



# Kansas Register

Kris W. Kobach, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

Date	Room	Time	Committee	Agenda
Dec 29	548-S	2:00 pm	Legislative Coordinating Council	Legislative matters.
Jan 3	152-S	10:00 am	Joint Committee on Administrative Rules and Regulations	Review and comment on rules and regulations noticed for hearing by the Department of Health and Environment; the Wildlife, Parks, and Tourism Commission; the Real Estate Appraisal Board; the Department of Health and Environment; the Real Estate Commission; the Department of Health and Environment; the Kansas State Corporation Commission; and the Office of the Attorney General.

Tom Day  
Director of Legislative  
Administrative Services

Doc. No. 045954

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State of Kansas

**Pooled Money Investment Board**

**Notice of Investment Rates**

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

Effective 12-25-17 through 12-31-17	
Term	Rate
1-89 days	1.42%
3 months	1.35%
6 months	1.48%
12 months	1.77%
18 months	1.83%
2 years	1.88%

Scott Miller  
Director of Investments

Doc. No. 045946

(Published in the Kansas Register December 28, 2017.)

**Midwest Regional Credit Union**

**Notice of Application for Change in Field of Membership**

The Kansas Department of Credit Unions has received an application for a change in field of membership from Midwest Regional Credit Union, 7240 State Ave., Kansas City, Kansas, to alter its field of membership as follows:

Membership in this Credit Union is limited to: Anyone living or working in Wyandotte, Johnson, Leavenworth, Douglas, Jefferson, Miami, Franklin, Coffey, Morris, Osage, Pottawatomie, Riley, or Wabaunsee counties within the state of Kansas, Jackson County, Missouri, and their immediate families, and/or surviving spouses. This also includes all employees of the select employee groups and payroll groups listed on Attachment "A" of the amendment, other select employee groups and payroll groups within the counties named above, and their immediate families, and/or surviving spouses. Membership, once established, may continue even though the credit union member would not be eligible for new membership.

Questions concerning the application may be directed to the Kansas Department of Credit Unions, 700 SW Jackson St., Suite 803, Topeka, KS 66603, 785-296-3021.

Thad Jones  
President/CEO

Doc. No. 045949

State of Kansas

**Department for Children and Families**

**Request for Proposal**

The Kansas Department for Children and Families (DCF), Economic and Employment Services (EES) – Kansas Early Head Start Program, announces the release of a Request for Proposal (RFP) to qualified Kansas Early Head Start agencies to provide services to low-income pregnant women and families with infants and toddlers. The program is based on research that demonstrates that the impact of early intervention through high quality programs enhances opportunities for success among families

and young children. The program provides early, continuous, intensive, and comprehensive child development and family support services to family and children. Services provided include, but are not limited to: physical, mental, oral health, nutrition, early childhood education, financial literacy, family engagement and strengthening, marriage education, and job training. The services provided to families and children are designed to reinforce and respond to the unique strengths and needs of each child and family. DCF invites applications from Kansas Early Head Start Programs that have the ability to make a community impact in their service area.

A complete copy of the RFP may found at <http://www.dcf.ks.gov/Agency/Operations/Pages/OGC/Grant-RFP.aspx> under "Grant Requests for Proposal (RFPs)." Proposals must be received no later than 2 p.m. (CDT) January 30, 2018, at the Kansas Department for Children and Families, DCF Administration Building, 5th Floor, c/o Shawn Lucas, Office of Grants and Contracts, 555 S. Kansas Ave., Topeka, KS 66603.

Gina Meier-Hummel  
Acting Secretary

Doc. No. 045952

State of Kansas

**Attorney General**

**2017 Update to Guidelines for Takings of Private Property**

The Private Property Protection Act, K.S.A. 77-701 *et seq.*, requires the Attorney General to compile and annually update guidelines to be used by state agencies in determining whether proposed government actions may constitute a taking of private property. These guidelines are to be based on cases decided by the United States Supreme Court and the Kansas Supreme Court.<sup>1</sup> Government action is defined as legislation, regulations or directives, or agency guidelines and procedures for the issuing of licenses or permits.<sup>2</sup> The Act expressly excludes other types of activity, such as the formal exercise of eminent domain.<sup>3</sup>

Under the criteria of the Act, there are two cases to include in the 2017 update to the Attorney General's Guidelines:<sup>4</sup>

*Murr v. Wisconsin*, 137 S. Ct. 1933 (2017). Petitioners owned two adjacent lots along the St. Croix River, which is known for its "picturesque grandeur." In response to federal law designating the river for protection, the Wisconsin Department of Natural Resources promulgated regulations limiting development along the river, including rules that prevent the use of lots as separate building sites unless they have at least one acre of land suitable for development, and another rule that merges adjacent lots under common ownership. When combined, the petitioners' lots only had 0.98 acres of buildable land. Petitioners sought a variance, which was denied.

The Wisconsin Court of Appeals ruled that the petitioners could not challenge the regulations only as to one of the lots that they tried to sell separately to fund development on the other lot, because it would not be reasonable under state law to ignore the merger provi-

(continued)

sion defining the nature of their interest in the land. The Wisconsin Supreme Court declined review.

Writing for the United States Supreme Court, Justice Kennedy provided an overview of Takings Clause jurisprudence and synthesized a new test for determining the relevant parcel for a regulatory taking inquiry, requiring the consideration of: (1) the treatment of the land under state and local law; (2) the physical characteristics of the land; and (3) the prospective value of the regulated land, in order to “determine whether reasonable expectations about property ownership would lead a landowner to anticipate that his holdings would be treated as one parcel, or, instead, as separate tracts.” The Court affirmed the judgment of the Wisconsin Court of Appeals. Chief Justice Roberts, joined by Justices Thomas and Alito, filed a dissenting opinion in which he agreed with the outcome but argued that state law “should, in all but the most exceptional circumstances, determine the parcel at issue” because the “parcel as a whole” language from *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978) should prevent property owners from “strategically pluck[ing] one strand from their bundle of property rights . . . and claim[ing] a complete taking based on that strand alone.”

*Creegan v. State*, 305 Kan. 1156 (2017). The Kansas Department of Transportation (KDOT) acquired several parcels of real property in the Grande Oaks subdivision in Overland Park in 1999. The plots were made subject to a Declaration of Restrictions that stated the property within the subdivision should be occupied and used for single-family residence purposes only. Beginning in 2005, KDOT placed trailers on the lots and, in subsequent years, used the lots for construction-related activities before eventually building permanent bridges and roads on the lots to carry highway traffic. Plaintiffs, who owned other real property within the subdivision, filed an inverse condemnation lawsuit against KDOT.

In its motion for summary judgment, KDOT argued a violation of a restrictive covenant was not a compensable taking under Kansas law. The district court granted the motion, ruling that a “violation of the restrictive covenants is not a physical taking. Some physical taking or substantial inevitable damage resulting in a taking must be alleged and produced in evidence to support a claim for inverse condemnation. The ‘taking’ alleged in this case is not a compensable taking at all.”

The Kansas Court of Appeals reversed. A majority of the panel ruled that restrictive covenants are real property interests and that KDOT’s violation of the covenants damaged the interests sufficiently to require just compensation. Judge Atcheson concurred in the result, but would have treated restrictive covenants as a hybrid of real property interests and contract interests, whereby “[a] government entity takes the property interests embodied in a restrictive covenant to the extent the nonconforming use to which it puts restricted land creates or causes conditions that intrude upon privately owned land subject to that same restriction.”

