counseling awards. These limitations have not been increased since they were first established in 1993, and the board believes the existing regulation no longer provides reasonable compensation in many cases.

K.A.R. 20-2-4 (revocation). This regulation, which provides that a request for a tentative award shall be considered only if the application is fully completed, will be consolidated into K.A.R. 20-2-2.

K.A.R. 20-2-7. The amendments to this regulation reflect the board's understanding that full cooperation with appropriate law enforcement agencies includes requesting that the offender be prosecuted, sometimes known as "pressing charges." The amendments also remove language that duplicates statutory requirements for compensation.

K.A.R. 20-2-8. The amendments to this regulation remove language that duplicates statutory requirements and clarify that unlawful activity may constitute "contributory misconduct" for purposes of K.S.A. 74-7305(c)(2).

K.A.R. 20-2-9. The amendments to this regulation clarify the requirements for requesting compensation for moving costs and remove the existing prohibition on receiving both wage loss reimbursement and mileage expenses for medically necessary travel.

K.A.R. 20-6-1 (revocation). This regulation contains definitions that were once used for protection from abuse fund regulations. The regulation is no longer necessary as the substantive regulations using the defined terms have been revoked and regulatory authority for the fund has been transferred to the attorney general.

K.A.R. 20-15-1 and 20-15-2 (revocations). These regulations on notoriety for profit contracts are unnecessary to implement, and partially inconsistent with, the provisions of K.S.A. 74-7319 through K.S.A. 74-7321.

Economic Impact. The amendments to K.A.R. 20-2-3 are anticipated to have a positive economic impact on victims who receive compensation for mental health counseling and on the providers of that counseling. The regulation will result in the board awarding additional compensation, although the precise economic impact on the board cannot be calculated. The amendments to K.A.R. 20-2-9 may have a slight positive economic impact on victims who are eligible for both wage loss reimbursement and mileage expenses for medically necessary travel. The other regulations are not anticipated to have any economic impact.

Jeffrey S. Wagaman
Executive Director

Doc. No. 041973

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet via conference call Wednesday, October 16. The call will originate in Hutchinson. For more information contact Denny Stoecklein at 620-669-3600 or denny@kansasstatefair.com.

Ron Hinrichsen
President

Doc. No. 041967

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Wednesday, October 16, at the Kansas Soldiers' Home in the Eisenhower Hall Building, 714 Sheridan – Unit 128, Fort Dodge. The public is invited to attend. For more information call 785-296-3976.

Gregg Burden
Executive Director

Doc. No. 041968

State of Kansas

Office of the Securities Commissioner

Permanent Administrative Regulations

Article 14.—INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

§1-14-9. Custody of client funds or securities; safe-keeping; financial reporting. (a) Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "Custody" means holding, directly or indirectly, client funds or securities, or having any authority to obtain possession of them or the ability to appropriate them.

(A) Each of the following circumstances shall be deemed to constitute custody:

(i) Possession of client funds or securities unless received inadvertently and returned to the sender promptly, but in any case within three business days of receiving the funds or securities;

(ii) any arrangement, including a general power of attorney, under which an investment adviser is authorized or permitted to withdraw client funds or securities maintained with a custodian upon the adviser's instruction to the custodian; and

(iii) any arrangement that gives an investment adviser or its supervised person legal ownership of or access to client funds or securities, which may include an arrangement in which the investment adviser or its supervised person is the trustee of a trust, the general partner of a limited partnership, the managing member of a limited liability company, or a comparable position for a pooled investment vehicle.

(B) Receipt of a check drawn by a client and made payable to an unrelated third party shall not meet the defi-

(continued)

dition of custody if the investment adviser forwards the check to the third party within three business days of receipt and the adviser maintains the records required under K.A.R. 81-14-4(b)(22).

(2) "Independent party" means a person that meets the following conditions:

(A) Is engaged by an investment adviser to act as a gatekeeper for the payment of fees, expenses, and capital withdrawals from a pooled investment;

(B) does not control, is not controlled by, and is not under common control with the investment adviser; and

(C) does not have, and has not had within the past two years, a material business relationship with the investment adviser.

