

# Kansas Register

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 Photo by Todd Caywood

## State of Kansas

**Pooled Money Investment Board****Notice of Investment Rates**

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

**Effective 5-18-20 through 5-24-20**

<b>Term</b>	<b>Rate</b>
1-89 days	0.05%
3 months	0.06%
6 months	0.11%
12 months	0.13%
18 months	0.15%
2 years	0.16%

Scott Miller  
Director of Investments

Doc. No. 048144

## State of Kansas

**Department of Wildlife, Parks and Tourism****Public Notice**

The Kansas Department of Wildlife, Parks and Tourism has reached an agreement for the purchase of a tract of land in Labette County, Kansas. The parcel consists of 42+/- acres, more or less, described as 31.5 acres mol of NW $\frac{1}{4}$  and 10 acres mol of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  and .5 acres mol of SE $\frac{1}{4}$  of S27, T34, R21 in Labette County, Kansas. The appraised value is \$58,800. The total purchase price is \$58,800. This tract shall be managed as part of the Kansas Department of Wildlife, Parks and Tourism's Cherokee Lowlands Wildlife Area and will remain on the county's tax rolls.

Brad Loveless  
Secretary

Doc. No. 048145

## State of Kansas

**Housing Resources Corporation****Notice of Hearing**

The State of Kansas is amending its 2019-2023 Consolidated Plan, including the 2019 Annual Action Plan, to include the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. Kansas will receive \$14,801,806 in CARES Act funding. The Consolidated Plan is the state's policy framework for federal community development and housing programs. Estimated resources will include \$9,029,232, for the Community Development Block Grant (CDBG-CV); \$5,683,703, for the Emergency Solutions Grant (ESG-CV); and \$88,288 for the Housing Opportunities for Persons with AIDS (HOPWA-CV) programs.

Due to the recent COVID-19 pandemic, a public hearing will be held digitally. Instructions and a link to attend the digital public hearing is posted on the Kansas Housing Resources Corporation (KHRC) website at <https://kshousingcorp.org/public-notice/>. The public hearing will be conducted to receive comments on the

proposed amended Consolidated Plan and Action Plan located at [www.kshousingcorp.org](http://www.kshousingcorp.org). The document will be available for public examination beginning May 26, 2020. Limited hard copies will be available at the public hearing site and upon request. The public comment period ends June 2, 2020.

If you are in need of a sign language interpreter, large print, or other material for accommodations to participate in this meeting, you must notify KHRC at least one week prior to the meeting. Requests may be addressed to the Weatherization Program, KHRC, 611 S. Kansas Ave., Suite 300, Topeka, KS 66603-3803, by telephone at 1-800-752-4422, or via the Kansas Relay Service.

Christine Reimler  
Consolidated Plan Coordinator

Doc. No. 048153

## State of Kansas

**Wichita State University****Notice of Intent to Lease Land and/or Building Space**

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, or otherwise provide supporting services and amenities to the campus community (such as restaurants, retail establishments, financial institutions, etc.). Because tenant use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs and desired lease term and location; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research & Technology Transfer, Dr. John Tomblin, [john.tomblin@wichita.edu](mailto:john.tomblin@wichita.edu) or Property Manager Crystal Stegeman, [crystal.stegeman@wichita.edu](mailto:crystal.stegeman@wichita.edu). This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 047620

## State of Kansas

**Wichita State University****Notice of Intent to Lease Real Property**

Public notice is hereby given that Wichita State University (WSU) is interested in entering into a long-term ground  
(continued)

lease, subject to all required state approvals, for approximately 1.4 acres of property located at 1741 and 1755 N. Hillside. The university is interested in leasing such property to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good and providing retail, restaurant, and service centers that would be desirable and beneficial to the international student community. The university intends to lease this property for any period of time up to 65 years, but extended terms and renewal options would be considered. Interested tenants must be willing to provide the university an option to lease back improved office/classroom/lab space up to 11,000 square feet. Interested tenants must be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: financial stability and strength, proposal terms, demonstrated benefit to WSU and the community, design concepts, and proposed use. Rental rate may be negotiated based on square foot of leased ground or leasable square foot of the building. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact University Property Manager Crystal Stegeman at [crystal.stegeman@wichita.edu](mailto:crystal.stegeman@wichita.edu). This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 047955

## State of Kansas

### Wichita State University

#### Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU) intends to directly lease, and indirectly sublease through its affiliate corporation Wichita State Innovation Alliance, Inc., subject to all required state approvals, for the private development of one or more partnership buildings. This private development shall be located west of Oliver, between 17th and 18th Streets, on the Wichita State University main campus. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, and specifically an emphasis on supporting and growing advanced laboratories for research, testing, and innovation in data infrastructure/storage, video surveillance storage, IOT,

security, analytics, visualization/modeling, and machine learning/AI. The university intends to lease such ground for any period of time up to sixty-five years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Rental rate shall be assessed per leased or leasable square foot of the building but is negotiable based on term of lease and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact Associate Vice President for Industry Engagement and Applied Learning, Tonya Witherspoon at [tonya.witherspoon@wichita.edu](mailto:tonya.witherspoon@wichita.edu) or University Property Manager Crystal Stegeman at [crystal.stegeman@wichita.edu](mailto:crystal.stegeman@wichita.edu). This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 047956

(Published in the Kansas Register May 21, 2020.)

## City of Lenexa, Kansas

### Notice to Bidders

Sealed bids for Lenexa Bike Share Program (46N-0695-01-CMQ-N069(501)) – Bike Racks will be received by the City of Lenexa, Kansas at the office of the City Clerk, Lenexa City Hall, 17101 W. 87th St. Pkwy., Lenexa, KS 66219 until 11:00 a.m. (CST) June 2nd, 2020, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will be returned to bidder unopened.

All bids shall be submitted in sealed envelopes addressed to the City of Lenexa, Kansas, Attn: City Clerk, and marked "Bid for: Lenexa Bike Share Program – Bike Racks 46N-0695-01-CMQ-N069(501)." Copies of the specifications, bidding documents and other contract documents are on file at the office of Drexel Technologies, Inc., 10840 W. 86th St. Lenexa, KS 66214, or <http://planroom.drexeltech.com/>.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that he/she has read the contract documents and is fully familiar therewith and has included in the bid a sum to cover the cost of all items of the work including delivery of the goods or equipment. Delivery shall be as indicated in the instructions to bidders.

No oral, telegraphic, facsimile, or telephonic bids or bid alterations or corrections will be considered.

The best and lowest responsible bid, as determined by the City of Lenexa, Kansas, shall execute an agreement on a form to be provided by the city. In the event the low bidder is unable to execute the agreement, for whatever reason, within the time provided in the Notice of Award, the city may annul the Notice of Award and the bid deposit may be forfeited. In addition, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder if such requests are received in the office of the City Clerk, prior to the time and date for bid opening. No bidder may withdraw a bid for a period of thirty (30) days after the date set for bid opening.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to the conditions herein.

Jennifer Martin  
City Clerk

Doc. No. 048102

(Published in the Kansas Register May 21, 2020.)

**City of Lenexa, Kansas**

**Notice to Bidders**

Sealed bids for Lenexa Bike Share Program (46N-0695-01-CMQ-N069(501)) – Bikes will be received by the City of Lenexa, Kansas at the office of the City Clerk, Lenexa City Hall, 17101 W. 87th St. Pkwy., Lenexa, KS 66219 until 11:00 a.m. (CST) June 2nd, 2020, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will be returned to bidder unopened.

All bids shall be submitted in sealed envelopes addressed to the City of Lenexa, Kansas, Attn: City Clerk, and marked "Bid for: Lenexa Bike Share Program-Bikes 46N-0695-01-CMQ-N069(501)." Copies of the specifications, bidding documents, and other contract documents are on file at the office of Drexel Technologies, Inc., 10840 W. 86th St., Lenexa, KS 66214, or <http://planroom.drexeltech.com/>.

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All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to the conditions herein.

Jennifer Martin  
City Clerk

Doc. No. 048103

**State of Kansas**

**Department of Administration  
Office of Procurement and Contracts**

**Notice to Bidders**

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

06/04/2020	EVT0007418	Environmental Review Tool
06/10/2020	EVT0007415	Advisor

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

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

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

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

06/11/2020	A-013950	Kansas State University; Swine Farm New Farrowing Barn
06/16/2020	A-013666	Kansas Bureau of Investigation; Forensic Laboratory Renovation

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

Richard Beattie, Director  
Office of Procurement and Contracts

Doc. No. 048154

**State of Kansas**

**Department of Transportation**

**Notice to Contractors**

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/>  
*(continued)*

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

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) June 17, 2020. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 SW Harrison, Topeka, Kansas, at 2:00 p.m. (CST) June 17, 2020. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/audio.asp>.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid non-responsive and not eligible for award consideration.

#### District One – Northeast

**Douglas** – 23 TE-0480-01 – Winchester Road, from West 12th Street to Hawthorne Street and West 12th Street from Winchester Road east to Bluejacket Park in Eudora, pedestrian and bicycle paths, 0.6 mile. (Federal Funds)

**Marshall** – 36-58 KA-5008-02 – U.S. 36, from the end of the divided 4lane east to the U.S. 36/K-87 junction (excluding Marysville from 4th Street to 20th Street), guard fence, 18.4 miles. (Federal Funds)

**Pottawatomie** – 75 C-4938-01 – RS 536, from approximately 400 feet north of Rocky Lane, at the restaurant entrance north through the horizontal curve, grade and surfacing, 0.2 mile. (Federal Funds)

**Shawnee** – 70-89 KA-5526-01 – I-70, bridge #250 located at the Croco Road/I-70 junction, bridge repair. (Federal Funds)

**Shawnee** – 470-89 KA-5530-01 – I-470, bridges #198 and #199 (Huntoon Street) located at the Huntoon Street/I-470 junction, bridge repair. (Federal Funds)

**Wabaunsee** – 70-99 KA-5534-01 – I-70, bridge #021 (Mill Creek) located 0.35 mile east of K-138 and bridge #023 located 2.11 miles east of K-138, bridge repair, 1.8 miles. (Federal Funds)

**Statewide** – 106 KA-4744-02 – Various locations in northeast Kansas including U.S. 75, U.S. 24 and K-4 in Shawnee County and K-30 in Wabaunsee County, signing, 49.0 miles. (Federal Funds)

#### District Two – North Central

**Geary** – 70-31 KA-5527-01 – I-70, bridge #014 over the Smokey Hill River located 2.05 miles east of the west I-70/U.S. 40 junction, bridge repair. (Federal Funds)

**Marion** – 56-57 KA-4766-01 – U.S. 56, intersection of U.S. 56 and Industrial Street in Hillsboro, intersection improvement, 0.2 mile. (Federal Funds)

**McPherson** – 135-59 KA-5277-01 – I-135, bridge #045 located 10.42 miles north of U.S. 56, bridge removal. (Federal Funds)

**Morris** – 56-64 KA-5647-01 – U.S. 56, bridge #030 over Big John Creek located 1.93 miles east of the east K-177 junction, bridge overlay. (Federal Funds)