On appeal, the Kansas Supreme Court clarified the question before it not as whether “the right held by plaintiffs under the restrictive covenant is further identified as a real property interest or a contract right,” since each

right is property requiring just compensation if taken by the state, rejecting both an under- and an over-reading of the Court’s treatment of the Eminent Domain Procedure Act (EDPA), K.S.A. 26-501 *et seq.*, in *Estate of Kirkpatrick v. City of Olathe*, 289 Kan. 554 (2009). The Court noted that “plaintiffs’ interests in real property were destroyed” because “KDOT’s nonconforming use of its subdivision parcels extinguished plaintiffs’ restrictive covenant as to those parcels,” highlighting the typical requirement for a taking that real property interests have been transferred to an entity having the power of eminent domain.

<sup>1</sup> K.S.A. 77-704.

<sup>2</sup> K.S.A. 77-703(b)(1).

<sup>3</sup> K.S.A. 77-703(b)(2).

<sup>4</sup> The original guidelines are published at 14 Kan. Reg. 1690-92 (Dec. 21, 1995).

Derek Schmidt  
Attorney General

Doc. No. 045951

## State of Kansas

### Wichita State University

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

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

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

Doc. No. 045794

## State of Kansas

### Department of Transportation

#### Notice to Contractors

Electronic copies of the letting proposals and plans are available on the KDOT website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the “Bid Holders

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

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CDT) January 17, 2018. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 SW Harrison, Topeka, Kansas, at 1:30 p.m. (CDT) January 17, 2018. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/audio.asp>.

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

#### District Two – North Central

**Geary** – 31 KA-4671-01 – K-57, beginning at the K-57/K-244 junction south 2.3 miles., K-244 Spur, from the K-244/K-244 Spur junction to the K-57/K-244 Spur junction, K-244, from the K-244/RS270 junction east to the K-57/K-244 junction, milling and overlay, 7.0 miles. (State Funds)

**Lincoln** – 53 C-4849-01 – All major collectors east of K-14 (except RS 393) from RS 1004 to RS 394, signing, 73.0 miles. (Federal Funds)

**Republic** – 79 C-4853-01 – All major and minor collectors in the southeastern quarter of the county, signing, 101.0 miles. (Federal Funds)

**Statewide** – 106 KA-4796-01 – Various locations in District Two and Five: K-156 in Ellsworth County; U.S. 77 in Geary County; U.S. 50 and K-61 in Reno County; K-196 in Butler County and U.S. 160 in Harper County, rumble strip installation, 8.4 miles. (State Funds)

#### District Three – Northwest

**Cheyenne** – 12 U-2307-01 – Safe Routes to Schools (Phase 2) in Bird City, pedestrian and bicycle paths, 0.4 mile. (Federal Funds)

#### District Four – Southeast

**Allen** – 591 KA-4737-01 – U.S. 59, from the Allen/Neosho county line north 13 miles to the U.S. 54 junction, overlay, 13.1 miles. (State Funds)

**Greenwood** – 400-37 KA-4682-01 – U.S. 400, from the east K-99/U.S. 400 junction east to the Wilson/Greenwood county line, pavement patching, 15.2 miles. (Federal Funds)

**Greenwood** – 400-37 KA-4738-01 – U.S. 400, from the Butler/Greenwood county line east to the west K-99/U.S. 400 junction, overlay, 15.3 miles. (Federal Funds)

**Greenwood** – 400-37 KA-4739-01 – U.S. 400, from the west K-99/U.S. 400 junction east to the east K-99/U.S. 400 junction, overlay, 1.0 mile. (Federal Funds)

#### District Five – South Central

**Reno** – 78 U-0477-01 – City of Hutchinson, pedestrian and bicycle paths. (Federal Funds)

Richard Carlson  
Secretary

Doc. No. 045931

### State of Kansas

## Board of Regents Universities

### Notice to Bidders

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

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

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

**Kansas State University** – Bid postings: <https://www.k-state.edu/purchasing/rfq>. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

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

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

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

**Wichita State University** – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, (continued)

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

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

Doc. No. 045529

**State of Kansas**

**Department of Administration  
 Procurement and Contracts**

**Notice to Bidders**

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

- 01/10/2018 EVT0005563 Equipment Transport Semi-Trailer
- 01/17/2018 EVT0005555 Transcription Services
- 01/24/2018 EVT0005570 Retirement Plan Consultant
- 01/23/2018 EVT0005528 Access Control System
- 01/25/2018 EVT0005561 Rest Area Maintenance - Ottawa County
- 01/25/2018 EVT0005567 Promotional Items
- 01/28/2018 EVT0005556 Archery Kits for Schools
- 01/31/2018 EVT0005549 Computer Based Training
- 02/01/2018 EVT0005498 (Flex Ear) Corn and Soybean Seed

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>

- 01/23/2018 A-013146 Kansas Veteran’s Home Beckley Hall Window Replacement
- 01/23/2018 A-013375 Kansas Veteran’s Home Beckley Hall Bariatric Room Remodel
- 02/01/2018 A-013447 Fort Hays State University Campus Lighting Improvements – Phase 4

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

Tracy T. Diel, Director  
 Procurement and Contracts

Doc. No. 045957

**State of Kansas**

**Department of Health and Environment**

**Notice Concerning Proposed Kansas  
 Air Quality Class I Operating Permit**

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Mid-Kansas Electric Company, Inc. has applied for a Class I operating permit 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.

Mid-Kansas Electric Company, Inc., 301 W. 13th St., PO Box 430, Holcomb, KS 67851, owns and operates a power generation facility located at NW Quarter of Section 1, Township 29 South, Range 35 West, 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, at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office (SWDO), 302 W. McArtor Road, Dodge City, KS 67801-6098. To obtain or review the proposed permit and supporting documentation, contact Cathy Richardson, 785-296-1947 at the central office of KDHE or Ethel Evans, 620-225-0596, at the SWDO. The standard departmental cost will be assessed for any copies requested.

Written comments or questions regarding the proposed permit may be directed to Cathy Richardson, 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 noon Monday, January 29, 2018.

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 Cathy Richardson, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than noon Monday, January 29, 2018 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.

Susan Mosier, MD, MBA, FACS  
 Secretary and State Health Officer

Doc. No. 045953

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-17-311/323

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Vernon Storm Storm Feed Lot 512 Russell St. Scott City, KS 67871	N/2 of Section 05 T20S, R33W Scott County	Upper Arkansas River Basin
Kansas Permit No. A-UASC-C027		Federal Permit No. KS0097195

This permit is being reissued for a confined animal feeding operation for 4,500 head (4,500 animal units) of beef cattle weighing more than 700 pounds. This represents an increase in the permitted animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Tim Dewey Dewey Feedyard PO Box 269 Cimarron, KS 67835	N/2 of Section 24 T26S, R27W Gray County	Upper Arkansas River Basin
Kansas Permit No. A-UAGY-C012		Federal Permit No. KS0093483

This is a permit modification and reissuance for an existing facility with the maximum capacity for 5,500 head (2,750 animal units) of cattle weighing less than 700 pounds. This represents a decrease of 2,250 animal units from the previous permit. There are no other proposed modifications to the permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Fairleigh Feed Yard, Inc. PO Box 650 Scott City, KS 67871	All of Section 25 T19S, R34W & All of Section 30 T19S, R33W Scott County	Upper Arkansas River Basin
Kansas Permit No. A-UASC-C001		Federal Permit No. KS0038059

This is a renewal permit for an existing facility for 67,950 head (67,950 animal units) of cattle weighing more than 700 pounds. There are no proposed modifications to the facility or changes to the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Ronald Ruff Ruff Farms, Inc. – Musil Lot 39344 SE O Road Hanston, KS 67849	E/2 of Section 29 T21S, R20W Pawnee County	Upper Arkansas River Basin
Kansas Permit No. A-UAPN-B008		