(3) "Independent representative" means a person who meets the following conditions:

(A) Acts as an agent for an advisory client, which may include a person who acts as an agent for limited partners of a pooled investment vehicle structured as a limited partnership, members of a pooled investment vehicle structured as a limited liability company, or other beneficial owners of another type of pooled investment vehicle;

(B) is obliged by law or contract to act in the best interest of the advisory client or the limited partners, members, or other beneficial owners;

(C) does not control, is not controlled by, and is not under common control with the investment adviser; and

(D) does not have, and has not had within the past two years, a material business relationship with the investment adviser.

(4) "Qualified custodian" means any of the following independent institutions or entities:

(A) A bank or savings association that has deposits insured by the federal deposit insurance corporation;

(B) a broker-dealer registered under the act who holds client assets in customer accounts and complies with K.A.R. 81-3-7(d);

(C) a futures commission merchant registered under section 6f of the commodity exchange act, 7 U.S.C. § 6f, who holds client assets in customer accounts, but only with respect to clients' funds and security futures, or other securities incidental to transactions in contracts for the purchase or sale of a commodity and options of the commodity for future delivery; and

(D) a foreign financial institution that customarily holds financial assets for its customers, if the foreign financial institution keeps the advisory clients' assets in customer accounts segregated from its proprietary assets.

(b) Safekeeping of client funds and securities.

(1) Requirements. An investment adviser registered or required to be registered under the act shall not have custody of client funds or securities unless the investment adviser meets each of the following conditions. An act, practice, or course of business that operates or would operate as a fraud or deceit," as used in K.S.A. 17-12a502 and amendments thereto, shall include any violation of this subsection.

(A) Notice to administrator. The investment adviser shall notify the administrator promptly on form ADV that the investment adviser has or will have custody.

(B) Qualified custodian. A qualified custodian shall maintain the funds and securities in a separate account for each client under each client's name, or in accounts that contain only funds and securities of the investment adviser's clients under the name of the investment adviser as agent or trustee for each client.

(C) Notice to clients. If an investment adviser opens an account with a qualified custodian on behalf of its client, either under the client's name or under the investment adviser's name as agent, the investment adviser shall notify the client in writing of the qualified custodian's name, address, and the manner in which the funds or securities are maintained. The notice shall be given promptly when the account is opened and following any changes to the information.

(D) Account statements. The investment adviser shall ensure that account statements are sent to each client for whom the adviser has custody of funds or securities.

(i) Statements sent by the qualified custodian. If a qualified custodian maintains accounts containing funds or securities, the qualified custodian may send account statements to clients if the investment adviser has a reasonable basis for believing that the qualified custodian sends an account statement at least quarterly to each of the adviser's clients for whom the custodian maintains funds or securities and that the account statement sets forth all transactions in the account during the period and identifies the amount of funds and amount of each security in the account at the end of the period.

(ii) Statements sent by the adviser. If account statements are not sent by the qualified custodian in accordance with paragraph (b)(1)(D)(i), the investment adviser shall send an account statement at least quarterly to each client for whom it has custody of funds or securities. The account statement shall set forth all transactions in the account during the period and identify the amount of funds and amount of each security of which it has custody at the end of the period.

At least once during each calendar year, a CPA firm that is registered and authorized to provide attest services in compliance with requirements of the state where the investment adviser is domiciled shall be engaged by the investment adviser to attest to the accuracy, in all material respects, of the account statements sent to clients by the investment adviser based on a comparison with records of transactions and balances of funds and securities maintained by the qualified custodian. The attest engagement shall be performed in accordance with attestation standards established by the AICPA and contained in the "AICPA professional standards," as specified in K.A.R. 74-5-2. The CPA firm shall perform the attest engagement without prior notice or announcement to the adviser on a date that changes from year to year as chosen by the CPA firm. The CPA firm shall file a copy of its independent accountant's report with the administrator within 30 days after the completion of the attest engagement. The CPA firm, upon finding any material exceptions during the course of the engagement, shall notify the administrator of the finding within two business days by means of a facsimile transmission or electronic mail, followed by first-class mail, directed to the attention of the administrator.