**Saline** – 135-85 KA-5626-01 – I-135, bridge #020 over East Schilling Road, located 3.01 miles north of K-104/I-135 junction, bridge repair. (Federal Funds)

#### District Three – Northwest

**Decatur** – 20 C-4954-01 – Bridge over the Sappa Creek located 9.4 miles north and 3.4 miles west of Norcatour, Kansas, bridge replacement, 0.2 mile. (Federal Funds)

**Gove** – 32 C-4956-01 – Bridge over Indian Creek located 8.3 miles south and 5.3 miles east of Gove, bridge replacement, 0.2 mile. (Federal Funds)

**Gove** – 32 KA-5550-01 – K-23, from the Gove/Lane county line north to the south city limits of Gove, K-211, from the I-70/K-211 junction north to the south city limits of Park and K-216, from the I-70/K-216 junction north to the south city limits of Grinnell, overlay, 19.5 miles. (State Funds)

**Osborne** – 281-71 KA-5146-01 – U.S. 281, from Connecticut Street to Massachusetts Street in Osborne, grade and surfacing, 0.2 mile. (Federal Funds)

**Rawlins** – 25-77 KA-5673-01 – K-25, beginning where the road widens south of Atwood north approximately 3,881 feet to the beginning of the Portland Cement Concrete Pavement (PCCP), milling and overlay, 0.7 mile. (State Funds)

**Rawlins** – 36-77 KA-5674-01 – U.S. 36, from approximately 935 feet west of the east city limits of Atwood east approximately 1,478 feet to the end of the curb and gutter, milling and overlay, 0.3 mile. (State Funds)

**Sherman** – 70-91 KA-5675-01 – I-70, from 1.7 miles east of the I-70/U.S. 24B/K-27 junction east 5 miles (eastbound driving and passing lanes only), pavement patching, 5.0 miles. (Federal Funds)

**Trego** – 70-98 KA-5121-02 – I-70, from the Gove/Trego county line east to the west edge of the wearing surface at Exit 127, guard fence, 14.0 miles. (Federal Funds)

**Statewide** – 70-106 KA-4746-03 – I-70, at various locations across District 3 in northwest Kansas, signing, 205.0 miles. (Federal Funds)

#### District Four – Southeast

**Bourbon** – 69-6 KA-5604-01 – U.S. 69, beginning 2.09 miles north of the Bourbon/Crawford county line north 3.8 miles, overlay, 3.8 miles. (Federal Funds)

**Linn** – 69-54 KA-5532-01 – U.S. 69, bridge #058 over the Marias Des Cygnes River located 0.88 mile south of the north K-52/U.S. 69 junction, bridge repair. (Federal Funds)

**Miami** – 169-61 KA-5533-01 – U.S. 169, bridge #055 over Pottawatomie Creek located 1.66 miles north of the K-7/U.S. 169 junction, bridge repair. (Federal Funds)

**Osage** – 35-70 KA-5531-01 – I-35, culvert #535 over the Willow Creek Drainage, located 0.26 mile east of K-31, culvert. (Federal Funds)

**District Five – South Central**

**Cowley** – 18 KA-5671-01 – Pavement marking on U.S. 77, U.S. 166 and K-360, pavement marking, 8.2 miles. (Federal Funds)

**Rush** – 83 C-4932-01 – Pavement marking on various major collectors including RS-587, RS-44, RS-585, RS-584 and RS-524, pavement marking, 42.0 miles. (Federal Funds)

**Sedgwick** – 135-87 KA-5128-02 – I-135, from the south end of the route at the Kansas Turnpike Association (KTA) north to the south end of the Pawnee Avenue Overpass, guard fence, 3.5 miles. (Federal Funds)

**Sedgwick** – 135-87 KA-5129-02 – I-135, from the north end of the Pawnee Avenue Overpass north to the south end of the viaduct bridges, guard fence, 2.2 miles. (Federal Funds)

**Sedgwick** – 135-87 KA-5130-02 – I-135, from the north edge of the wearing surface of the viaduct bridges north to the south end of the 37th Street bridges, guard fence, 2.6 miles. (Federal Funds)

**Sedgwick** – 87 KA-5174-01 – Wichita metro at various locations including K-96, U.S. 54 and I-135, intelligent transportation systems. (State Funds)

**Sedgwick** – 96-87 KA-5606-01 – K-96, from the I-135/K-96 junction east to the end of the Hot Mix Asphalt (HMA) located east of Webb Road, overlay, 5.3 miles. (Federal Funds)

**Sedgwick** – 15-87 KA-5615-01 – K-15 (Southwest Boulevard), at four locations beginning south of the Dunham Street intersection south approximately 0.75 mile in southern Wichita, guard fence. (Federal Funds)

**Sumner** – 15-96 KA-5614-01 – K-15, at various locations from the Cowley/Sumner county line northwest to approximately 900 feet north of North Webb Road, guard fence. (Federal Funds)

**Sumner** – 96 KA-5672-01 – Pavement marking on K-44 and K-53, pavement marking, 4.8 miles. (Federal Funds)

**District Six – Southwest**

**Gray** – 50-35 KA-4762-01 – U.S. 50, from Maple Street to Cedar Street in Cimarron, pavement reconstruction, 0.2 mile. (Federal Funds)

Julie Lorenz  
Secretary

Doc. No. 048148

**State of Kansas**

**Department of Transportation**

**Notice to Consulting Firms**

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firm(s), which must be prequalified in category 161 Corridor/Project Feasibility Studies and 222 Standard Span Bridge Design, for the project listed below. Consultants may create a team to meet the prequalification requirements. A PDF must be emailed to David Lutgen, P.E., Contracts Engineer at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Responses are to be limited to eight pages, the subject line of the reply email

and the file name must read “KA-5608-01 RFP – Firm Name.” Request for Proposals (RFPs) must be received by 12:00 p.m. June 5, 2020 for the consulting firm to be considered. View categories at <http://www.ksdot.org/divengdes/prequal/default.asp>.

**Scope of Services to be Performed**

Project

Replacement of the U.S. 183 bridge over I-70, 0026-B0055, west of Hays. Project number 183-26 KA-5608-01.

Phase I

Traffic study of the existing and future traffic patterns with the improvements at the U.S. 183 Alternate and I-70 interchange, including proximate city and county roadways in the influence area of the interchange (Exit 157). Consultant will recommend an interchange type and bridge type taking into consideration that I-70 Exit 159 will be closed to many oversized/overweight loads, thus this interchange area (Exit 157) should be designed to consider those load types and turning movements.

Phase II

Prepare constructing plans for interchange and bridge replacement.

Design survey has been completed by KDOT.

**Anticipated Schedule for Subsequent Events**

RFPs are due by 12:00 p.m. (CST) June 5, 2020. Evaluation and ranking of technical proposals on or about June 10, 2020 after which time all firms that submitted will be notified of the ranking. Negotiations with the most highly ranked firm to commence on or about June 24, 2020. Agreement in place and in effect July 10, 2020. RFP’s are to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

**Instructions for Proposal**

No costs shall be contained in the RFP. The RFP must not exceed eight (8) pages total to address the pertinent topics. Please use the following naming convention for submittal...FirmName- KA-5608-01. RFP’s submitted will consist of the proposal and a completed and signed Special Attachment No. 7 (“Certificate of Final Indirect Costs”), a completed and signed Special Attachment No. 8 (“Tax Clearance Certificate”), and a completed and signed Special Attachment No. 10 (“Policy Regarding Sexual Harassment”). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

RFP’s shall describe any processes or procedures, including best practices, that will be used to perform tasks and to produce deliverables described above under “Scope of Services to be Performed.” Also, include items such as:

- Project manager/engineer in charge.
- History of projects with similar tasks.
- Availability of staff to meet schedule without overtime.
- Familiarity with KDOT standards and content.
- Any subconsultant and their role (if any) that will be performing services on the project

**Evaluation Factors**

RFP’s will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in  
*(continued)*

order of preference as first, second, third, etc. Evaluation factors: 1) the quality and completeness of the response; 2) qualifications and experience of consultant design personnel/manager proposed for services; 3) proposed project approach; 4) availability to respond to the work; and 5) past performance history for similar projects/services for KDOT. The highest ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the ranked firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

#### Exhibits to this RFP

- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

#### Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for this project. Special attachments for the Kansas “Tax Clearance Certificate,” the “Certification of Final Indirect Costs,” and the Special Attachment No. 10 (“Policy Regarding Sexual Harassment”) will also eventually become attachments to the contract.

Questions about this RFP shall be sent by email to KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Ron Seitz, P.E., Director  
Division of Engineering and Design

Doc. No. 048156

### State of Kansas

## Department of Transportation

### Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking consulting services to complete a final toll feasibility study, perform preliminary engineering services, extensive public engagement, and project management consulting services on an alternative delivery project under KDOT’s oversight as described below. Forming teams is allowed as needed to provide the personnel resources and expertise to successfully deliver the project.

#### Project

The project is located on the U.S. 69 corridor with the study section beginning at the U.S. 69/103rd Street interchange and continuing south to the U.S. 69/179th Street interchange. The currently anticipated project scope includes interchange improvements and modifications, mainline capacity expansion, modifications to local facilities, existing pavement and structure modification or replacement, and possible construction and implementation of tolling facilities. The project has an estimated construction cost of \$300 million with a construction start date scheduled for Summer 2022. This will be a multi-phase agreement.

Phase I will be completing a final toll feasibility study, performing preliminary engineering services for use in

completing the toll study and developing documents for an alternative delivery project while leading extensive public engagement efforts for alternative delivery and tolling education with strategies to build community support for tolling, and completing environmental evaluations and documentation.

Phase II will include serving in a project manager consultant (PMC) role throughout the life of the project. Some of the PMC services include, but are not limited to, continued public involvement efforts, selection of the most appropriate alternative delivery approach, risk assessment and mitigation, preparing alternative delivery documents, assisting with the selection and procurement of an alternative delivery team, and performing construction administration services. As the project progresses additional phases may be added as needed. Phase I efforts are scheduled to begin in July 2020 with Phase II efforts scheduled to begin soon thereafter.

#### Requirements

Interested consulting firms must: (a) be prequalified by KDOT in category 161 Corridor/Project Feasibility Studies, (b) be prequalified in category 171 Environmental Documentation, (c) be prequalified in category 201 Location and Design Concept Studies/Corridor Studies, (d) be prequalified in category 211 Highway Design – Major Facility, and (e) submit a Letter of Interest (LOI) on or before 12:00 p.m. June 5, 2020 to David Lutgen, P.E., Contracts Engineer for KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov), with the subject line reading Firm\_Name LOI US-69 Expansion Project. LOIs should be in the form of a PDF document, maximum of six pages with an alternative delivery project history appendix up to six pages for projects more than \$25 million in construction. LOIs should express interest in the project and describe particular qualifications for the professional services sought by KDOT, including any special expertise, skill, experience, or knowledge of the firm, its employees and any subcontractant(s) the firm intends to utilize. If a firm is not currently prequalified by KDOT but is interested in obtaining prequalification, then please view the requirements and categories at <http://www.ksdot.org/divengdes/prequal/default.asp>. For licensure and other requirements applicable to the practice of technical professions within the State of Kansas, please consult the Kansas Board of Technical Professions at <http://www.ksbtp.ks.gov/>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas and comply with applicable state and federal laws, rules and regulations.