This permit is being reissued for an existing facility with a maximum capacity of 990 head (495 animal units) of cattle 700 pounds or less. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Calvin Nisly Trails West Dairy 7218 W. Trails West Rd. Partridge, KS 67566	SE/4 of Section 12 T24S, R07W Reno County	Lower Arkansas River Basin
Kansas Permit No. A-ARRN-M025		

This is a renewal permit for an existing facility for 100 head (140 animal units) of mature dairy cattle, 50 head (25 animal units) of cattle weighing less than 700 pounds, and 2 head (4 animal units) of horses; for a total permitted capacity of 169 animal units. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Douglas Thiessen Triple T Livestock, LLC 14429 NW 100th St. Whitewater, KS 67154	N/2 of Section 16 T24S, R03E Butler County	Walnut River Basin
Kansas Permit No. A-WABU-C012		Federal Permit No. KS0093742

This is a renewal permit for an existing facility for 2,330 head (2,330 animal units) of cattle weighing more than 700 pounds and 2,330 head (1,165 animal units) of cattle weighing less than 700 pounds, 1,327 head (530.8 animal units) of swine weighing greater than 55 pounds and 600 head (60 animal units) of swine weighing 55 pounds or less; for a total of 4,085.8 animal units of livestock. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
David or Carolyn Slawson Slawson Farms 17638 246th St. Tonganoxie, KS 66086	NE/4 of Section 14 T11S, R20E Leavenworth County	Kansas River Basin
Kansas Permit No. A-KSLV-S015		

This permit is being reissued for an existing facility with a maximum capacity of 516 head (206.4 animal units) of swine more than 55 pounds and 310 head (31 animal units) of swine 55 pounds or less, for a total of 237.4 animal units of swine. There is no change in the permitted animal capacity from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Bill Sauvage Sauvage & Sons, Inc. 1659 1000th Road Oberlin, KS 67749	SW/4 of Section 11 T03S, R29W Decatur County	Upper Republican River Basin

(continued)

Kansas Permit No. A-URDC-B004

This permit is being reissued for an existing facility with a maximum capacity of 200 head (200 animal units) of cattle more than 700 pounds and 300 head (150 animal units) of cattle 700 pounds or less, for a total of 500 head (350 animal units) of cattle. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Anderson Andy Acres Holstein Farm 2033 F Ave. White City, KS 66872	SE/4 of Section 24 T14S, R06E Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-M002

This permit is being reissued for an existing facility with a maximum capacity of 87 head (121.8 animal units) of mature dairy cattle and 30 head (15 animal units) of dairy calves, for a total of 117 head (136.8 animal units). There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Lloyd Voth Voth Farms, Inc. 278 E. 130th Newton, KS 67114	NE/4 of Section 05 T21S, R01E Marion County	Little Arkansas River Basin

Kansas Permit No. A-LAMN-B001

This permit is being reissued for an existing facility with a maximum capacity of 800 head (800 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Merle Schlehuber Wooden Cross Cattle Company 557 190th Road Hillsboro, KS 67063	NW/4 of Section 02 T20S, R01E Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B015

This permit is being reissued for an existing facility with a maximum capacity of 400 head (400 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Mike Samples Farmers & Ranchers Livestock Commission Company, Inc. PO Box 2595 Salina, KS 67401	SW/4 of Section 11 T14S, R03W Saline County	Saline River Basin

Kansas Permit No. A-SASA-B003

This permit is being reissued for an existing livestock sales facility with a maximum capacity of 561.6 animal units of cattle, swine and horses. This represents an increase in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Matt Henke 1572 County 388 Drive Osborne, KS 67473	N/2 of Section 28 T07S, R13W Osborne County	Solomon River Basin

Kansas Permit No. A-SOOB-B003

This is a renewal permit for an existing facility for 440 head (440 animal units) of cattle weighing more than 700 pounds and 260 head (130 animal units) of cattle weighing less than 700 pounds. There are no proposed changes to the permitted animal units or modifications to the facility. However, there is a new permittee for the facility. This facility has an approved Waste Management Plan on file with KDHE.

Public Notice No. KS-Q-17-188

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
Harshman Construction 1632 F P Road Cedar Point, KS 66843	Verdigris River via North Caney Creek via Bachelor Creek	Process Wastewater

Kansas Permit No. I-VE33-PO05 Federal Permit No. KS0099490

Legal Description: W½, S30, T32S, R12E, Chautauqua County, Kansas

Facility Name: Foster Quarry

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of stormwater runoff and pit water.

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 **January 27, 2018**, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-17-311/323, KS-Q-17-188) and name of the applicant/permittee when preparing comments.

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

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet



at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Susan Mosier, MD, MBA, FACS  
Secretary and State Health Officer

Doc. No. 045955

## State of Kansas

### Department of Health and Environment

#### Notice of Hearing for Kansas Public Water Supply Loan Fund 2018 Intended Use Plan Amendment

A public hearing will be conducted at 1:00 p.m. Monday, January 29, 2018, in the Azure Conference Room of the Curtis State office Building at 1000 SW Jackson St., 4th floor, Topeka, Kansas, to discuss an amendment to the Kansas Public Water Supply Loan Fund (KPWSLF) 2018 Intended Use Plan (IUP). The Amended Intended Use Plan will make additions to the Project Priority List. Copies of the IUP can be obtained online at:

<http://www.kdheks.gov/pws/loansgrants/loanfunddocumentsadministration.html>

Any individual with a disability may request accommodation to participate in the public hearing. Requests for accommodation should be made at least five working days before the hearing by contacting Linda White at 785-296-5514.

Comments can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Linda White, Bureau of Water, Kansas Department of Health and Environment, 1000 SW Jackson St, Suite 420, Topeka, KS 66612.

Susan Mosier, MD, MBA, FACS  
Secretary and State Health Officer

Doc. No. 045958

## State of Kansas

### Kansas Corporation Commission

#### Notice of Public Hearing on Proposed Administrative Regulation

The State Corporation Commission (Commission) will conduct a public hearing at 10:00 a.m. Tuesday, March 6, 2018, in the First Floor Hearing Room at the office of the State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, to consider the adoption of the proposed rule and regulation of the State Corporation Commission of the State of Kansas on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rule and regulation. A complete copy of the proposed regulation and economic impact statement may be found on the Kansas Corporation Commission website: <http://kcc.ks.gov>, or by contacting Ahsan Latif: [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov).

All interested parties may submit written comments prior to the hearing to Ahsan Latif, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Road, To-

peka, KS 66604, or by email to [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Erin McGinnis at 785-271-3161 or the Kansas Relay Center at 1-800-766-3777. The main entrance located on the southwest side of the building is handicapped accessible. Handicapped parking is located on the southwest side of the State Corporation Commission's parking lot.

A summary of the proposed regulation and its economic impact are as follows: (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the State Corporation Commission, other state agencies, state employees, or the general public has been identified.)

#### K.A.R. 82-4-3a. Hours of service.

This existing regulation adopts relevant portions of the Federal Motor Carrier Safety Administration ("FMCSA") regulations (49 C.F.R. Part 395) which establish the hours of service requirements to be followed by motor carriers and their employees. The proposed amendments to this regulation are aimed at bringing Kansas in line with previously enacted federal regulations on Electronic Logging Devices (ELDs), as well as incorporating edits to reflect minor grammatical and form corrections, and recent updates to other FMCSA regulations.