(iii) Special rule for pooled investment vehicles. If the investment adviser is a general partner of a pooled investment vehicle structured as a limited partnership, is a managing member of a pooled investment vehicle structured as a limited liability company, or holds a comparable position for another type of pooled investment vehicle, the account statements required under this subsection shall be sent to each limited partner, member, or other beneficial owner or that person's independent representative.

(E) Independent representatives. A client may designate an independent representative to receive, on the client's behalf, notices and account statements as required under paragraphs (b)(1)(C) and (b)(1)(D). Thereafter, the investment adviser shall send all notices and statements to the independent representative.

(F) Direct fee deduction. Each investment adviser who has custody, as defined in paragraph (a)(1)(A)(ii), by having fees directly deducted from client accounts held by a qualified custodian shall obtain prior written authorization from the client to deduct advisory fees from the account held with the qualified custodian.

(G) Pooled investments. Each investment adviser who has custody, as defined in paragraph (a)(1)(A)(iii), and who does not meet the exception provided under paragraph (b)(2)(C) shall comply with each of the following requirements:

(i) Engage an independent party. The investment adviser shall hire an independent party to review all fees, expenses, and capital withdrawals from the pooled accounts.

(ii) Review of fees. The investment adviser shall send all invoices or receipts to the independent party, detailing the amount of the fee, expenses, or capital withdrawal and the method of calculation so that the independent party can determine that the payment is in accordance with the agreement governing the pooled investment vehicle and so that the independent party can forward to the qualified custodian approval for payment of an invoice with a copy to the investment adviser.

(iii) Notice of safeguards. The investment adviser shall notify the administrator on form ADV that the investment adviser intends to use the safeguards specified in this subsection.

(2) Exceptions.

(A) Shares of mutual funds. With respect to shares of a mutual fund that is an open-end company as defined in section 5(a)(1) of the investment company act of 1940, 15 U.S.C. 80a-5(a)(1), as adopted by reference in K.A.R. 81-2-1, any investment adviser may use the mutual fund's transfer agent in lieu of a qualified custodian for purposes of complying with paragraph (b)(1).

(B) Certain privately offered securities. An investment adviser shall not be required to comply with paragraph (b)(1) with respect to securities that meet the following conditions:

(i) Are acquired from the issuer in a transaction or chain of transactions not involving any public offering;

(ii) are uncertificated, with ownership of the securities recorded only on the books of the issuer or its transfer agent in the name of the client; and

(iii) are transferable only with the prior consent of the issuer or holders of the outstanding securities of the issuer.

(C) Limited partnerships subject to annual audit. An investment adviser shall not be required to comply with paragraph (b)(1) with respect to the account of a limited partnership, limited liability company, or other type of pooled investment vehicle that is subject to audit at least annually and that distributes its audited financial statements presented in conformity with GAAP to all limited partners, members, or other beneficial owners within 120 days after the end of its fiscal year. The investment adviser shall notify the administrator on form ADV that the investment adviser intends to distribute audited financial statements.

(D) Registered investment companies. An investment adviser shall not be required to comply with paragraph (b)(1) with respect to the account of an investment company registered under the investment company act of 1940, 15 U.S.C. 80a-1 et seq.

(E) Beneficial trusts. An investment adviser shall not be required to comply with the safekeeping requirements of paragraph (b)(1) if the investment adviser has custody solely because the investment adviser or an investment adviser representative is the trustee for a beneficial trust, if all of the following conditions are met for each trust:

(i) The beneficial owner of the trust is a parent, grandparent, spouse, sibling, child, or grandchild of the investment adviser representative, including "step" relationships.

(ii) The investment adviser provides a written statement to each beneficial owner of each account setting forth a description of the requirements of paragraph (b)(1) and the reasons why the investment adviser will not be complying with those requirements.

(iii) The investment adviser obtains from each beneficial owner a signed and dated statement acknowledging the receipt of the written statement.