#### Qualifications-Based Selection Process

The selected firm(s) will be precluded from participating as a member of the alternative delivery team for the associated project. Based on the qualifications submitted and other information available to the shortlist committee, on or about June 12, 2020 three to five firms will be shortlisted and all firms submitting LOIs will be notified by return email. After shortlisting individual interviews will be scheduled with the shortlisted firms and a selection committee. The selection committee will select a single firm to perform the professional services. Technical proposals will be evaluated on the basis of 1) quality of

the response; 2) public engagement experience on complex projects, alternative delivery project experience, and project staff alternative delivery experience particularly in a PMC role; 3) proposed approach for providing services; 4) workload of the firm; and 5) past performance history. In the event a negotiated agreement with the highest ranked firm cannot be reached, negotiations will terminate with such firm and negotiations will commence with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives. KDOT anticipates concluding or terminating negotiations for Phase I services on or before August 26, 2020.

Please send all questions to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Ronald J. Seitz, P.E. Director  
Division of Engineering and Design

Doc. No. 048157

## State of Kansas

### Department of Health and Environment

#### Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

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

Panhandle Eastern Pipeline Company, 7500 College Blvd., Suite 300, Overland Park, KS 66210, owns and operates Columbian Compressor Station located at Section 13, T27S, R36W Grant County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 302 W. McArtor Rd., Dodge City, KS 67801. To obtain or review the proposed permit and supporting documentation, contact Shelley Schupp, 785-296-6024, at the central office of the KDHE or Ethel Evans, 620-356-1075, at the Southwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website, <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Shelley Schupp, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In

order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 22, 2020.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Shelley Schupp, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 22, 2020 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Lee A. Norman, M.D.  
Secretary

Doc. No. 048152

## 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.

(continued)

**Public Notice No. KS-AG-20-097**  
**Application(s) for New or Expansion**  
**of Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
J-Six Farms Inc. – Oneida Site 604 Nemaha Seneca, KS 66538	Jennifer Gerety 604 Nemaha Seneca, KS 66538	Missouri River Basin
Legal Description NW/4 of Section 26 T02S, R13E Nemaha County		
Kansas Permit No. A-MONM-S039		

This is an application for permit modification for an existing swine facility changing the maximum capacity to 747 head (298.8 animal units) of swine weighing more than 55 pounds. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-20-098/101**  
**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
J-Six Farms – Oneida Site Jennifer Gerety 604 Nemaha Seneca, KS 66538	NW/4 of Section 26 T02S, R13E Nemaha County	Missouri River Basin
Kansas Permit No. A-MONM-S039		

This is a permit modification and reissuance for an existing facility changing to a maximum capacity for 747 head (298.8 animal units) of swine weighing more than 55 pounds. The facility consists of one enclosed swine building, a mortality compost building and an earthen retention structure. NO other changes are being proposed.

Name and Address of Applicant	Legal Description	Receiving Water
Mark Pfizenmaier 1296 Hackberry Rd. Clay Center, KS 67432	NW/4 of Section 5 T09s, R02E Clay County	Lower Republican River Basin
Kansas Permit No. A-LRCY-B007		

The proposed action is to reissue an existing State permit for an existing facility for 80 head (80 animal units) of cattle weighing more than 700 pounds and 80 head (40 animal units) of cattle weighing 700 pounds or less for a total maximum capacity of 120 animal units of beef cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Chipperfield Livestock Stanley Chipperfield 5069 E. McReynolds Rd. Gypsum, KS 67448	SE/4 of Section 23 T15W, R02W Saline County	Smoky Hill River Basin
Kansas Permit No. A-SHSA-S005		

The proposed action is to reissue an existing State permit for an existing facility for 250 head (100 animal units) of swine weighing more than 55 pounds, 300 head (30 animal units) of swine weighing 55 pounds or less, 75 head (75 animal units) of cattle weighing more than 700 pounds, and 75 head (37.5 animal units) of cattle weighing 700 pounds or less. The total maximum capacity of the facility is 242.5 animal units of swine and cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Rezac Land and Livestock, Inc. Lance Rezac 24430 Aiken Switch Rd. Onaga, KS 66521	SW/4 of Section 36 & SE/4 of Section 35 T07S, R11E and NW/4 of Section 01 T08S, R11E Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S015

This is renewal permit for an existing facility with a maximum capacity of 2,040 head (816 animal units) of swine weighing more than 55 pounds and 1,500 head (150 animal units) of swine weighing 55 pounds or less for a total of 966 animal units of swine. There has been no change in animal units since the previous permit.

**Public Notice No. KS-Q-20-075/092**

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Beattie, City of 715 Main Beattie, KS 66406	Robidoux Creek via Wolf Creek	Treated Domestic Wastewater

Kansas Permit No. M-BB03-OO01  
 Federal Permit No. KS0047236

Legal Description: SW¼, SW¼, SW¼, S21, T2S, R9E, Marshall County, Kansas

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Butler County Commission 121 S. Gordy, Suite 200 El Dorado, KS 67042	Harrison Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-WA19-OO01  
 Federal Permit No. KS0098671

Legal Description: E½, NE¼, SE¼, S2, T26S, R7E, Butler County, Kansas

Facility Name: Butler County Sewer District No. 9 (Rosalia)

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Centralia, City of PO Box 247 Centralia, KS 66415-0247	Black Vermillion River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-BB05-OO01  
 Federal Permit No. KS0081418

Legal Description: NE¼, NE¼, NE¼, S11, T4S, R11E, Nemaha County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a two-cell wastewater stabilization lagoon system. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable criteria (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limits was determined on 7/2/2019 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 11.7 mg/L for this facility. The EED was completed on 7/12/2019. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for total phosphorus.

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

Coachlight North  
MHP, LLC  
1371 E. 2100 S.,  
Suite 200  
Salt Lake City, UT  
84105

Indian Creek via  
Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. C-KS72-0003  
Federal Permit No. KS0118583

Legal Description: NW¼, NW¼, SW¼, S29, T10S, R16E, Shawnee County, Kansas

Facility Name: Coachlight North Mobile Home Park

Facility Location: 5720 N. Topeka Blvd., Topeka, KS 66617

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility consists of three septic tanks, a dosing tank, a covered sand filter, and chlorination of effluent. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, E. coli, and total residual chlorine, as well as monitoring for ammonia and total phosphorus.

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

Frankfort, City of  
109 N. Kansas  
Frankfort, KS 66427

Black Vermillion  
River

Treated Domestic  
Wastewater

Kansas Permit No. M-BB07-0001  
Federal Permit No. KS0024881

Legal Description: NW¼, SE¼, SE¼, S17, T4S, R9E, Marshall County, Kansas

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

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

Goff, City of  
PO Box 104  
Goff, KS 66428

Spring Creek via  
Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-KS21-0001  
Federal Permit No. KS0047449

Legal Description: SE¼, SW¼, NE¼, S35, T4S, R13E, Nemaha County, Kansas

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

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

Jackson Co. RWD No. 3  
107 W. 4th St.  
Holton, KS 66436

Kansas River via  
Straight Creek via  
Unnamed Tributary

Process Wastewater

Kansas Permit No. I-KS49-PO01  
Federal Permit No. KS0096059

Legal Description: NW¼, NE¼, S7, T6S, R16E, Jackson County, Kansas

Facility Name: Jackson County RWD No. 3 Water Treatment Plant

Facility Location: 15875 278 Rd., Netawaka, KS 66516

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This is a public water treatment plant. Raw water is treated for iron and manganese removal, filtered and chlorinated prior to introduction into the distribution system. Outfall 001A1 consists of a discharge to the receiving stream from the one cell lagoon, if the lagoon would discharge. The proposed permit contains limits for total residual chlorine, total suspended solids, and pH.

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

Lake Wabaunsee  
Improvement  
District  
PO Box 101  
Eskridge, KS 66423

East Branch Mill  
Creek via  
Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-KS92-0002  
Federal Permit No. KS0086568

Legal Description: SE¼, SE¼, SW¼, S33, T13S, R11E, Wabaunsee County, Kansas

Facility Name: Lake Wabaunsee Improvement District Wastewater Treatment Facility

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable criteria (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limit was determined on 6/7/2019 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 2.7 mg/L for this facility. The EED was completed on 7/18/2019. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH and ammonia, as well as monitoring for E. coli.

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

Lakin, City of  
PO Box 148  
Lakin, KS 67860

Arkansas River via  
Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-UA24-0001  
Federal Permit No. KS0094196

Legal Description: SE¼, NW¼, NW¼, S26, T24S, R36W, Kearney County, Kansas

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

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

Morganville, City of  
PO Box 82  
Morganville, KS 67468

Republican River via  
Dry Creek

Treated Domestic  
Wastewater

(continued)

Kansas Permit No. M-LR18-OO01  
Federal Permit No. KS0024678

Legal Description: SE¼, NW¼, NW¼, S10, T7S, R2E, Clay County, Kansas

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Osawatomie Water Treatment Plant 100 11th St. Osawatomie, KS 66064	Marais des Cygnes River	Process Wastewater
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Kansas Permit No. I-MC30-PO06  
Federal Permit No. KS0097250

Legal Description: W½, NE¼, S10, T18S, R22E, Miami County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a conventional public water supply treatment plant. The treatment process consists of settling baffled basin (West Basin), one clarifier (East Basin), five multi-media filters and a 0.375 mg clearwell tank. The proposed permit contains limits for total residual chlorine, total suspended solids, and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Public Wholesale Water Supply District No. 12 PO Box 22 Melvern, KS 66510	Melvorn Lake via Unnamed Tributary	Process Wastewater
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Kansas Permit No. I-MC23-PO04  
Federal Permit No. KS0100056

Legal Description: W½, NW¼, SW¼, S12, T18S, R15E, Douglas County, Kansas

Facility Location: 31334 Melvern Lake Pkwy., Melvern, KS 66510

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a conventional public water supply treatment plant. The treatment process consists of a pre-oxidant contact basin, primary and secondary rapid mix basins, two clarifiers, four dual-media constant rate filters, clearwell, 0.75 mg storage tank and high service pump station. The proposed permit contains limits for total residual chlorine, total suspended solids, and pH, as well as monitoring for copper.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Randolph, City of PO Box 2 Randolph, KS 66554	Tuttle Creek Reservoir via Fancy Creek via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. M-BB19-OO01  
Federal Permit No. KS0031721

Legal Description: SW¼, NW¼, SE¼, S21, T7S, R6E, Riley County, Kansas

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Lois and Rick Borg 6204 Cedar Creek Rd. Manhattan, KS 66502	Big Blue River via Cedar Creek	Treated Domestic Wastewater
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Kansas Permit No. C-BB25-OO04  
Federal Permit No. KS0079201