The FMCSA recently amended its regulations to require the use of Electronic Logging Devices. The changes establish minimum performance and design standards for hours-of-service (HOS) ELDs; requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); and requirements concerning HOS supporting documents. The requirements for ELDs are aimed at improving compliance with the HOS rules. To provide uniform enforcement with the FMCSA, the Commission's proposed amendment would cause K.A.R. 82-4-3a to mirror the federal rule.

#### K.A.R. 82-4-3a: Economic Impact Summary

The Transportation Division of the Commission anticipates an initial cost to motor carriers to install and maintain the Electronic Logging Devices, but is unable to put a specific dollar figure on this impact. Carriers that properly prepare their record of duty status in compliance with current hours-of-service regulations should see no changes due to implementation of ELDs. Government agencies and the general public should see no economic impact from the changes in this regulation.

Amy L. Green  
Secretary

Doc. No. 045950

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 76.—ACUPUNCTURISTS

100-76-1. Fees. (a) The following fees shall be collected by the board:

- (1) Application for license ..... \$ 165.00
- (2) Annual renewal of active license:
  - (A) Paper renewal ..... \$ 150.00
  - (B) On-line renewal ..... \$ 125.00
- (3) Annual renewal of inactive license:
  - (A) Paper renewal ..... \$ 125.00
  - (B) On-line renewal ..... \$ 100.00
- (4) Annual renewal of exempt license:
  - (A) Paper renewal ..... \$ 125.00
  - (B) On-line renewal ..... \$ 100.00
- (5) Conversion from inactive to active license ..... \$ 75.00
- (6) Conversion from exempt to active license ..... \$ 75.00
- (7) Late renewal:
  - (A) Paper renewal ..... \$ 50.00
  - (B) On-line renewal ..... \$ 25.00
- (8) Application for reinstatement of canceled license ..... \$ 165.00
- (9) Application for reinstatement of revoked license ..... \$ 500.00
- (10) Certified copy of license ..... \$ 20.00
- (11) Written verification of license ..... \$ 20.00

(b) If a licensed acupuncturist's initial licensure period is six months or less before the first annual renewal period, the first annual renewal fee shall be prorated at \$10.00 per month for any full or partial month. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7611; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

100-76-2. Licensure by examination. Each person applying for licensure in acupuncture by examination shall provide the following:

(a) Documentation of successful completion of the certification examination offered by the NCCAOM for a diplomate in acupuncture or oriental medicine. The certification examination shall include the following components:

- (1) Foundations of oriental medicine;
- (2) acupuncture with point location; and
- (3) biomedicine; and

(b) a copy of a clean needle technique (CNT) certificate obtained from the council of colleges of acupuncture and oriental medicine (CCAOM) or NCCAOM. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7606; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

100-76-3. Waiver of examination and education. (a) Pursuant to K.S.A. 2017 Supp. 65-7608 and amendments thereto, certain license prerequisites for education and examination shall be waived by the board for each appli-

cant who submits an application on or before January 1, 2018 and provides the following:

(1) Proof that the applicant has completed at least 1,350 hours of curriculum-based study, an approved apprenticeship, or a tutorial program, or a combination of these, excluding on-line study, in the field of acupuncture. Proof of hours may be shown by successful completion of a curriculum-based program, an approved apprenticeship, or a tutorial program, or a combination of these, that meets the standards of the NCCAOM or any entity determined by the board to be the equivalent of the NCCAOM. To demonstrate successful completion of the requirements, the applicant shall submit the following:

(A)(i) Evidence that the apprenticeship preceptor either is licensed as an acupuncturist in the state in which the individual practices acupuncture or is a diplomate of acupuncture; and

(ii) a copy of the notes, records, or other documentation maintained by the preceptor conducting the apprenticeship or tutorial program providing evidence of the educational materials used in the apprenticeship and documenting the number of hours taught and the subjects covered; or

(B) an official school transcript;

(2) evidence of a current clean needle technique (CNT) certificate obtained from the CCAOM, NCCAOM, or any entity determined to be the equivalent by the board; and

(3) proof that the applicant has been engaged in the practice of acupuncture and has had at least 1,500 patient visits in three of the last five years. The applicant shall provide any of the following for the board's review:

(A) Affidavits from at least two people who have practiced acupuncture with the applicant, including office partners, clinic supervisors, and any other individuals approved by the board;

(B) a copy of each continuing education certificate obtained within the last three years;

(C) a copy of the applicant's patient appointment books; or

(D) a copy of the applicant's patient charts.

(b) Each applicant shall provide any additional documentation requested by the board. (Authorized by K.S.A. 2017 Supp. 65-7608 and 65-7615; implementing K.S.A. 2017 Supp. 65-7608; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

100-76-4. Exempt license; description of professional activities. (a) Each person applying for an exempt license shall specify on the application all professional activities related to the practice of acupuncture that the person will perform if issued an exempt license.

(b) The professional activities performed by each individual holding an exempt license shall be limited to the following:

(1) Performing administrative functions, including peer review, utilization review, and expert opinions; and

(2) providing direct patient care services gratuitously or providing supervision, direction, or consultation for no compensation. Nothing in this subsection shall prohibit an exempt license holder from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing these services.

(c) Each person holding an exempt license shall, at the time of license renewal, specify on the renewal application all professional activities related to the practice of acupuncture that the person will perform during the renewal period.

(d) Each person who requests modification of the professional activities on that person's application or renewal application for an exempt license shall notify the board of the modification within 30 days. The request for modification shall be submitted on a form provided by the board.

(e) Each licensed acupuncturist who has held an exempt license for less than two years and requests an active license designation shall submit evidence of satisfactory completion of at least 15 contact hours of continuing education within the preceding one-year period, as specified in K.A.R. 100-76-6.

(f) Each violation of subsection (a), (c), or (d) shall constitute prima facie evidence of unprofessional conduct pursuant to K.S.A. 2017 Supp. 65-7616, and amendments thereto. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7609 and 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-5. Professional liability insurance; active license.** (a) Each person applying for an active license in acupuncture shall submit to the board, with the application, evidence that the person has obtained the professional liability insurance coverage required by K.S.A. 2017 Supp. 65-7609, and amendments thereto, for which the limit of the insurer's liability is at least \$200,000 per claim, subject to an annual aggregate of at least \$600,000 for all claims made during the period of coverage.

(b) Each licensed acupuncturist with an active license designation shall submit to the board, with the annual application for license renewal, evidence that the licensee has continuously maintained and currently holds the professional liability insurance coverage specified in subsection (a).

(c) Each licensed acupuncturist who submits an application for change of designation to active license designation shall submit to the board, with the application, evidence that the licensee currently holds the professional liability insurance coverage specified in subsection (a). (Authorized by K.S.A. 2017 Supp. 65-7609 and 65-7615; implementing K.S.A. 2017 Supp. 65-7609; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-6. Continuing education.** (a) As a condition of renewal, each licensed acupuncturist shall submit evidence of satisfactory completion within the preceding one-year period of at least 15 contact hours of continuing education for a licensed acupuncturist, in addition to the annual application for renewal of licensure, except as specified in subsection (b).

(b) An individual initially licensed less than 12 months before the renewal date shall not be required to submit the evidence of satisfactory completion of continuing education required by subsection (a) for the first renewal period.

(c) Proof of completion of 15 contact hours of approved continuing education related to the practice of acupuncture, as defined in K.S.A. 2017 Supp. 65-7602 and amendments thereto, may be requested by the board.

(d) A contact hour shall consist of 50 minutes of instruction pertaining to the practice of acupuncture. Meals and breaks shall not be included in the calculation of contact hours.