(iv) The investment adviser maintains a copy of both documents described in paragraphs (b)(2)(E)(ii) and (iii) until the account is closed or the investment adviser or investment adviser representative is no longer trustee.

(F) Upon written request and for good cause shown, the requirement to use a qualified custodian may be waived by the administrator. As a condition of granting a waiver, the investment adviser may be required by the administrator to perform the duties of a qualified custodian as specified in paragraph (b)(1).

(c) Financial reporting requirements for investment advisers.

(1) Balance sheet. Each registered investment adviser shall prepare and maintain a balance sheet, as required by K.A.R. 81-14-4(b)(6), each month. The balance sheet shall be dated the last day of the month and shall be prepared within 10 business days after the end of the month. The investment adviser shall file the balance sheet with the administrator, for any month specified by the administrator, within five days after a request by the administrator.

(2) Exemptions. An investment adviser shall be exempt from the requirements of this subsection if the investment

(continued)

adviser has its principal place of business in a state other than Kansas, is properly registered in that state, and satisfies the financial reporting requirements of that state.

(d) Positive net worth requirement.

(1) Each investment adviser that is registered or required to be registered under the act shall maintain at all times a positive net worth.

(2) Notification. Each investment adviser registered or required to be registered under the act shall, by the close of business on the next business day, notify the administrator if the investment adviser is insolvent because its net worth is negative as determined in conformity with GAAP. The notification of insolvency shall include the investment adviser's balance sheet that states the insolvent financial condition on the date the insolvency occurred. Upon receiving the balance sheet, the administrator may require the investment adviser to file additional information by a specified date.

(3) Exception for out-of-state advisers. If an investment adviser has its principal place of business in a state other than Kansas and is properly registered in that state, the investment adviser shall be required to maintain the minimum capital required by the state in which the investment adviser maintains its principal place of business. (Authorized by K.S.A. 17-12a502(b) and 17-12a605(a); implementing K.S.A. 17-12a411, as amended by L. 2013, ch. 65, sec. 3, and 17-12a502(a)(2); effective Aug. 18, 2006; amended Aug. 15, 2008; amended Oct. 25, 2013.)

81-14-11. Kansas private adviser exemption. (a) Exemption from registration. An investment adviser shall be exempt from the registration requirements of K.S.A. 17-12a403, and amendments thereto, if both of the following requirements are met:

(1) The investment adviser shall meet each of the following conditions:

(A) Maintain its principal place of business in Kansas;

(B) provide investment advice solely to fewer than 15 clients;

(C) not hold itself out generally to the public as an investment adviser; and

(D) not act as an investment adviser to any investment company registered under the investment company act of 1940, 15 U.S.C. § 80a-1 et seq., or a company that has elected and has not withdrawn its election to be a business development company pursuant to section 54 of the investment company act of 1940, 15 U.S.C. § 80a-54.

(2) Neither the investment adviser nor any of its advisory affiliates or associated investment adviser representatives shall be subject to a disqualification provision as described in rule 262 of SEC regulation A, 17 C.F.R. § 230.262, as adopted by reference in K.A.R. 81-2-1.

(b) Notice filing. Each investment adviser that qualifies for exemption under subsection (a) shall be subject to or exempt from filing a notice with the administrator as follows:

(1) Notice filing requirement. Each investment adviser that manages assets of no more than \$25 million on December 31 each year shall complete the identifying information required by item 1 of form ADV, part 1A and file the printed form with the administrator on or before February 1 of the following year. No fee shall be required with the notice filing required by this subsection.

(2) Exemption from notice filing requirement. Each investment adviser that manages assets in excess of \$25 million and is registered with the SEC shall be exempt from the notice filing requirements of K.S.A. 17-12a405, and amendments thereto, and of paragraph (1) of this subsection.

(c) Exemption for investment adviser representatives. An investment adviser representative shall be exempt from the registration requirements of K.S.A. 17-12a404, and amendments thereto, if the individual meets the following requirements:

(1) Is employed by or associated with an investment adviser that meets the exemption requirements under subsection (a);

(2) is not subject to a disqualification as described in rule 262 of SEC regulation A, 17 C.F.R. § 230.262; and

(3) does not otherwise act as an investment adviser representative.