Legal Description: SE¼, NW¼, NE¼, S30, T9S, R8E, Pottawatomie County, Kansas

Facility Name: Rocky Ford Trailer Court

Facility Location: 6201 Cedar Creek Rd., Manhattan, KS 66502

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a two-cell wastewater stabilization lagoon system. Preceding the lagoon treatment are two 200-gallon septic tanks, which are equivalent to "primary" treatment. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, and E. coli, as well as monitoring for ammonia and total phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Severy, City of 100 N. Kansas Ave. Severy, KS 67137	Salt Creek via Unnamed Tributary	Process Wastewater
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Kansas Permit No. I-VE34-PO02  
Federal Permit No. KS0101478

Legal Description: NW¼, NE¼, NW¼, S14, T28S, R11W, Greenwood County, Kansas

Facility Name: Severy Water Treatment Plant

Facility Location: 1990 12th St., Severy, KS 67137

The proposed action is to issue a new State/NPDES permit for a new facility. This is a public water supply treatment plant. The plant consists of conventional treatment processes including flash mix, flocculation, sedimentation, filtration and disinfection. Waste stream from the plant includes the sedimentation basin slow down, spent filter backwash water, online analyzer effluents, process are floor drains, laboratory sinks and floor drains. In compliance with Kansas and federal law, KDHE has approved an antidegradation review for this facility for increased concentrations and mass of some pollutants to the receiving stream. The water quality of the receiving stream will not be lowered below the quality necessary to support existing designated areas. The proposed permit contains limits for total residual chlorine, total suspended solids, and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Unified School District #335 12692 266th Rd. Holton, KS 66436	Straight Creek via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. M-KS23-OO02  
Federal Permit No. KS0094528

Legal Description: NE¼, NE¼, SE¼, S16, T6S, R15E, Jackson County, Kansas

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Waterville, City of 136 E. Commercial Waterville, KS 66548	Little Blue River	Treated Domestic Wastewater
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Kansas Permit No. M-BB22-OO01  
Federal Permit No. KS0048429

Legal Description: NW¼, NW¼, NW¼, S23, T4S, R6E, Marshall County, Kansas

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wichita, City of 1815 W. Pine Wichita, KS 67203	Little Arkansas River	Process Wastewater

Kansas Permit No. I-LA24-PO01  
Federal Permit No. KS0099694

Legal Description: NE¼, NW¼, NW¼, S9, T25S, R1W, Sedgwick County, Kansas

Facility Name: Wichita ASR Phase II Treatment Plant

Facility Location: 11511 N. 119th St. West, Sedgwick, KS 67135

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is an aquifer storage and recovery project – Phase II using a 30 MGD (with potential expansion to 60 MGD) surface water treatment plant, which is capable of treating water from the Little Arkansas River, during high flow conditions. The facility consists of a pre-sedimentation basin, strainers, submerged membranes, HI-POX advanced oxidation process, a clearwell and associated pumps, piping and instrumentation. The only treatment provided for the wastewater is the neutralization of the acid and de-chlorination of the sodium hypochlorite used in the membrane Clean-In-Place process. The proposed permit contains limits for total residual chlorine and pH, as well as monitoring for flow and total suspended solids.

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

All comments regarding the draft documents or application notices received on or before June 20, 2020, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-20-097/101, KS-Q-20-075/092) and name of the applicant/permittee when preparing comments.

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

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas.

These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.  
Secretary

Doc. No. 048151

State of Kansas

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

Notice of Proposed Nursing Facility  
Medicaid Rates for State Fiscal Year 2021;  
Methodology for Calculating Rates,  
and Rate Justifications;

Response to Written Comments;  
Notice of Intent to Amend the Medicaid State Plan

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

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2021, the methodology underlying the establishment of the nursing facility rates, and the justifications for those rates. KDADS and DHCF are also providing notice of the state’s intent to submit amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services’ Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2020.

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

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

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

(continued)

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

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2020. The Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state's rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state may charge a fee for copies, in accordance with Executive Order 18-05. Written requests for copies should be sent to:

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

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

Under the Medicaid program, the State of Kansas pays nursing facilities (NF), nursing facilities for mental health (NFMH), and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The narrative explanation of the nursing facility reimbursement formula is divided into 11 sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, and Retroactive Rate Adjustments.

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

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

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

##### Calendar Year End Cost Reports:

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in K.A.R. 129-10-17.

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

##### Projected Cost Reports:

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

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

##### Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2017, 2018, and 2019.

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

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

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to April 30, 2019. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

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

The case mix of the residents adjusts the Direct Health Care cost center. The reasoning behind a case mix payment system is that the characteristics of the residents in a facility should be considered in determining the pay-

ment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

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

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

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

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to April 30, 2019. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to April 30, 2019. The provider shall remain in new enrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

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

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2017-2019. If base cost data is not available, the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to April 30, 2019. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to April 30, 2019. The provider shall remain in change-of-provider status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

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

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

All cost data used to set rates for facilities reentering the program shall be adjusted to April 30, 2019. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to April 30, 2019. The provider shall remain in reenrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

#### **3) Quarterly Case Mix Index Calculation**

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

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

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

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents, including those receiving hospice services, where Medicaid is known to be a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is the simple average, carried to four decimal places, of all indices for residents where neither Medicaid nor Medicare were known to be the payer source on the first day of the calendar quarter or at any time

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during the preceding quarter. Case mix indices for ventilator-dependent residents for whom additional reimbursement has been determined shall be excluded from the average CMI calculations.

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

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

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

#### 4) Resident Days

##### Facilities with 60 beds or less:

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

##### Facilities with more than 60 beds:

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

There are two exceptions to the 85% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previ-

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

#### 5) Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to April 30, 2019. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

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

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

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

#### 6) Upper Payment Limits

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

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

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

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five

percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2019 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

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

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

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2020.

Cost Center Upper Payment Limits

Schedule B is an array of all per diem costs for each of the three cost centers-Operating, Indirect Health Care, and Direct Health Care. The schedule includes a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field

audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to April 30, 2019. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Global Insight, CMS Nursing Home Without Capital Market Basket Index.

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

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

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

Direct Health Care Cost Center Limit:

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

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

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

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

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's inflated case mix adjusted base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology

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gy. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are eight million resident days, the facility in the array with the 4 millionth day would set the median.

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

#### 7) Quarterly Case Mix Rate Adjustment

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

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

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

#### 8) Real and Personal Property Fee

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an al-

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

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

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

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

#### 9) Incentive Factors

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

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

The Nursing Facility Incentive Factor is a per diem amount determined by four per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$3.00 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.50 per diem add-on. Providers that achieve a staff retention rate at or above the 75th percentile will earn a \$2.50 per diem add-on as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers that have a staff retention rate lower than the 75th percentile but that increase their staff

retention rate by 10% or more will receive a per diem add-on of \$0.50 as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs. Providers that have a Medicaid occupancy percentage of 65% or more will receive a \$0.75 per diem add-on. Finally, providers that maintain quality measures at or above the 75th percentile will earn a \$1.25 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

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

Incentive Outcome	Incentive Add-Ons
CMI adjusted staffing ratio ≥ 75th percentile (5.24), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$3.00 \$0.50
Staff retention rate ≥ 75th percentile, 72% Contracted labor < 10% of total direct health care labor costs or Staff retention rate < 75th percentile but increased ≥ 10% Contracted labor < 10% of total direct health care labor costs	\$2.50 \$0.50
Medicaid occupancy ≥ 65%	\$0.75
Quality Measures ≥ 75th percentile (670)	\$1.25
<b>Total Incentive Add-on Available</b>	<b>\$7.50</b>

The Culture Change/Person-Centered Care Incentive Program

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

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

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

Level & Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 0 The Foundation \$0.50	Home completes the KCCI evaluation tool according to the application instructions. Home participates in all required activities noted in “The Foundation” timeline and workbook. Homes that do not complete the requirements at this level must sit out of the program for one year before they are eligible for reapplication.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.

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

(continued)

Level & Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 5 Person-Centered Care Mentor Home \$3.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.

**Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:**

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

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

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.64, which is 120% of the statewide NFMH median of 3.03. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.33, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

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

NFMH providers may earn one point for low operating expense outcomes measures. The provider will earn one point if the per diem operating expenses are below \$27.88, or 90% of the statewide median of \$30.98.

NFMH providers may earn up to two points for the turnover rate outcomes measure. Providers with direct health care staff turnover equal to or below 37%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 37% but equal to or below 67%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for the retention rate outcomes measure. Providers with staff retention rates at or above 64%, the 75th percentile

statewide will earn two points. Providers with staff retention rates below 48% but at or above 60%, the 50th percentile statewide, will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 120% (3.64) of NF-MH median (3.03), or CMI adjusted staffing ratio between 110% (3.33) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$27.88, 90% of NF-MH median, \$30.98	1
Staff turnover rate ≤ 75th percentile, 37% Staff turnover rate ≤ 50th percentile, 67% Contracted labor < 10% of total direct health care labor costs	2, or 1
Staff retention ≥ 75th percentile, 64% Staff retention ≥ 50th percentile, 48%	2, or 1
<b>Total Incentive Points Available</b>	<b>8</b>

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

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

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

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

**10) Rate Effective Date**

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

**11) Retroactive Rate Adjustments**

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

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year

cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

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

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

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

**A. Cost Center Limitations:** The state proposes the following cost center limitations which are used in setting rates effective July 1, 2020.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$40.50
Indirect Health Care	115% of the Median Cost	\$54.86
Direct Health Care	130% of the Median Cost	\$132.63
Real and Personal Property Fee	105% of the Median Fee	\$10.01

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Health-care Limit is calculated based on a CMI of 1.0421, which is the statewide average.

**B. Case Mix Index:** These proposed rates are based upon each nursing facility's Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with a cutoff dates of January 1, 2020 and April 1, 2020. The CMI calculations use the July 1, 2014 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its per diem rate.