(e) Each licensed acupuncturist shall maintain evidence of satisfactory completion of all continuing education activities for at least five years. Copies of this documentation may be required by the board at any time. This documentation shall consist of the following:

(1) Documented evidence of any attendance at or successful completion of continuing education activities; and

(2) personal verification of any self-instruction from reading professional literature.

(f) All continuing education activities shall be related to the practice of acupuncture and shall pertain to the following:

(1) Acupuncture clinical skills;

(2) acupuncture techniques;

(3) educational principles when providing service to patients, families, health professionals, health professional students, or the community;

(4) health care and the health care delivery system; and

(5) problem solving, critical thinking, medical record-keeping, and ethics.

(g) Any applicant for renewal who cannot meet the requirements of subsection (a) may request an extension from the board to submit evidence of continuing education. Each request shall include a plan for completing the continuing education requirements within the requested extension period. An extension of not more than six months may be granted by the board for a substantiated medical condition, natural disaster, death of a spouse or an immediate family member, or any other compelling reason that in the judgment of the board renders the licensee incapable of meeting the requirements of subsection (a).

(h) Continuing education shall be acquired from any of the following:

(1) Offerings approved by the national certification commission for acupuncture and oriental medicine (NCCAOM). Any licensed acupuncturist may obtain all contact hours from any continuing education offerings approved by the NCCAOM and its state affiliates, or any other continuing education offerings approved by the board, subject to the limitations specified in paragraphs (h)(2) through (h)(10).

(2) Lecture. "Lecture" shall mean a live discourse for the purpose of instruction given before an audience. One contact hour shall be awarded for each hour of instruction.

(3) Panel. "Panel" shall mean the presentation of multiple views by several professional individuals on a given subject, with none of the views considered a final solution. One contact hour shall be awarded for each hour of panel presentation.

(4) Workshop. "Workshop" shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest. One contact hour shall be awarded for each hour of workshop meeting.

(5) Seminar. "Seminar" shall mean directed advanced study or discussion in a specific field of interest. One contact hour shall be awarded for each hour of seminar.

(continued)

(6) Symposium. "Symposium" shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers. One contact hour shall be awarded for each hour of symposium.

(7) In-service training. "In-service training" shall mean an educational presentation given to employees during the course of employment that pertains solely to the enhancement of acupuncture skills in the evaluation, assessment, or treatment of patients. One contact hour shall be awarded for each hour of in-service training.

(8) Administrative training. "Administrative training" shall mean a presentation that enhances the knowledge of an acupuncturist on the topic of quality assurance, risk management, reimbursement, statutory requirements, or claim procedures. One contact hour shall be awarded for each hour of administrative training.

(9) Self-instruction.

(A) "Self-instruction" shall mean either of the following:

(i) Reading professional literature directly related to the practice of acupuncture. A maximum of two contact hours shall be awarded for reading professional literature; or

(ii) completion of a home study, correspondence, audio, video, or internet course for which a printed verification of successful completion is provided by the person or organization offering the course. One contact hour shall be awarded for each hour of coursework for each completed course. On-line courses labeled as "live course" shall be considered self-instruction.

(B) No more than seven contact hours shall be awarded each year for self-instruction.

(10) Continuing education program presentation. "Continuing education program presentation" shall mean the preparation and presentation of a continuing education program that meets the requirements of this subsection. Three contact hours shall be awarded for each hour spent presenting.

(i) No contact hours shall be awarded for any repeated continuing education activity on the same topic within a 24-month period. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7609; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-7. Unprofessional conduct; definitions.** Each of the following terms, as used in K.S.A. 2017 Supp. 65-7616 and amendments thereto and this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Unprofessional conduct" shall mean any of the following:

(1) Soliciting patients through the use of fraudulent or false advertisements or profiting by the acts of those representing themselves to be agents of the licensee;

(2) representing to a patient that a manifestly incurable disease, condition, or injury can be permanently cured;

(3) assisting in the care or treatment of a patient without the consent of the patient or the patient's legal representative;

(4) using any letters, words, or terms as an affix on stationery or in advertisements or otherwise indicating that the person is entitled to practice any profession regulated by the board or any other state licensing board or agency for which the person is not licensed;

(5) willful betrayal of confidential information;

(6) advertising professional superiority or the performance of professional services in a superior manner;

(7) advertising to guarantee any professional service or to perform any professional service painlessly;

(8) engaging in conduct related to the practice of acupuncture that is likely to deceive, defraud, or harm the public;

(9) making a false or misleading statement regarding the licensee's skill or the efficacy or value of the treatment or remedy prescribed by the licensee or at the licensee's direction, in the treatment of any disease or other condition of the body or mind;

(10) commission of any act of sexual abuse, misconduct, or other improper sexual contact that exploits the licensee-patient relationship, with a patient or a person responsible for health care decisions concerning the patient;

(11) using any false, fraudulent, or deceptive statement in any document connected with the practice of acupuncture, including the intentional falsifying or fraudulent altering of a patient record;

(12) obtaining any fee by fraud, deceit, or misrepresentation;

(13) failing to transfer a patient's records to another licensee when requested to do so by the patient or by the patient's legally designated representative;

(14) performing unnecessary tests, examinations, or services that have no legitimate purpose;

(15) charging an excessive fee for services rendered;

(16) repeated failure to engage in the practice of acupuncture with that level of care, skill, and treatment that is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances;

(17) failure to keep written medical records that accurately describe the services rendered to each patient, including patient histories, pertinent findings, examination results, and test results;

(18) delegating professional responsibilities to a person if the licensee knows or has reason to know that the person is not qualified by training, experience, or licensure to perform those professional responsibilities;

(19) failing to properly supervise, direct, or delegate acts that constitute the practice of acupuncture to persons who perform professional services pursuant to the licensee's direction, supervision, order, referral, delegation, or practice protocols;

(20) committing fraud or misrepresentation in applying for or securing an original, renewal, or reinstated license;

(21) willfully or repeatedly violating the act, any implementing regulations, or any regulations of the secretary of health and environment that govern the practice of acupuncture;

(22) unlawfully practicing any profession regulated by the board in which the licensed acupuncturist is not licensed to practice;

(23) failing to report or reveal the knowledge required to be reported or revealed pursuant to K.S.A. 2017 Supp. 65-7621, and amendments thereto;

(24) failing to furnish the board, or its investigators or representatives, any information legally requested by the board;

(25) incurring any sanction or disciplinary action by a peer review committee, a governmental agency or department, or a professional association or society for conduct that could constitute grounds for disciplinary action under the act or this article of the board's regulations;

(26) failing to maintain a policy of professional liability insurance as required by K.S.A. 2017 Supp. 65-7609, and amendments thereto, and K.A.R. 100-76-5;

(27) knowingly submitting any misleading, deceptive, untrue, or fraudulent representation on a claim form, bill, or statement;

(28) giving a worthless check or stopping payment on a debit or credit card for fees or moneys legally due to the board;

(29) knowingly or negligently abandoning medical records;

(30) engaging in conduct that violates patient trust and exploits the licensee-patient relationship for personal gain; or

(31) obstructing a board investigation, including engaging in one or more of the following acts:

(A) Falsifying or concealing a material fact;

(B) knowingly making or causing to be made any false or misleading statement or writing; or

(C) committing any other acts or engaging in conduct likely to deceive or defraud the board.

(b) "Advertisement" shall mean all representations disseminated in any manner or by any means that are for the purpose of inducing or that are likely to induce, directly or indirectly, the purchase of professional services.