(d) Transition. Each investment adviser or investment adviser representative who becomes ineligible for the exemption specified in this regulation shall comply with the registration or notice filing requirements under the act within 90 days after the date of ineligibility. (Authorized by K.S.A. 17-12a605(a); implementing K.S.A. 17-12a403(b)(3), 17-12a404(b)(2), and 17-12a405(b)(3); effective Oct. 25, 2013.)

Joshua A. Ney
Securities Commissioner

Doc. No. 041978

State of Kansas

Attorney General

Permanent 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; and
- (5) 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. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,122 and 50-6,124; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 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 or a non-admitted insurer eligible to write excess coverage on Kansas risks as permitted by Kansas law;

(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. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 50-6,125; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 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 or a non-admitted insurer eligible to write excess coverage on Kansas risks as permitted by Kansas law;

(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. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,132; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 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 or a non-admitted insurer eligible to write excess coverage on Kansas risks as permitted by Kansas law;

(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.

(continued)

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

(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. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,132 and 50-6,133; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 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. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,125, 50-6,130, and 50-6,132; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 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
- Renewal of a suspended registration certificate \$500
- (3) Reinstatement of a revoked registration certificate \$750
- (4) Late renewal fee \$250
- (5) 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). (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,128, 50-6,130, 50-6,131, and 50-6,132; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 2013.)

(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 K.S.A. 2013 Supp. 50-6,131, 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. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,127 and 50-6,131; effective, T-16-6-28-13, July 1, 2013; effective Oct. 25, 2013.)

Derek Schmidt
Attorney General

Doc. No. 041983

State of Kansas

Department for Aging and Disability Services

Permanent Administrative Regulations

Article 39.—ADULT CARE HOMES

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

(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 confined feeding facility, as defined in K.S.A. 65-171d, and amendments thereto.

(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

(continued)

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, 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" means a person licensed to practice medicine and surgery by the state board of healing arts.

(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

(continued)

(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; amended Oct. 25, 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 July 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; effective Oct. 25, 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; effective Oct. 25, 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 com-

petency 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; effective Oct. 25, 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;

(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 lim-

(continued)

ited 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; effective Oct. 25, 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 nonrefundable 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. (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; effective Oct. 25, 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 be required to pass the state test as specified in K.A.R. 26-50-24 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; effective Oct. 25, 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:

(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; effective Oct. 25, 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) 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.

(4) 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.

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

(6) 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,

(continued)

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; effective Oct. 25, 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; effective Oct. 25, 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 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; effective Oct. 25, 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; effective Oct. 25, 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-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; effective Oct. 25, 2013.)

Shawn Sullivan
Secretary for Aging and
Disability Services

Doc. No. 041969

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 2013 Supplement of the *Kansas Administrative Regulations*.

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4-16-306	New	V. 32, p. 410
4-17-1a	Revoked	V. 32, p. 411
4-17-1c	Revoked	V. 32, p. 411
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14-13-18	New	V. 32, p. 408

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-8-1	through	
16-8-7	New (T)	V. 32, p. 864-866
16-11-7	Amended (T)	V. 32, p. 916

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

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

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-4-2	Revoked	V. 32, p. 1217
22-4-3	Revoked	V. 32, p. 1217
22-4-4	Revoked	V. 32, p. 1217
22-4-5	New (T)	V. 32, p. 859
22-4-5	New	V. 32, p. 1217

**AGENCY 26: DEPARTMENT FOR AGING
AND DISABILITY SERVICES**

Reg. No.	Action	Register
26-39-100	Amended (T)	V. 32, p. 867
26-50-10	New (T)	V. 32, p. 870
26-50-12	New (T)	V. 32, p. 871
26-50-20	New (T)	V. 32, p. 871
26-50-22	New (T)	V. 32, p. 871
26-50-24	New (T)	V. 32, p. 872
26-50-26	New (T)	V. 32, p. 873
26-50-30	New (T)	V. 32, p. 873
26-50-32	New (T)	V. 32, p. 874
26-50-34	New (T)	V. 32, p. 874
26-50-36	New (T)	V. 32, p. 874
26-50-38	New (T)	V. 32, p. 875
26-50-40	New (T)	V. 32, p. 875