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

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	209.46	0.9297
Alma Manor	Alma	174.93	0.9047
Life Care Center of Andover	Andover	165.86	1.0795
Victoria Falls SNF	Andover	178.11	0.9581
Anthony Community Care Center	Anthony	172.75	0.9497
Arkansas City Presbyterian Manor	Arkansas City	193.10	0.9696
Medicalodges Health Care Ctr Arkansas	Arkansas City	178.79	0.9732
Arma Operator. LLC	Arma	172.90	1.2220
Atchison Senior Village	Atchison	230.31	1.0012
Dooley Center	Atchison	217.20	0.7768
Medicalodges Atchison	Atchison	216.11	1.0613
Attica Long Term Care	Attica	208.46	0.8998
Good Samaritan Society-Atwood	Atwood	209.10	0.9921
Lake Point Nursing Center	Augusta	175.10	0.9625
Baldwin Healthcare & Rehab Center	Baldwin City	205.81	1.2661
Quaker Hill Manor	Baxter Springs	184.58	1.0132
Catholic Care Center Inc.	Bel Aire	228.10	1.0600
Belleville Healthcare Center	Belleville	176.03	1.0917
Hilltop Lodge Health and Rehab	Beloit	194.00	1.0078
Mitchell County Hospital LTCU	Beloit	220.04	0.9428
Bonner Springs Nursing & Rehab Ctr	Bonner Springs	174.09	1.0113
Hill Top House	Bucklin	210.27	0.8880
Buhler Sunshine Home, Inc.	Buhler	211.54	0.8437
Life Care Center of Burlington	Burlington	153.90	0.9999

Facility Name	City	Daily Rate	Medicaid CMI
Eastridge Nursing Home	Centralia	239.35	1.0240
Diversicare of Chanute	Chanute	179.85	1.2154
Heritage Health Care Center	Chanute	176.61	1.0844
Chapman Valley Manor	Chapman	174.41	0.8407
Cheney Golden Age Home Inc.	Cheney	184.50	0.9343
Cherryvale Care Center	Cherryvale	164.66	0.9403
Chetopa Manor	Chetopa	176.75	0.8779
The Shepherd's Center	Cimarron	209.39	0.8915
Clay Center Presbyterian Manor	Clay Center	193.63	0.9190
Medicalodges Clay Center	Clay Center	224.87	1.0922
Clearwater Nursing and Rehab	Clearwater	181.97	0.9530
Park Villa Nursing Home	Clyde	177.30	1.0007
Medicalodges Coffeyville	Coffeyville	215.03	1.0266
Windsor Place	Coffeyville	200.71	1.1256
Windsor Place at Iola, LLC	Coffeyville	187.12	0.9827
Colby Operator, LLC	Colby	189.22	1.1549
Prairie Senior Living Complex	Colby	223.66	0.8662
Pioneer Lodge	Coldwater	173.17	0.7777
Medicalodges Columbus	Columbus	203.85	1.0694
Mt Joseph Senior Village, LLC	Concordia	182.34	0.9898
Sunset Home, Inc.	Concordia	180.59	0.8993
Spring View Manor	Conway Springs	182.67	0.8923
Chase County Operator LLC	Cottonwood Falls	216.55	1.0338
Diversicare of Council Grove	Council Grove	167.75	1.0321
Hilltop Manor Nursing Center	Cunningham	181.03	1.0372
Derby Health and Rehabilitation	Derby	213.92	1.0873
Westview of Derby	Derby	157.74	1.0411
Hillside Village	DeSoto	188.98	0.9600
Manor of the Plains	Dodge City	229.28	1.0891
Sunporch of Dodge City	Dodge City	196.48	0.9505
Trinity Manor	Dodge City	195.27	1.0937
Downs Operator LLC	Downs	210.35	1.3218
Country Care Home	Easton	167.30	0.9376
Edwardsville Operator LLC	Edwardsville	173.44	0.7625
Kaw River Operator, LLC	Edwardsville	229.22	1.1989
Parkway Operator LLC	Edwardsville	194.80	1.1635
El Dorado Operator LLC	El Dorado	217.09	1.1530
Lakepoint Nursing Center-El Dorado	El Dorado	185.30	1.0006
Morton Co Senior Living Community	Elkhart	202.81	1.1007
Good Samaritan Society-Ellis	Ellis	182.51	0.9465
Azria Health Woodhaven	Elliswood	209.26	1.1767
Good Sam Society-Ellsworth Village	Ellsworth	191.34	1.1552
Emporia Presbyterian Manor	Emporia	225.99	1.1732
Flint Hills Care and Rehab Center	Emporia	201.93	1.0744
Holiday Resort	Emporia	172.91	1.0405
Enterprise Estates Nursing Center, Inc	Enterprise	174.17	1.0766
Esckridge Operator LLC	Esckridge	166.22	0.8371
Medicalodges Eudora	Eudora	180.66	1.0218
Eureka Nursing Center	Eureka	178.27	1.0471
Kansas Soldiers' Home	Fort Dodge	214.50	0.9243
Medicalodges Fort Scott	Fort Scott	185.02	0.9750
Fowler Residential Care	Fowler	229.44	0.9264
Frankfort Community Care Home, Inc.	Frankfort	189.11	0.8842
Medicalodges Frontenac	Frontenac	188.06	1.0266
Galena Nursing Home	Galena	189.49	1.1442
Garden Valley Retirement Village	Garden City	186.58	1.1862
Ranch House Senior Living	Garden City	199.16	0.9333
Meadowbrook Rehab Hosp., LTCU	Gardner	258.58	1.1793
Medicalodges Gardner	Gardner	191.62	0.9256
Anderson County Hospital	Garnett	233.71	0.9566
Parkview Heights	Garnett	217.38	1.0036
Medicalodges Girard	Girard	194.09	0.9889
The Nicol Home, Inc.	Glasco	182.46	0.9294
Medicalodges Goddard	Goddard	206.60	1.0248
Bethesda Home	Goessel	224.09	1.0032
Topside Manor, Inc.	Goodland	195.64	0.9712
Great Bend Health and Rehab Center	Great Bend	194.42	1.1104

(continued)

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Medicalodges Great Bend	Great Bend	179.92	0.9290	Merriam Gardens Healthcare & Rehab	Merriam	234.85	1.1886
Halstead Health and Rehab Center	Halstead	213.73	1.0893	Great Plains of Ottawa County, Inc.	Minneapolis	245.80	1.0314
Haviland Operator, LLC	Haviland	122.43	0.6685	Minneapolis Health and Rehabilitation	Minneapolis	199.37	1.0324
Good Samaritan Society-Hays	Hays	204.44	1.1005	Minneola District Hospital-LTCU	Minneola	217.90	0.8632
Via Christi Village-Hays	Hays	188.10	0.9423	Bethel Home, Inc.	Montezuma	191.85	0.8886
Diversicare of Haysville	Haysville	167.84	1.1830	Moran Manor	Moran	166.87	0.9858
Legacy at Herington	Herington	176.35	1.0059	Moundridge Manor, Inc.	Moundridge	207.20	0.8664
Schowalter Villa	Hesston	237.53	1.0189	Pine Village	Moundridge	216.59	1.0391
Maple Heights of Hiawatha	Hiawatha	155.24	0.9512	Mt. Hope Nursing Center	Mt. Hope	185.13	0.9579
Highland Healthcare and Rehab Center	Highland	189.33	1.1822	Villa Maria, Inc.	Mulvane	218.13	1.1255
Dawson Place, Inc.	Hill City	171.64	0.9474	Neodesha Operator LLC	Neodesha	191.51	1.1413
Parkside Homes, Inc.	Hillsboro	200.34	0.8258	Ness County Hospital Dist.#2	Ness City	223.53	0.9342
Salem Home	Hillsboro	203.43	1.0370	Asbury Park	Newton	210.63	0.8771
Medicalodges Jackson County	Holton	198.99	1.0508	Kansas Christian Home	Newton	219.24	1.0322
Mission Village Living Center	Horton	149.65	0.9316	Newton Presbyterian Manor	Newton	219.95	1.0095
Sheridan County Hospital	Hoxie	229.41	0.9605	Bethel Care Center	North Newton	234.17	0.9944
Pioneer Manor	Hugoton	219.76	0.8570	Andbe Home, Inc.	Norton	195.53	0.9899
Diversicare of Hutchinson	Hutchinson	184.97	1.1216	Village Villa	Nortonville	179.00	1.0982
Good Sam Society-Hutchinson Village	Hutchinson	218.03	0.9604	Logan County Manor	Oakley	223.96	0.8923
Hutchinson Operator, LLC	Hutchinson	181.71	1.1700	Good Samaritan Society-Decatur Co.	Oberlin	205.05	0.9088
Wesley Towers	Hutchinson	222.99	0.8852	Aberdeen Village, Inc.	Olathe	254.07	1.0958
Medicalodges Independence	Independence	191.15	0.9703	Azria Health at Olathe	Olathe	226.09	1.1810
Montgomery Place Nursing Center, LLC	Independence	190.27	1.1655	Evergreen Community of Johnson Count	Olathe	235.01	0.9845
Pleasant View Home	Inman	205.33	0.9166	Good Samaritan Society-Olathe	Olathe	220.29	0.9384
Stanton County Hospital- LTCU	Johnson	215.06	0.8863	Nottingham Health & Rehab	Olathe	238.97	1.1568
Valley View Senior Life	Junction City	196.45	0.9827	Pinnacle Ridge Nursing and Rehabilitation	Olathe	202.65	1.1709
Golden Oaks Healthcare, Inc.	Kansas City	241.45	1.3079	The Healthcare Resort of Olathe	Olathe	234.89	1.2808
Ignite Medical Resort	Kansas City	231.78	1.1857	Villa St. Francis Catholic Care Ctr.	Olathe	221.11	1.0675
Lifecare Center of Kansas City	Kansas City	181.52	0.9771	Onaga Operator, LLC	Onaga	174.09	1.3152
Medicalodges Post Acute Care Center	Kansas City	192.28	0.9917	Osage Nursing & Rehab Center	Osage City	167.57	1.0042
Providence Place LTCU	Kansas City	231.73	0.9530	Life Care Center of Osawatomie	Osawatomie	193.11	1.2391
Riverbend Post Acute Rehabilitation	Kansas City	209.22	1.1824	Parkview Care Center	Osborne	156.48	0.8810
The Wheatlands	Kingman	192.13	1.0549	Hickory Pointe Care & Rehab Ctr	Oskaloosa	207.91	0.9372
Medicalodges Kinsley	Kinsley	217.81	1.0318	Oswego Operator, LLC	Oswego	193.35	1.2439
Kiowa District Manor	Kiowa	205.08	0.8505	Rock Creek of Ottawa	Ottawa	197.34	1.1879
Locust Grove Village	Lacrosse	201.76	0.9563	Brookside Manor	Overbrook	173.85	1.0907
High Plains Retirement Village	Lakin	225.94	0.9301	Colonial Village	Overland Park	250.58	1.1575
Lansing Operator LLC	Lansing	204.38	1.1095	Delmar Gardens of Overland Park	Overland Park	204.80	0.9870
Twin Oaks Health & Rehab	Lansing	200.17	1.0689	Garden Terrace at Overland Park	Overland Park	183.11	1.1990
Diversicare of Larned	Larned	155.47	1.0529	Indian Creek Health and Rehab	Overland Park	194.94	1.0886
Brandon Woods at Alvarar	Lawrence	201.69	0.9238	KPC Promise Hospital of Overland Park	Overland Park	247.91	1.5298
Lawrence Presbyterian Manor	Lawrence	217.18	0.9759	Overland Park Center for Rehab & HC	Overland Park	249.84	1.2092
Pioneer Ridge Retirement Community	Lawrence	204.87	1.0075	Overland Park Nursing & Rehab	Overland Park	223.41	1.0411
Medicalodges Leavenworth	Leavenworth	203.36	1.0103	Shawnee Post Acute Rehab Center	Overland Park	241.36	1.2382
The Healthcare Resort of Leawood	Leawood	241.30	1.2003	Stratford Commons Rehab & HCC	Overland Park	259.67	1.1924
Delmar Gardens of Lenexa	Lenexa	173.57	1.0151	Tallgrass Creek, Inc.	Overland Park	221.00	0.8900
Lakeview Village	Lenexa	246.15	1.0952	Villa Saint Joseph	Overland Park	226.39	0.9950
Westchester Village of Lenexa	Lenexa	235.56	1.0024	Village Shalom, Inc.	Overland Park	248.10	1.0515
Leonardville Nursing Home	Leonardville	179.70	0.9508	ML-OP Oxford, LLC	Oxford	178.33	0.8989
Wichita County Health Center	Leoti	229.62	0.9785	Medicalodges Paola	Paola	140.03	0.7489
Good Samaritan Society-Liberal	Liberal	185.51	1.0131	North Point Skilled Nursing Center	Paola	195.58	1.1074
Wheatridge Park Care Center	Liberal	196.88	1.1828	Elmhaven East	Parsons	176.98	1.0194
Lincoln Park Manor, Inc.	Lincoln	206.53	0.9145	Good Samaritan Society-Parsons	Parsons	184.14	0.9179
Bethany Home Association	Lindsborg	232.53	1.0556	Parsons Presbyterian Manor	Parsons	219.59	1.0311
Linn Community Nursing Home	Linn	179.31	1.0279	Franklin Healthcare of Peabody, LLC	Peabody	154.31	0.6922
Sandstone Heights Nursing Home	Little River	245.16	1.0555	Peabody Operator, LLC	Peabody	152.73	1.0355
Logan Manor Community Health Service	Logan	181.55	0.9806	Phillips County Retirement Center	Phillipsburg	182.51	0.8935
Louisburg Healthcare and Rehab Center	Louisburg	204.02	1.1672	Medicalodges Pittsburg South	Pittsburg	189.36	1.0305
Good Samaritan Society-Lyons	Lyons	192.10	0.9221	Pittsburg Operator LLC	Pittsburg	194.31	1.0261
Meadowlark Hills Retirement Community	Manhattan	239.82	1.0380	Via Christi Village Pittsburg, Inc.	Pittsburg	213.32	1.1405
Stoneybrook Retirement Community	Manhattan	181.55	1.0111	Rooks County Senior Services, Inc.	Plainville	196.76	1.0050
Via Christi Village Manhattan, Inc.	Manhattan	204.33	1.0294	Brighton Gardens of Prairie Village	Prairie Village	219.47	1.0757
St. Luke Living Center	Marion	203.38	1.0098	Pratt Operator, LLC	Pratt	160.26	1.2063
Riverview Estates, Inc.	Marquette	177.36	0.7719	Pratt Regional Medical Center	Pratt	232.73	1.0388
Cambridge Place	Marysville	175.06	0.9890	Prairie Sunset Manor	Pretty Prairie	221.64	1.4859
McPherson Operator, LLC	McPherson	176.88	1.1210	Protection Valley Manor	Protection	152.15	0.7499
The Cedars, Inc.	McPherson	210.88	0.9562	Gove County Medical Center	Quinter	229.63	0.9300
Meade District Hospital, LTCU	Meade	226.02	0.9124				