(c) "False advertisement" shall mean any advertisement that is false, misleading, or deceptive in a material respect. In determining whether any advertisement is misleading, the following shall be taken into account:

(1) Representations made or suggested by statement, word, design, device, or sound, or any combination of these; and

(2) the extent to which the advertisement fails to reveal facts material in the light of the representations made. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-8. Professional incompetency; definition.**

As used in K.S.A. 2017 Supp. 65-7616 and amendments thereto and this article of the board's regulations, professional incompetency shall mean any of the following:

(a) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(b) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(c) a pattern of practice or other evidence of incapacity or incompetence to engage in the practice of acupuncture. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-9. Patient records; adequacy.** (a) Each licensed acupuncturist shall maintain an adequate record for each patient for whom the licensee performs a professional service.

(b) Each patient record shall meet the following requirements:

(1) Be legible;

(2) contain only those terms and abbreviations that are or should be comprehensible to similar licensees;

(3) contain adequate identification of the patient;

(4) indicate the date on which each professional service was provided;

(5) contain all clinically pertinent information concerning the patient's condition;

(6) document what examinations, vital signs, and tests were obtained, performed, or ordered and the findings and results of each;

(7) specify the patient's initial reason for seeking the licensee's services and the initial diagnosis;

(8) specify the treatment performed or recommended;

(9) document the patient's progress during the course of treatment provided by the licensee; and

(10) include all patient records received from other health care providers, if those records formed the basis for a treatment decision by the licensee.

(c) Each entry shall be authenticated by the person making the entry, unless the entire patient record is maintained in the licensee's own handwriting.

(d) Each patient record shall include any writing intended to be a final record, but shall not require the maintenance of rough drafts, notes, other writings, or recordings once this information is converted to final form. The final form shall accurately reflect the care and services rendered to the patient.

(e) For purposes of the act and this regulation, an electronic patient record shall be deemed to be a written patient record if both of the following conditions are met:

(1) Each entry in the electronic record is authenticated by the licensee.

(2) No entry in the electronic record can be altered after authentication. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-10. Release of records.** (a) Each licensed acupuncturist shall, upon receipt of a signed release from a patient, furnish a copy of the patient record to the patient, to another licensee designated by the patient, or to the patient's legally designated representative, unless withholding records is permitted by law or furnishing records is prohibited by law.

(b) Any licensee may charge a person or entity for the reasonable costs to retrieve or reproduce a patient record. A licensee shall not condition the furnishing of a patient record to another licensee upon prepayment of these costs.

(c) Each violation of this regulation shall constitute prima facie evidence of unprofessional conduct pursuant to K.S.A. 2017 Supp. 65-7616, and amendments thereto. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-11. Free offers.** Each licensed acupuncturist who offers to perform a free examination, service, or procedure for a patient shall perform only the examination, service, or procedure specified in the offer. Before any

*(continued)*

additional examination, service, or procedure is performed, the licensee shall explain the nature and purpose of the examination, service, or procedure and specifically disclose to the patient, to the greatest extent possible, the cost of the additional examination, service, or procedure. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

**100-76-12. Business transactions with patients; unprofessional conduct.** (a) Non-health-related goods or services. A licensed acupuncturist offering to sell a non-health-related product or service to a patient from a location at which the licensee regularly engages in the practice of acupuncture shall have engaged in unprofessional conduct, unless otherwise allowed by this subsection. A licensed acupuncturist shall not have engaged in unprofessional conduct by offering to sell a non-health-related product or service if all of the following conditions are met:

- (1) The sale is for the benefit of a public service organization.
- (2) The sale does not directly or indirectly result in financial gain to the licensee.
- (3) No patient is unduly influenced to make a purchase.

(b) Business opportunity. A licensed acupuncturist shall have engaged in unprofessional conduct if all of the following conditions are met:

(1) The licensee recruits or solicits a patient either to participate in a business opportunity involving the sale of a product or service or to recruit or solicit others to participate in a business opportunity.

(2) The sale of the product or service directly or indirectly results in financial gain to the licensee.

(3) The licensee recruits or solicits the patient at any time that the patient is present in a location at which the licensee regularly engages in the practice of acupuncture. (Authorized by K.S.A. 2017 Supp. 65-7615; implementing K.S.A. 2017 Supp. 65-7616; effective, T-100-9-21-17, Sept. 21, 2017; effective Jan. 12, 2018.)

Kathleen Selzler Lippert  
Executive Director

Doc. No. 045947

**State of Kansas**

**Board of Pharmacy**

**Permanent Administrative Regulation**

**Article 7.—MISCELLANEOUS PROVISIONS**

**68-7-12a. Nonresident pharmacies.** Each nonresident pharmacy shall meet the requirements of this regulation to be and remain registered in Kansas by the board.

(a)(1) Each pharmacy shall be currently licensed or registered in good standing in the state in which it is located.

(2) Each practicing pharmacist employed by or under contract with the pharmacy shall be licensed as a pharmacist in the state where the pharmacist practices.

(3) Each pharmacy shall provide and maintain, in readily retrievable form, the record of a satisfactory inspection conducted within the previous 18-month period by

the licensing entity of the state where the pharmacy is located. If no such inspection record is readily available, the record of a satisfactory inspection conducted at the expense of the pharmacy within the previous 18-month period by a third party recognized by the board to inspect may be accepted.

(4) Each pharmacy shall designate a pharmacist-in-charge, as defined by K.S.A. 65-1626 and amendments thereto, who shall be named in the application and who shall be responsible for receiving communications from the board.

(A) The pharmacist-in-charge shall timely respond to any lawful request for information from the board or law enforcement authorities.

(B) The pharmacist-in-charge shall be responsible for receiving and maintaining publications distributed by the board.

(b) The owner or the owner’s authorized representative of the nonresident pharmacy shall apply for registration and renewal on forms approved by the board. The information reasonably necessary to carry out the provisions of K.S.A. 65-1657 and amendments thereto, including the name, address, and position of each officer and director of a corporation or of the owners if the pharmacy is not a corporation, shall be required by the board.

(c) An exemption for registration may be granted by the board under K.S.A. 65-1657 and amendments thereto, upon application by any nonresident pharmacy that confines its dispensing activity to isolated transactions. The following shall be considered to determine whether to grant an exemption:

- (1) The number of prescriptions dispensed or reasonably expected to be dispensed into Kansas;
- (2) the number of patients served or reasonably expected to be served in Kansas;
- (3) any efforts to promote the pharmacy’s services in Kansas;
- (4) any contract between the pharmacy and either an employer or organization to provide pharmacy services to employees or other beneficiaries in Kansas;
- (5) medical necessity;
- (6) the effect on the health and welfare of persons in Kansas; and
- (7) any other relevant matters.

(d) The pharmacy owner shall pay an annual registration fee as specified in K.A.R. 68-11-2.

(e) The pharmacy records of drugs dispensed to Kansas addresses shall be maintained so that the records are readily retrievable upon request. These records shall be made available for inspection by the board or by Kansas law enforcement authorities upon request.

(f) The pharmacy shall maintain an incoming toll-free telephone number for use by Kansas customers to facilitate personal communication with a pharmacist with access to patient records.

(1) This service shall be available during normal business hours for at least 40 hours and six days per week.

(2) This telephone number and any others available for use shall be printed on each container of drugs dispensed in Kansas.

(3) The toll-free number shall have a sufficient number of extensions to provide reasonable access to incoming callers.

(g) Generic drugs shall be dispensed into Kansas only pursuant to K.S.A. 65-1637, and amendments thereto.

(h) The facilities and records of the pharmacy shall be subject to inspection by the board. Satisfactory inspections conducted within the previous 18-month period by the licensing entity of the state where the pharmacy is located or a third party recognized by the board to inspect may be accepted in lieu of inspection by the board.