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

Reg. No.	Action	Register
28-4-801	Amended	V. 32, p. 1026
28-4-814	Amended	V. 32, p. 1027
28-4-816	Amended	V. 32, p. 1028
28-4-820	Amended	V. 32, p. 1029
28-4-821	Amended	V. 32, p. 1030
28-29-109	Amended	V. 32, p. 938
28-29-1600	through	
28-29-1608	New	V. 32, p. 1194-1199
28-30-2	through	
28-30-6	Amended	V. 32, p. 522-525
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
28-39-164	through	
28-39-168	Revoked (T)	V. 32, p. 876
28-39-169a	Revoked (T)	V. 32, p. 876
28-39-169b	Revoked (T)	V. 32, p. 876
28-39-169c	Revoked (T)	V. 32, p. 876

**AGENCY 40: KANSAS INSURANCE
DEPARTMENT**

Reg. No.	Action	Register
40-1-20	Amended	V. 32, p. 183
40-2-14a	Amended	V. 32, p. 183

**AGENCY 44: DEPARTMENT OF
CORRECTIONS**

Reg. No.	Action	Register
44-15-204	New (T)	V. 32, p. 862
44-15-204	New	V. 32, p. 1150

**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
60-12-106	Amended	V. 32, p. 414
60-16-102	Amended	V. 32, p. 1216

AGENCY 71: KANSAS DENTAL BOARD

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

**AGENCY 82: STATE CORPORATION
COMMISSION**

Reg. No.	Action	Register
82-3-135a	Amended	V. 32, p. 940
82-3-602	Amended	V. 32, p. 940
82-3-603	Amended	V. 32, p. 940
82-3-604	Amended	V. 32, p. 941
82-3-607	Amended	V. 32, p. 942
82-3-608	New	V. 32, p. 942
82-3-1300	through	
82-3-1307	New	V. 32, p. 942, 943
82-4-1	Amended	V. 32, p. 1077
82-4-3a	through	
82-4-3d	Amended	V. 32, p. 1079-1099
82-4-3f	through	
82-4-3o	Amended	V. 32, p. 1100-1119
82-4-6d	Amended	V. 32, p. 1119
82-4-8a	Amended	V. 32, p. 1121
82-4-20	Amended	V. 32, p. 1121
82-4-27	Amended	V. 32, p. 1122
82-4-29	Amended	V. 32, p. 1122
82-4-39	Amended	V. 32, p. 1122
82-4-48a	Amended	V. 32, p. 1122

**AGENCY 91: DEPARTMENT OF
EDUCATION**

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

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-1-1	Amended	V. 32, p. 995
98-1-2	Revoked	V. 32, p. 996
98-2-1	Amended	V. 32, p. 996
98-2-2	Amended	V. 32, p. 996
98-2-3	through	
98-2-20	Revoked	V. 32, p. 996
98-4-1	through	
98-4-5	Amended	V. 32, p. 996-998
98-4-6	Revoked	V. 32, p. 998
98-4-7	Revoked	V. 32, p. 998
98-4-8	Amended	V. 32, p. 998
98-4-9	Revoked	V. 32, p. 999
98-4-10	Revoked	V. 32, p. 999
98-5-1	Revoked	V. 32, p. 999
98-5-2	through	
98-5-8	Amended	V. 32, p. 999-1001
98-5-9	New	V. 32, p. 1001
98-6-1	Revoked	V. 32, p. 1002
98-6-3	Amended	V. 32, p. 1002
98-6-4	Amended	V. 32, p. 1003
98-7-1	through	
98-7-4	New	V. 32, p. 1003, 1004
98-7-6	New	V. 32, p. 1005

98-8-1	New	V. 32, p. 1005
98-8-2	New	V. 32, p. 1006
98-8-3	New	V. 32, p. 1006

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

Reg. No.	Action	Register
99-25-1	Amended	V. 32, p. 960
99-25-9	Amended	V. 32, p. 960
99-40-3	Amended	V. 32, p. 960