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Grisell Memorial Hosp Dist #1-LTCU	Ransom	223.14	0.9139	Healthcare Resort of Wichita	Wichita	249.85	1.0416
Richmond Healthcare and Rehab Center	Richmond	197.54	1.2006	Homestead Health Center, Inc.	Wichita	217.06	0.8906
Fountainview Nursing and Rehab Center	Rose Hill	213.24	1.1861	Kansas Masonic Home	Wichita	220.51	1.0767
Rossville Healthcare and Rehab Center	Rossville	199.71	1.2285	Lakepoint Wichita LLC	Wichita	176.91	1.0133
Russell Regional Hospital	Russell	223.71	0.8684	Legacy at College Hill	Wichita	162.55	0.9986
Wheatland Nursing & Rehab Center	Russell	166.23	0.9838	Life Care Center of Wichita	Wichita	186.72	1.0967
Apostolic Christian Home	Sabetha	176.59	0.9213	Medicalodges Wichita	Wichita	200.88	1.0111
Sabetha Nursing Center	Sabetha	173.15	1.0563	Meridian Rehab and Health Care Center	Wichita	137.49	0.9297
Holiday Resort of Salina	Salina	187.93	1.0036	Mount St Mary	Wichita	227.90	0.9649
Kenwood View Health and Rehab Center	Salina	183.95	1.3345	Orchard Gardens LLC	Wichita	185.38	0.9978
Pinnacle Park Nursing and Rehabilitation	Salina	169.83	1.1363	Regent Park Rehab and Healthcare	Wichita	231.86	1.0864
Salina Presbyterian Manor	Salina	177.96	0.8722	Sandpiper Healthcare and Rehab Center	Wichita	175.65	1.3394
Salina Windsor SNF OPCO, LLC	Salina	171.34	1.0365	Seville Operator, LLC	Wichita	187.80	1.2092
Smoky Hill Rehabilitation Center	Salina	153.15	0.9955	The Health Care Center@Larksfield Place	Wichita	206.85	0.9100
Satanta Dist. Hosp. LTCU	Satanta	216.80	0.8840	Via Christi Village McLean, Inc.	Wichita	229.12	1.3377
Park Lane Nursing Home	Scott City	213.65	0.9433	Via Christi Village Ridge	Wichita	219.25	1.0285
Pleasant Valley Manor	Sedan	166.09	0.9423	Wichita Center for Rehab and Healthcare	Wichita	225.38	1.2872
Diversicare of Sedgwick	Sedgwick	189.67	1.1701	Wichita Operator LLC	Wichita	222.20	1.1694
Crestview Nursing & Residential Living	Seneca	162.23	0.9113	Wichita Presbyterian Manor	Wichita	210.37	0.9425
Life Care Center of Seneca	Seneca	147.96	1.0723	Wilson Operator LLC	Wilson	225.89	1.4190
Wallace County Community Center	Sharon Springs	226.73	1.0379	F W Huston Medical Center	Winchester	156.47	0.8748
Brookdale Rosehill	Shawnee	262.78	1.1320	Cumbernauld Village, Inc.	Winfield	216.66	0.9146
Sharon Lane Health and Rehabilitation	Shawnee	147.32	1.0292	Kansas Veterans' Home	Winfield	209.89	0.9323
Shawnee Gardens Healthcare and Rehab	Shawnee	185.58	1.3216	Winfield Rest Haven II LLC	Winfield	224.57	0.9432
Smith Center Operator, LLC	Smith Center	170.71	1.1789	Winfield Senior Living Community	Winfield	196.05	1.0577
Sunporch of Smith County	Smith Center	220.60	1.0002	Yates Operator, LLC	Yates Center	179.43	1.3357
Mennonite Friendship Manor, Inc.	South Hutchinson	223.07	1.0064				
Spring Hill Operator LLC	Spring Hill	208.60	1.1267				
Cheyenne County Village, Inc.	St. Francis	238.43	0.9886				
Leisure Homestead at St. John	St. John	181.91	0.8979				
Community Hospital of Onaga, LTCU	St. Mary's	208.64	0.9604				
Prairie Mission Retirement Village	St. Paul	161.89	1.0144				
Leisure Homestead at Stafford	Stafford	181.22	1.0075				
Sterling Village	Sterling	225.38	0.8662				
Solomon Valley Manor	Stockton	194.50	0.9940				
Legend Healthcare	Tonganoxie	183.55	1.1055				
Aldersgate Village	Topeka	227.24	1.0181				
Brewster Health Center	Topeka	232.27	0.9148				
Brighton Place North	Topeka	105.57	0.7371				
Brighton Place West	Topeka	138.40	0.9170				
Countryside Health Center	Topeka	107.62	0.7137				
Legacy on 10th Ave.	Topeka	186.99	1.1531				
Lexington Park Nursing and Post Acute	Topeka	221.26	0.9304				
McCrite Plaza Health Center	Topeka	210.90	0.9084				
Providence Living Center	Topeka	139.04	0.8790				
Recover-Care Plaza West Care Center	Topeka	232.26	1.1860				
Rolling Hills Health Center	Topeka	193.88	1.0058				
Tanglewood Nursing and Rehabilitation	Topeka	166.12	1.1163				
Top City Healthcare, Inc.	Topeka	222.25	1.2388				
Topeka Center for Rehab and Healthcare	Topeka	243.27	1.3472				
Topeka Presbyterian Manor Inc.	Topeka	243.29	1.1021				
Greeley County Hospital, LTCU	Tribune	226.08	0.9615				
Western Prairie Senior Living	Ulysses	205.28	0.9354				
Valley Health Care Center	Valley Falls	157.32	0.6302				
Trego Co. Lemke Memorial LTCU	Wakeeney	224.86	0.9305				
Wakefield Operator LLC	Wakefield	225.26	1.2180				
Good Samaritan Society-Valley Vista	Wamego	207.79	0.9460				
The Centennial Homestead, Inc.	Washington	181.00	0.8441				
Wathena Healthcare and Rehab Center	Wathena	205.42	1.2556				
Coffey County Hospital	Waverly	212.54	0.9637				
Wellington Operator LLC	Wellington	182.20	1.0847				
Sumner Operator, LLC	Wellington	177.33	1.0850				
Wellsville Manor	Wellsville	161.06	1.0857				
Westy Community Care Home	Westmoreland	170.78	0.8818				
Wheat State Manor	Whitewater	186.81	0.8873				
Avita Health & Rehab of Reeds Cove	Wichita	206.89	1.0938				
Caritas Center	Wichita	218.45	0.8139				
Family Health & Rehabilitation Center	Wichita	207.12	1.0911				

**III. Justifications for the Rates**

1. The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
3. The State's analyses project that the rates:
  - a. Would result in payment, in the aggregate of 93.61% of the Medicaid day weighted average inflated allowable nursing facility costs state-wide; and
  - b. Would result in a maximum allowable rate of \$238.00 (for a CMI of 1.0421); with the total average allowable cost being \$195.31.
  - c. Average Payment rate July 1, 2020 \$195.31
  - d. Average payment rate July 1, 2019 \$192.00

Amount of change	\$3.31
Percent of change	0.72%
4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$2.50 million.
5. The state estimates that the rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
  - a. Service providers operating a total of 320 nursing facilities and hospital-based long-term care

(continued)

units (representing 96.1% of all the licensed nursing facilities and long-term care units in Kansas) participate in the Medicaid program;

- b. There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 99 of the 105 counties in Kansas;
  - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 81.9%;
  - d. The statewide average Medicaid occupancy rate for participating facilities is 58.67%; and
  - e. The rates would cover 94.58% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the methodology will result in compliance with the federal regulation.

#### IV. Request for Comments; Request for Copies

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver, or fax their signed, written comments before the close of business on June 1, 2020 to:

Georgianna Correll  
Facility Program and Finance Director  
Kansas Department for Aging and Disability Services  
New England Building  
503 S. Kansas Ave.  
Topeka, KS 66603-3404  
Fax: 785-296-0256

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

The state intends to submit Medicaid State Plan amendments to CMS on or before September 30, 2020.