(i) Each owner or owner's authorized representative of the nonresident pharmacy either doing business in Kansas or providing pharmacy services, dispensing, or either delivering or causing to be delivered prescription drugs to Kansas consumers shall designate a resident agent in Kansas for service of process and file this information with the secretary of state. (Authorized by and implementing K.S.A. 2016 Supp. 65-1657; effective March 29, 1993; amended March 20, 1995; amended Feb. 7, 2003; amended Jan. 12, 2018.)

Alexandra Blasi  
Executive Secretary

Doc. No. 045956

State of Kansas

Department of Health and Environment

Temporary Administrative Regulations

Article 32. — TESTING HUMAN BREATH FOR LAW ENFORCEMENT PURPOSES

**28-32-11. EBAT device certification.** (a) Application. Each agency custodian seeking EBAT device certification shall submit an application on forms provided by the de-

partment for certification of each EBAT device that the certified agency intends to use in the certified agency's EBAT program.

(b) Initial certification requirements. Each EBAT device shall be certified by the secretary before being used by an agency.

(c) Inspection. Once an EBAT device is certified, an inspection of the EBAT device may be made by the secretary at any time. Any EBAT device may be removed from service at the time of the inspection if deemed necessary.

(d) Maintenance. Each EBAT device shall be maintained by the device custodian or the device custodian's designee as directed by the secretary.

(e) Repair. Each EBAT device removed from service for repair shall be repaired by the manufacturer or the manufacturer's authorized repair service. When the EBAT device is returned to the agency, the EBAT device shall be tested for accuracy by the device custodian or the device custodian's designee. The device custodian or the device custodian's designee shall notify the department of the date on which the instrument is placed back into service.

(f) Modification. No modification shall be made to any EBAT device without the prior written consent of the secretary. For purposes of this regulation, "modification" shall mean any change in the operating software of or any physical change to a certified EBAT device that alters the accuracy or precision of the EBAT device. (Authorized by and implementing K.S.A. 2017 Supp. 65-1,107; effective March 14, 2008; amended, T-28-12-18-17, Dec. 18, 2017.)

Susan Mosier, MD, MBA, FACS  
Secretary and State Health Officer

Doc. No. 045948

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 2016 Supplement of the *Kansas Administrative Regulations*.

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1-6-23	Amended	V. 35, p. 1093
1-9-7b	Amended	V. 36, p. 1089
1-9-23	Amended	V. 35, p. 1094
1-14-8	Amended	V. 35, p. 1096
1-14-10	Amended	V. 35, p. 1097
1-16-4	Amended	V. 35, p. 44
1-16-8	Amended	V. 35, p. 44
1-16-15	Amended	V. 35, p. 45
1-16-18	Amended	V. 35, p. 45
1-16-18a	Amended	V. 35, p. 46

1-39-1 through 1-39-4	Revoked	V. 36, p. 8
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AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-2-8	Amended	V. 36, p. 1088
4-2-17a	Revoked	V. 36, p. 1088
4-2-21	New	V. 36, p. 1088
4-5-1	Revoked	V. 35, p. 238
4-5-2	Revoked	V. 35, p. 238
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AGENCY 5: DEPARTMENT OF AGRICULTURE — DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 35, p. 308
5-3-6a	Amended	V. 36, p. 159
5-5-9	Amended	V. 36, p. 1036
5-5-10	Amended	V. 36, p. 1036
5-5-16	Amended	V. 36, p. 1037
5-12-1	Amended	V. 35, p. 313
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5-14-11	Amended	V. 36, p. 1038
5-14-12	New	V. 36, p. 825
5-21-3	Amended	V. 36, p. 160
5-21-6	Amended	V. 35, p. 431

5-22-7	Amended	V. 35, p. 199
5-23-4	Amended	V. 35, p. 385
5-23-4b	Revoked	V. 35, p. 386
5-24-2	Amended	V. 35, p. 386
5-25-21	New	V. 35, p. 200

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-16	New (T)	V. 35, p. 662

AGENCY 9: DEPARTMENT OF AGRICULTURE — DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-3-9	Amended	V. 36, p. 140
9-3-10	Amended	V. 36, p. 140
9-7-4	Amended	V. 35, p. 428
9-7-4a	New	V. 35, p. 428
9-10-33a	Amended	V. 36, p. 1038
9-10-40	New	V. 36, p. 1038
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9-18-4 through 9-18-22	New	V. 36, p. 1229-1234
9-18-24 through 9-18-30	New	V. 36, p. 1234-1237
9-18-31	New	V. 35, p. 313

9-19-12	Revoked	V. 36, p. 1237
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16-14-10	New	V. 35, p. 858
16-14-11	New (T)	V. 35, p. 626
16-14-11	New	V. 35, p. 858
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through		
16-15-4	New (T)	V. 35, p. 626-628
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through		
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28-4-118	Amended	V. 36, p. 365
28-4-428	Amended	V. 36, p. 366
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28-4-592	Amended	V. 36, p. 573
28-4-802	Revoked	V. 36, p. 973
28-17-10	Amended	V. 35, p. 566
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28-19-517	Amended	V. 36, p. 1382
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28-54-5	Amended	V. 36, p. 939-940
28-71-1		
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28-71-12	Amended	V. 36, p. 1051-1055
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30-44-6	New	V. 35, p. 63

30-46-10	Amended	V. 35, p. 581
30-47-3	New	V. 36, p. 973

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40-1-48	Amended	V. 36, p. 919
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40-4-34	Amended	V. 35, p. 384
40-4-35	Amended	V. 36, p. 972
40-4-41	Amended	V. 35, p. 633
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44-12-301	Amended	V. 35, p. 898

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49-55-1	Amended	V. 36, p. 1106
49-55-2	Amended (T)	V. 36, p. 842
49-55-2	Amended	V. 36, p. 1106
49-55-3	Revoked (T)	V. 36, p. 842
49-55-3	Revoked	V. 36, p. 1106
49-55-4	Amended (T)	V. 36, p. 842
49-55-4	Amended	V. 36, p. 1106
49-55-5	Revoked (T)	V. 36, p. 842
49-55-5	Revoked	V. 36, p. 1107
49-55-6	Amended (T)	V. 36, p. 842
49-55-6	Amended	V. 36, p. 1107
49-55-8	Amended (T)	V. 36, p. 842
49-55-8	Amended	V. 36, p. 1107
49-55-11	Amended (T)	V. 36, p. 843
49-55-11	Amended	V. 36, p. 1107
49-55-12	Amended (T)	V. 36, p. 843
49-55-12	Amended	V. 36, p. 1107
49-55-13	New (T)	V. 36, p. 843
49-55-13	New	V. 36, p. 1107

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60-3-102	Amended	V. 35, p. 323
60-3-103	Amended	V. 35, p. 323
60-3-110	Amended	V. 35, p. 323
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60-4-101	Amended	V. 36, p. 369
60-7-102	Amended	V. 35, p. 324
60-7-106	Amended	V. 35, p. 324
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60-17-102	Amended	V. 35, p. 327

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61-3-5	Amended	V. 35, p. 991
61-3-7	Amended	V. 35, p. 384
61-3-20	Amended	V. 35, p. 991
61-4-2	Amended	V. 35, p. 991
61-7-1	Revoked	V. 35, p. 385
61-7-2	New	V. 35, p. 385