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-7-3	Amended (T)	V. 32, p. 916

**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
109-5-3	Amended	V. 32, p. 230
109-5-5	Amended	V. 32, p. 231
109-11-1	Revoked	V. 32, p. 231
109-11-3	Revoked	V. 32, p. 231
109-11-4	Revoked	V. 32, p. 231
109-11-5	Revoked	V. 32, p. 231
109-11-6	Revoked	V. 32, p. 231
109-15-1	Amended	V. 32, p. 231

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-6-1	Revoked	V. 32, p. 1049
110-6-1a	Revoked	V. 32, p. 1049
110-6-2	through	
110-6-7	Revoked	V. 32, p. 1049, 1050
110-6-8	through	
110-6-12	New	V. 32, p. 1050-1053
110-12-1	through	
110-12-6	Revoked	V. 32, p. 854

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

111-2-306	New	V. 32, p. 890	111-5-31	Amended	V. 31, p. 359	111-401-63	Amended	V. 32, p. 970
111-2-307	New	V. 32, p. 890	111-5-33	Amended	V. 31, p. 279	111-401-95	Amended	V. 32, p. 972
111-2-308	New	V. 32, p. 920	111-5-82	Amended	V. 31, p. 657	111-401-109	Amended	V. 32, p. 973
111-2-309	New	V. 32, p. 920	111-5-83	Amended	V. 31, p. 657	111-401-119		
111-2-310	New	V. 32, p. 920	111-5-127			through		
111-4-3135	New	V. 31, p. 116	111-5-132	Amended	V. 32, p. 893-896	111-401-166	New	V. 31, p. 528-552
111-4-3136	New	V. 31, p. 121	111-5-194	Amended	V. 31, p. 359	111-401-167		
111-4-3137			111-5-200	New	V. 31, p. 360	through		
111-4-3142	New	V. 31, p. 274-278	111-5-201			111-401-171	New	V. 32, p. 160-162
111-4-3144			through			111-401-172		
through			111-5-206	New	V. 31, p. 618, 619	through		
111-4-3158	New	V. 31, p. 345-354	111-5-207			111-401-177	New	V. 32, p. 302-305
111-4-3159			through			111-401-174	Amended	V. 32, p. 1009
through			111-5-212	New	V. 32, p. 819-821	111-401-178		
111-4-3162	New	V. 31, p. 583-587	111-7-187a	New	V. 32, p. 896	through		
111-4-3163			111-7-188a	New	V. 32, p. 924	111-401-194	New	V. 32, p. 329-334
through			111-7-249			111-501-9	Amended	V. 31, p. 124
111-4-3171	New	V. 31, p. 613-617	through			111-501-12	Amended	V. 31, p. 659
111-4-3172			111-7-254	New	V. 32, p. 300-302	111-501-14		
through			111-7-255			through		
111-4-3181	New	V. 31, p. 649-656	through			111-501-26	New	V. 31, p. 124-129
111-4-3182			111-7-260	New	V. 32, p. 353, 354	111-501-35		
through			111-9-174	New	V. 31, p. 122	through		
111-4-3196	New	V. 31, p. 1429-1441	111-9-175	New	V. 31, p. 123	111-501-81	New	V. 31, p. 129-146
111-4-3197			111-9-176	New	V. 31, p. 124	111-501-44	Amended	V. 32, p. 974
through			111-9-177	New	V. 31, p. 360	111-501-45	Amended	V. 32, p. 976
111-4-3203	New	V. 31, p. 1468-1470	111-9-178	New	V. 31, p. 1442	111-501-61	Amended	V. 31, p. 1549
111-4-3204			111-9-179	New	V. 31, p. 1442	111-501-82		
through			111-9-180	New	V. 31, p. 1470	through		
111-4-3211	New	V. 31, p. 1541-1547	111-9-181	New	V. 31, p. 1471	111-501-102	New	V. 31, p. 620-628
111-4-3212			111-9-182	New	V. 32, p. 132	111-501-103		