Laura Howard, Secretary  
Department for Aging and Disability Services

Adam Proffitt, Medicaid Director  
Department of Health and Environment  
Division of Health Care Finance

Doc. No. 48149

(Published in the Kansas Register May 21, 2020.)

### City of Goddard, Kansas

#### Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2020-2

Notice is hereby given that the City of Goddard, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$835,000. The proposed sale of the Bonds is in all

respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated May 4, 2020.

Teri Laymon  
Clerk

Doc. No. 048155

(Published in the Kansas Register May 21, 2020)

### City of Elk City, Kansas

#### Notice of Intent to Seek Private Placement \$925,000 General Obligation Bonds Series 2020 (Water Treatment Plant Improvements)

Notice is hereby given that the City of Elk City, Kansas, proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$925,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Kendria Schnug  
City Clerk

Doc. No. 048150

### State of Kansas

#### Wildlife, Parks and Tourism Commission

#### Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m. Thursday, June 25, 2020, at the New Strawn Community Center, 319 Getz St., New Strawn, Kansas, to consider the approval and adoption of the proposed regulation of the Kansas Department of Wildlife, Parks and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks and Tourism Commission will begin at 1:30 p.m. June 25, 2020 at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 26 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting

and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

**K.A.R. 115-25-9a.** This exempt regulation establishes the open season, bag limits, permits, and additional considerations for the military subunits for deer. The proposed version of the regulation merely updates the season dates from previous versions.

**Economic Impact Summary:** The economic impact to all deer seasons is contained in K.A.R. 115-25-9. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of this regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.ksoutdoors.com](http://www.ksoutdoors.com) or by calling 785-296-2281.

Gerald Lauber  
Chairman

Doc. No. 048146

## State of Kansas

### Bureau of Investigation

#### Notice of Hearing on Proposed Administrative Regulations

In response to concerns related to COVID-19, the public hearing on the Kansas Bureau of Investigation (KBI) proposed administrative regulations K.A.R. 10-24-1, 10-24-2, and 10-24-3, scheduled for May 26, 2020, has been modified in format. Notice of the public hearing, which was published in the March 26, 2020 Kansas Register (Vol. 39, No. 13), is therefore amended. The public hearing will be conducted at 9:00 a.m. Tuesday, May

26, 2020, and anyone wanting to join the public hearing may do so by calling 1-877-278-8686 (Participant PIN: 876424) at the time of the hearing. Public comment will be limited only to written comment and telephonic comment. There have been no changes to the proposed regulations or the economic impact from the notice published March 26, 2020.

This amended notice of the public hearing does not change the 60-day public comment period which began March 26, 2020, and the KBI will continue to receive written public comments on the proposed rules and regulations until the end of that period. All interested parties may submit written comments prior to the hearing to the Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, KS 66612, or by email to Kelly.McPherron@kbi.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Kelly McPherron at 785-296-8200, (or TTY 1-800-766-3777).

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the KBI, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be requested from Kelly.McPherron@kbi.state.ks.us, or by writing to Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, KS 66612 (attn: Kelly McPherron).

**K.A.R. 10-24-1 – Definitions.** This is a new regulation that defines the following terms: "KBI"; "Repository"; "Seller"; and "Transaction." These definitions serve to assist in understanding the terms as they are used in K.A.R. 10-24-2 and 10-24-3. This regulation will have no economic impact.

**K.A.R. 10-24-2 – Information to be submitted.** This is a new regulation that sets forth what information scrap metal dealers shall submit to the KBI for entry into the repository. An economic impact on scrap metal dealers is possible and potentially could result from staff time spent inputting or submitting the required information. Any possible economic impact would depend on the manner of submission utilized (as set forth in K.A.R. 10-24-3).

**K.A.R. 10-24-3 – Manner of submission.** This is a new regulation that identifies how information needs to be submitted to the Kansas scrap metal data repository maintained at the KBI. The regulation identifies two

(continued)

manners of submission: an electronic form online or a standard software interface that electronically transfers the information from the scrap metal dealer's transaction storage system to the repository. This regulation may have an economic impact on scrap metal dealers, as one of the manners of submission includes using a standard

software interface. If scrap metal dealers opt to utilize an interface, there would be costs associated with building and implementing such an interface.

Kirk D. Thompson  
Director

Doc. No. 048147

## 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 2019 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at [http://www.sos.ks.gov/pubs/pubs\\_kar.aspx](http://www.sos.ks.gov/pubs/pubs_kar.aspx).

### AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-34-1	New	V. 38, p. 57
4-34-2	New	V. 38, p. 58
4-34-3	New	V. 38, p. 58
4-34-4	New	V. 38, p. 59
4-34-5	New	V. 38, p. 59
4-34-6	New	V. 38, p. 61
4-34-7	New	V. 38, p. 62
4-34-8	New	V. 38, p. 62
4-34-9	New	V. 38, p. 63
4-34-10	New	V. 38, p. 64
4-34-11	New	V. 38, p. 64
4-34-12	New	V. 38, p. 64
4-34-13	New	V. 38, p. 65
4-34-14	New	V. 38, p. 65
4-34-15	New	V. 38, p. 66
4-34-16	New	V. 38, p. 66
4-34-17	New	V. 38, p. 67
4-34-18	New	V. 38, p. 67
4-34-19	New	V. 38, p. 68
4-34-20	New	V. 38, p. 68
4-34-21	New	V. 38, p. 70

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

Reg. No.	Action	Register
5-21-7	Revoked	V. 38, p. 1296
5-25-2	Amended	V. 38, p. 1296
5-25-4	Amended	V. 38, p. 1296
5-25-22	New	V. 38, p. 1297

### AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-47-1	New (T)	V. 38, p. 855
7-47-1	New	V. 38, p. 1113

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

Reg. No.	Action	Register
9-18-6	Amended	V. 38, p. 55
9-18-9	Amended	V. 38, p. 56

9-18-23	New	V. 38, p. 1407
9-18-28	Amended	V. 38, p. 56
9-23-1	Revoked	V. 38, p. 1408
9-23-2	Revoked	V. 38, p. 1408
9-23-3	Revoked	V. 38, p. 1408

### AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	Amended	V. 38, p. 1089
10-23-1	New	V. 38, p. 773
10-23-2	New	V. 38, p. 773
10-23-3	New	V. 38, p. 773
10-23-4	New	V. 38, p. 773
10-23-5	New	V. 38, p. 773
10-23-6	New	V. 38, p. 773

### AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-6-4	Revoked (T)	V. 38, p. 856
14-6-4	Revoked	V. 38, p. 1203

### AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-18-1	New	V. 38, p. 856
16-18-2	New	V. 38, p. 856
16-18-3	New	V. 38, p. 857
16-19-1	New	V. 39, p. 208
16-19-2	New	V. 39, p. 208
16-19-3	New	V. 39, p. 208
16-20-1	New (T)	V. 39, p. 462

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

Reg. No.	Action	Register
17-23-9	Revoked	V. 39, p. 146

### AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-20	Amended	V. 38, p. 924
28-4-133	New	V. 38, p. 1434
28-15-52	Amended	V. 39, p. 171
28-15-53	Amended	V. 39, p. 171
28-24-1	Amended	V. 39, p. 336
28-24-2	Amended	V. 39, p. 336
28-24-3	Amended	V. 39, p. 336
28-24-4	Amended	V. 39, p. 337
28-24-5	Amended	V. 39, p. 337
28-24-6	Amended	V. 39, p. 337
28-24-7	Amended	V. 39, p. 337
28-24-8	Amended	V. 39, p. 337
28-24-9	Amended	V. 39, p. 337
28-24-10	Amended	V. 39, p. 338
28-24-11	Amended	V. 39, p. 338
28-24-12	Amended	V. 39, p. 338
28-24-13	Amended	V. 39, p. 339
28-24-14	Amended	V. 39, p. 339
28-35-146a	Amended	V. 38, p. 130
28-35-147a	Amended	V. 38, p. 130
28-55-1	Revoked	V. 38, p. 1024
28-55-2	Revoked	V. 38, p. 1024
28-55-3	Revoked	V. 38, p. 1025

28-55-4	Revoked	V. 38, p. 1025
28-55-5	Revoked	V. 38, p. 1025

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

Reg. No.	Action	Register
30-4-34	Amended	V. 38, p. 403
30-4-35	Amended	V. 38, p. 403
30-4-36	Amended	V. 38, p. 403
30-4-40	Amended	V. 38, p. 403
30-4-41	Amended	V. 38, p. 404
30-4-50	Amended	V. 38, p. 404
30-4-51	Amended	V. 38, p. 405
30-4-54	Amended	V. 38, p. 405
30-4-64	Amended	V. 38, p. 406
30-4-90	Revoked	V. 38, p. 407
30-4-98	Amended	V. 38, p. 407
30-4-100	Amended	V. 38, p. 407
30-4-107	Amended	V. 38, p. 408
30-4-109	Amended	V. 38, p. 408
30-4-111	Amended	V. 38, p. 409
30-4-113	Amended	V. 38, p. 409
30-4-120	Revoked	V. 38, p. 410
30-4-130	Amended	V. 38, p. 410
30-4-140	Amended	V. 38, p. 412
30-46-10	Amended	V. 38, p. 128
30-46-13	Amended	V. 38, p. 128
30-46-15	Amended	V. 38, p. 129
30-46-17	Amended	V. 38, p. 129

### AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT—MINED-LAND CONSERVATION AND RECLAMATION

Reg. No.	Action	Register
47-2-75	Amended	V. 38, p. 84
47-3-1	Amended	V. 38, p. 86
47-3-2	Amended	V. 38, p. 86
47-3-42	Amended	V. 38, p. 86
47-5-5a	Amended	V. 38, p. 90
47-6-1	Amended	V. 38, p. 93
47-6-2	Amended	V. 38, p. 93
47-6-3	Amended	V. 38, p. 94
47-6-4	Amended	V. 38, p. 94
47-6-6	Amended	V. 38, p. 94
47-6-8	Amended	V. 38, p. 94
47-6-9	Amended	V. 38, p. 95
47-6-10	Amended	V. 38, p. 95
47-6-11	Amended	V. 38, p. 95
47-7-2	Amended	V. 38, p. 96
47-8-9	Amended	V. 38, p. 96
47-9-1	Amended	V. 38, p. 97
47-9-4	Amended	V. 38, p. 103
47-10-1	Amended	V. 38, p. 103
47-11-8	Amended	V. 38, p. 105
47-12-4	Amended	V. 38, p. 105
47-13-4	Amended	V. 38, p. 106
47-14-7	Amended	V. 38, p. 107
47-15-1a	Amended	V. 38, p. 107
47-16-6	Amended	V. 38, p. 108
47-16-9	Amended	V. 38, p. 108
47-16-10	Amended	V. 38, p. 108
47-16-12	Amended	V. 38, p. 109
47-16-13	New	V. 38, p. 109

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

Reg. No.	Action	Register
51-9-7	Amended	V. 38, p. 231
51-9-17	Amended	V. 38, p. 212

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 38, p. 545
60-16-101	Amended	V. 39, p. 12
60-16-103	Amended	V. 39, p. 12
60-16-104	Amended	V. 39, p. 13

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-5-3	New	V. 38, p. 183

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-7-4	New	V. 38, p. 899
66-9-7	Amended	V. 38, p. 622
66-10-1	Amended	V. 38, p. 622
66-10-3	Amended	V. 38, p. 622
66-15-1	New	V. 39, p. 14

**AGENCY 67: BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-1-8	New	V. 38, p. 1489
67-2-4	Amended	V. 38, p. 1489
67-5-5	Amended	V. 38, p. 1490

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-2-5	Amended	V. 39, p. 105
68-2-10	Amended	V. 38, p. 1463
68-5-16	Amended	V. 39, p. 106
68-7-15	Amended	V. 38, p. 1337
68-11-1	Amended	V. 38, p. 541
68-11-2	Amended	V. 38, p. 541
68-14-1	Revoked	V. 38, p. 1463
68-14-2	Amended	V. 38, p. 1463
68-14-3	Revoked	V. 38, p. 1464
68-14-4	Amended	V. 38, p. 1464
68-14-5	Amended	V. 38, p. 1464
68-14-7	Amended	V. 38, p. 1464
68-14-7a	New	V. 38, p. 1466
68-14-7b	New	V. 38, p. 1468
68-19-1	Amended	V. 38, p. 1337
68-21-6	Amended	V. 38, p. 1338

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-10	New	V. 38, p. 84

**AGENCY 71: BOARD OF REGENTS**

Reg. No.	Action	Register
71-2-2	Amended	V. 38, p. 1405
71-2-3	Revoked	V. 38, p. 1406
71-5-11	Amended	V. 38, p. 1406
71-8-8	Amended	V. 38, p. 1407

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-3	Amended	V. 38, p. 1337

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-4-1	Amended	V. 38, p. 875
82-4-2a	Amended	V. 38, p. 876
82-4-3b	Amended	V. 38, p. 876
82-4-3c	Amended	V. 38, p. 877
82-4-3d	Amended	V. 38, p. 878
82-4-3f	Amended	V. 38, p. 879
82-4-3g	Amended	V. 38, p. 882
82-4-3h	Amended	V. 38, p. 885
82-4-3i	Amended	V. 38, p. 886
82-4-3j	Amended	V. 38, p. 888
82-4-3k	Amended	V. 38, p. 888
82-4-3l	Amended	V. 38, p. 889
82-4-3m	Amended	V. 38, p. 891
82-4-3n	Amended	V. 38, p. 891
82-4-3o	Amended	V. 38, p. 892
82-4-20	Amended	V. 38, p. 892
82-4-21	Amended	V. 38, p. 893
82-4-22	Amended	V. 38, p. 893
82-4-24a	Amended	V. 38, p. 893
82-4-27	Amended	V. 38, p. 893
82-4-30a	Amended	V. 38, p. 894
82-4-40	Revoked	V. 38, p. 894
82-4-42	Amended	V. 38, p. 894
82-4-44	Revoked	V. 38, p. 894
82-4-46	Revoked	V. 38, p. 894
82-4-48	Amended	V. 38, p. 894
82-4-48a	Revoked	V. 38, p. 895
82-4-50	Amended	V. 38, p. 895
82-4-51	Amended	V. 38, p. 895
82-4-53	Amended	V. 38, p. 895
82-4-56a	Amended	V. 38, p. 895
82-4-57	Amended	V. 38, p. 896
82-4-58d	Amended	V. 38, p. 896
82-4-63	Amended	V. 38, p. 896
82-4-65	Amended	V. 38, p. 896
82-4-66	Revoked	V. 38, p. 897
82-4-68	Amended	V. 38, p. 897
82-4-85	Amended	V. 38, p. 897
82-4-86	Revoked	V. 38, p. 898

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-10	Amended	V. 39, p. 54
86-1-11	Amended (T)	V. 38, p. 855
86-1-11	Amended	V. 39, p. 55
86-1-12	Amended	V. 39, p. 56
86-1-13	Revoked	V. 39, p. 56
86-1-16	Revoked	V. 39, p. 56
86-1-17	Amended	V. 39, p. 56
86-1-18	Revoked	V. 39, p. 56
86-3-6a	Revoked	V. 39, p. 56
86-3-7	Amended	V. 39, p. 56
86-3-20	Revoked	V. 39, p. 57

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-28-6	Amended	V. 38, p. 1435

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-56	Revoked	V. 38, p. 1470
92-56-2	Amended	V. 38, p. 1196

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 38, p. 344
100-28a-14	Amended	V. 38, p. 184
100-28b-1	New	V. 38, p. 1490
100-28b-5	New	V. 38, p. 1491
100-28b-15	New	V. 38, p. 1491
100-28b-16	New	V. 38, p. 1491
100-28b-17	New	V. 38, p. 1491

100-28b-18	New	V. 38, p. 1491
100-29-4	Amended	V. 38, p. 1492
100-29-9	Amended	V. 38, p. 1492
100-69-7	Amended	V. 38, p. 1493
100-69-10	Amended	V. 38, p. 1494
100-76-2	Amended	V. 38, p. 184
100-77-1	New (T)	V. 38, p. 8
100-77-1	New	V. 38, p. 447
100-77-2	New (T)	V. 38, p. 8
100-77-2	New	V. 38, p. 448
100-77-3	New (T)	V. 38, p. 8
100-77-3	New	V. 38, p. 448
100-78-1	New (T)	V. 39, p. 250
100-78-1	New	V. 39, p. 570
100-78-2	New (T)	V. 39, p. 250
100-78-2	New	V. 39, p. 570

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-13	Amended	V. 38, p. 185
102-1-18	Amended	V. 38, p. 212
102-2-3	Amended	V. 38, p. 185
102-2-14	Amended	V. 38, p. 212
102-3-2	Amended	V. 38, p. 185
102-3-15	Amended	V. 38, p. 212
102-4-2	Amended	V. 38, p. 186
102-4-15	Amended	V. 38, p. 212
102-5-2	Amended	V. 38, p. 186
102-5-14	Amended	V. 38, p. 212
102-7-2	Amended	V. 38, p. 186
102-7-12	Amended	V. 38, p. 212

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

Reg. No.	Action	Register
105-5-2	Amended	V. 39, p. 252
105-5-3	Amended	V. 39, p. 252
105-5-6	Amended	V. 39, p. 252
105-5-7	Amended	V. 39, p. 252
105-5-8	Amended	V. 39, p. 252
105-5-11	Revoked	V. 38, p. 368

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

Reg. No.	Action	Register
109-3-3	Amended	V. 39, p. 30
109-3-4	Amended	V. 39, p. 31
109-5-1	Amended	V. 38, p. 153
109-5-1a	Amended	V. 39, p. 32
109-8-1	Amended	V. 38, p. 153
109-8-2	Amended	V. 38, p. 154
109-11-1a	Amended	V. 39, p. 32
109-11-6a	Amended	V. 38, p. 154

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6,

2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*.

Reg. No.	Action	Register
111-4-3595	New	V. 39, p. 57
111-4-3596	New	V. 39, p. 58
111-4-3597	New	V. 39, p. 59
111-4-3598	New	V. 39, p. 60
111-4-3599	New	V. 39, p. 61
111-4-3600	New	V. 39, p. 63
111-4-3601	New	V. 39, p. 532
111-4-3602	New	V. 39, p. 533
111-4-3603	New	V. 39, p. 570
111-4-3604	New	V. 39, p. 572
111-4-3605	New	V. 39, p. 573
111-4-3606	New	V. 39, p. 574
111-4-3607	New	V. 39, p. 576
111-4-3608	New	V. 39, p. 621
111-4-3609	New	V. 39, p. 623
111-4-3610	New	V. 39, p. 624
111-5-245	New	V. 39, p. 577
111-9-223	New	V. 39, p. 625
111-19-72	Amended	V. 39, p. 64
111-19-73	New	V. 39, p. 64
111-19-74	New	V. 39, p. 65
111-19-75	New	V. 39, p. 65
111-19-76	New	V. 39, p. 74
111-19-77	New	V. 39, p. 578
111-19-78	New	V. 39, p. 579

111-19-79	New	V. 39, p. 580
111-19-80	New	V. 39, p. 626
111-19-81	New	V. 39, p. 626
111-301-4	Amended	V. 39, p. 534
111-301-5	Amended	V. 39, p. 534
111-301-6	Amended	V. 39, p. 535
111-301-43	Amended	V. 39, p. 537
111-301-60	Amended	V. 39, p. 66
111-301-62	Amended	V. 39, p. 67
111-301-64	Amended	V. 39, p. 538
111-301-66	Amended	V. 39, p. 538
111-302-4	Amended	V. 39, p. 68
111-305-5	Amended	V. 39, p. 539
111-305-6	Amended	V. 39, p. 539
111-401-253	New	V. 39, p. 69
111-401-254	New	V. 39, p. 69
111-401-255	New	V. 39, p. 71
111-501-71	Amended	V. 39, p. 71
111-501-81	Amended	V. 39, p. 71
111-501-149	New	V. 39, p. 72
111-501-150	New	V. 39, p. 72
111-501-151	New	V. 39, p. 73
111-501-152	New	V. 39, p. 73
111-501-153	New	V. 39, p. 74
111-601-6	Amended	V. 39, p. 540

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-105-1	Amended	V. 39, p. 251

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

Reg. No.	Action	Register
115-2-1	Amended	V. 38, p. 1089
115-2-3	Amended	V. 38, p. 370
115-2-4	Amended	V. 38, p. 371
115-2-7	Revoked	V. 38, p. 1091

115-3-2	Amended	V. 38, p. 371
115-4-2	Amended	V. 39, p. 617
115-4-4	Amended	V. 39, p. 618
115-4-6	Amended	V. 39, p. 619
115-4-11	Amended	V. 38, p. 372
115-5-1	Amended	V. 38, p. 541
115-5-2	Amended	V. 38, p. 542
115-5-3	Amended	V. 38, p. 1091
115-5-3a	New	V. 38, p. 1091
115-5-4	Amended	V. 38, p. 542
115-6-1	Amended	V. 38, p. 543
115-7-1	Amended	V. 38, p. 1409
115-7-3	Amended	V. 38, p. 1410
115-7-4	Amended	V. 38, p. 1410
115-7-10	Amended	V. 38, p. 1411
115-8-1	Amended	V. 38, p. 543
115-8-13a	New	V. 38, p. 1169
115-9-5	Amended	V. 38, p. 375
115-9-9	Amended	V. 38, p. 1411
115-11-2	Amended	V. 38, p. 127
115-13-4	Amended	V. 38, p. 544
115-15-1	Amended	V. 38, p. 1412
115-15-2	Amended	V. 38, p. 1413
115-18-6a	Amended	V. 38, p. 1414
115-20-7	Amended	V. 38, p. 545

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

Reg. No.	Action	Register
128-5-1	Amended	V. 38, p. 1197
128-6-8	New	V. 38, p. 1198

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

Reg. No.	Action	Register
129-9-9	New (T)	V. 39, p. 647

**Kansas Register**  
**Secretary of State**  
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