through			111-9-183	New	V. 32, p. 133	through		
111-4-3216	New	V. 32, p. 128-131	111-9-184	New	V. 32, p. 354	111-501-117	New	V. 32, p. 162-167
111-4-3217			111-9-184a	New	V. 32, p. 967	111-501-118	New	V. 32, p. 306
through			111-9-185	New	V. 32, p. 355	111-501-119	New	V. 32, p. 167
111-4-3223	New	V. 32, p. 153-159	111-9-185a	New	V. 32, p. 968	111-501-120	New	V. 32, p. 167
111-4-3224	New	V. 32, p. 278	111-9-186	New	V. 32, p. 594	111-501-121	New	V. 32, p. 167
111-4-3225	New	V. 32, p. 298	111-9-186a	New	V. 32, p. 968			
111-4-3226	New	V. 32, p. 299	111-9-187	New	V. 32, p. 594			
111-4-3227			111-9-188	New	V. 32, p. 1059			
through			111-9-189	New	V. 32, p. 1059			
111-4-3232	New	V. 32, p. 324-327	111-15-1	Amended	V. 32, p. 280			
111-4-3233			111-15-2	Amended	V. 32, p. 280			
through			111-15-3	Amended	V. 32, p. 280			
111-4-3236	New	V. 32, p. 350-352	111-15-5	Amended	V. 32, p. 281			
111-4-3237			111-15-6	Amended	V. 32, p. 281			
through			111-15-12					
111-4-3250	New	V. 32, p. 585-594	111-15-20	New	V. 32, p. 897, 898			
111-4-3251			111-17-3	New	V. 31, p. 279			
through			111-17-4	New	V. 31, p. 619			
111-4-3263	New	V. 32, p. 811-819	111-17-5	New	V. 32, p. 159			
111-4-3264	New	V. 32, p. 890	111-17-6	New	V. 32, p. 282			
111-4-3265	New	V. 32, p. 891	111-17-6a	New	V. 32, p. 328			
111-4-3266	New	V. 32, p. 892	111-17-7	New	V. 32, p. 595			
111-4-3267			111-17-8	New	V. 32, p. 821			
through			111-17-9	New	V. 32, p. 1060			
111-4-3271	New	V. 32, p. 921-923	111-201-14	Amended	V. 31, p. 361			
111-4-3272			111-301-6	Amended	V. 31, p. 658			
through			111-301-32					
111-4-3278	New	V. 32, p. 961-966	through					
111-4-3279	New	V. 32, p. 1006	111-301-44	New	V. 31, p. 1443-1446			
111-4-3280	New	V. 32, p. 1008	111-401-1					
111-4-3281			through					
through			111-401-50	New	V. 31, p. 389-407			
111-4-3285	New	V. 32, p. 1054-1058	111-401-30	Amended	V. 32, p. 969			
111-5-23			111-401-51					
through			through					
111-5-28	Amended	V. 31, p. 355-358	111-401-118	New	V. 31, p. 427-449			

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS, AND TOURISM

Reg. No.	Action	Register
115-2-1	Amended	V. 32, p. 318
115-2-3	Amended	V. 32, p. 482
115-4-4	Amended	V. 32, p. 319
115-4-4a	Amended	V. 32, p. 320
115-4-11	Amended	V. 32, p. 483
115-5-1	Amended	V. 32, p. 854
115-5-2	Amended	V. 32, p. 855
115-6-1	Amended	V. 32, p. 855
115-8-1	Amended	V. 32, p. 856
115-8-2	Amended	V. 32, p. 856
115-8-23	Amended	V. 32, p. 857
115-9-8	Amended	V. 32, p. 89
115-14-14	Amended	V. 32, p. 90
115-16-5	Amended	V. 32, p. 857
115-18-7	Amended	V. 32, p. 320
115-40-1		
through		
115-40-6	New	V. 32, p. 858, 859

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-7-1	Amended	V. 32, p. 226
117-20-3	New	V. 32, p. 89
117-20-4	Amended	V. 32, p. 1026
117-20-7	New	V. 32, p. 89

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