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67-5-5	Amended	V. 36, p. 81

**AGENCY 68: BOARD OF PHARMACY**

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68-1-1b	Amended	V. 35, p. 695
68-1-1f	Amended	V. 35, p. 696
68-1-1g	Revoked	V. 35, p. 696
68-1-3a	Amended	V. 36, p. 1307
68-5-18	New	V. 35, p. 696
68-7-10	Amended	V. 35, p. 697
68-7-15	Amended	V. 36, p. 1307
68-7-20	Amended	V. 36, p. 1308
68-7-22	New	V. 35, p. 427
68-7-23	New (T)	V. 36, p. 822
68-7-23	New	V. 36, p. 1017
68-9-2	Amended	V. 35, p. 698
68-9-3	New	V. 35, p. 699
68-11-2	Amended	V. 36, p. 1308
68-11-3	New	V. 35, p. 700

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69-12-18	New	V. 35, p. 1098

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70-3-2	Amended	V. 36, p. 1328
70-3-5	Amended	V. 36, p. 1328
70-5-1	Amended	V. 36, p. 140
70-6-1	Amended	V. 36, p. 1328
70-7-1	Amended	V. 36, p. 1330
70-8-1	Amended	V. 36, p. 1331

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74-4-8	Amended	V. 35, p. 85
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74-5-2b	New	V. 35, p. 88
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74-5-104	Amended	V. 35, p. 88, 89
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74-5-301	Amended	V. 35, p. 90
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74-5-403	Amended	V. 35, p. 90
74-5-405a	Amended	V. 35, p. 90
74-5-406	Amended	V. 35, p. 90



74-5-407	Amended	V. 35, p. 91
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82-4-3i	Amended	V. 35, p. 360
82-4-3j	Amended	V. 35, p. 362
82-4-3k	Amended	V. 35, p. 363
82-4-3n	Amended	V. 35, p. 364
82-4-3o	Amended	V. 35, p. 366
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82-16-2	Amended	V. 36, p. 103
82-16-3	Revoked	V. 36, p. 103
82-16-4	Amended	V. 36, p. 103
82-16-5	Revoked	V. 36, p. 103
82-16-6	Amended	V. 36, p. 103

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86-1-4	Revoked	V. 35, p. 929
86-1-5	Amended	V. 36, p. 159
86-2-8	Revoked	V. 35, p. 929
86-3-19	Amended	V. 35, p. 929
86-3-26a	Amended	V. 35, p. 929
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86-3-31	New	V. 35, p. 929

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88-28-6	Amended	V. 36, p. 1309
88-28-7	Amended	V. 36, p. 451
88-28-8	Amended	V. 36, p. 452
88-29-2	Revoked	V. 35, p. 1113
88-29-5	Revoked	V. 35, p. 1113
88-29-6	Revoked	V. 35, p. 1113
88-29-7	Revoked	V. 35, p. 1113
88-29-7a	Revoked	V. 35, p. 1113
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88-29-8c	Revoked	V. 35, p. 1113
88-29-9	Revoked	V. 35, p. 1113
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88-29-11	Amended	V. 35, p. 1113

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91-1-208	Amended	V. 36, p. 609
91-1-221	Revoked	V. 36, p. 609
91-1-235	Amended	V. 36, p. 610
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92-51-34a	Amended	V. 36, p. 1203
92-57-1 through 92-57-5	New	V. 36, p. 843, 844

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION**

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93-6-3	Amended	V. 35, p. 357

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

Reg. No.	Action	Register
99-25-5	Amended	V. 36, p. 1355
99-26-1	Amended	V. 36, p. 1355

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-28a-1a	New	V. 35, p. 353
100-28a-6	Amended	V. 35, p. 353
100-28a-9	Amended	V. 35, p. 354
100-28a-9a	New	V. 35, p. 354
100-28a-10	Amended	V. 35, p. 354
100-28a-11	Amended	V. 35, p. 355
100-28a-12	Amended	V. 35, p. 355
100-28a-13	Amended	V. 35, p. 355
100-28a-14	Amended	V. 35, p. 356
100-28a-15	Amended	V. 35, p. 356
100-28a-17	Amended	V. 35, p. 356
100-29-9	Amended	V. 35, p. 387
100-29-16	Amended	V. 35, p. 388
100-29-18 through 100-29-21	New	V. 36, p. 368, 369
100-54-7	Amended	V. 35, p. 389
100-54-12	New	V. 35, p. 390
100-76-1 through 100-76-12	New (T)	V. 36, p. 1107-1111

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-3-7b	New (T)	V. 36, p. 546
102-3-7b	New	V. 36, p. 1089
102-5-7b	New (T)	V. 36, p. 546
102-5-7b	New	V. 36, p. 1090
102-8-1	New (T)	V. 35, p. 628
102-8-1	New	V. 35, p. 930
102-8-2	New (T)	V. 35, p. 628
102-8-2	New	V. 35, p. 931

102-8-4	New (T)	V. 35, p. 629
102-8-4	New	V. 35, p. 931
102-8-6	New (T)	V. 35, p. 629
102-8-6	New	V. 35, p. 932
102-8-7	New (T)	V. 35, p. 629
102-8-7	New	V. 35, p. 932
102-8-8	New (T)	V. 35, p. 646
102-8-8	New	V. 35, p. 932
102-8-9 through 102-8-12	New (T)	V. 35, p. 630-632
102-8-9 through 102-8-12	New	V. 35, p. 932-935

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

Reg. No.	Action	Register
105-5-2	Amended	V. 35, p. 936
105-5-3	Amended	V. 35, p. 936
105-5-6	Amended	V. 35, p. 937
105-5-7	Amended	V. 35, p. 937
105-5-8	Amended	V. 35, p. 937
105-11-1	Amended	V. 35, p. 938

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

Reg. No.	Action	Register
109-1-1	Amended	V. 36, p. 1356
109-2-1	Amended	V. 35, p. 317
109-2-9	Amended	V. 36, p. 1358
109-2-2	Amended	V. 35, p. 317
109-2-6	Amended	V. 35, p. 318
109-2-7	Revoked	V. 35, p. 318
109-2-8	Amended	V. 36, p. 593
109-2-11	Amended	V. 35, p. 320
109-3-3	Amended	V. 36, p. 329
109-3-4	Amended	V. 36, p. 330
109-5-1	Amended	V. 36, p. 1359
109-5-1a through 109-5-1d	Amended	V. 36, p. 1359-1360
109-5-1f	Revoked	V. 36, p. 1360
109-5-3	Amended	V. 36, p. 1360
109-5-5	Amended	V. 35, p. 582
109-5-7a through 109-5-7d	Revoked	V. 36, p. 1361
109-6-2	Amended	V. 36, p. 1361
109-7-1	Amended	V. 36, p. 1361
109-8-1	Amended	V. 36, p. 1362
109-8-2	Amended	V. 36, p. 1362
109-9-4	Amended	V. 36, p. 1363
109-10-1a through 109-10-1d	Amended	V. 36, p. 1363-1364
109-10-1f	Revoked	V. 36, p. 1364
109-10-1g	Revoked	V. 36, p. 1364
109-10-3	Amended	V. 36, p. 1364
109-10-7	Amended	V. 36, p. 1364
109-11-1a	Amended	V. 36, p. 1365
109-11-9	Amended	V. 36, p. 1365
109-13-1	Revoked	V. 36, p. 1366

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No.

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

Reg. No.	Action	Register
111-2-30	Amended	V. 36, p. 1384
111-2-62	Amended	V. 36, p. 564
111-2-321	New	V. 35, p. 898
111-2-322	New	V. 35, p. 898
111-2-323	New	V. 36, p. 1203
111-2-324	New	V. 36, p. 1203
111-3-1	Amended	V. 35, p. 898
111-4-878	Amended	V. 35, p. 819
111-4-879	Amended	V. 35, p. 819
111-4-880	Amended	V. 35, p. 819
111-4-3417	through	
111-4-3421	New	V. 35, p. 131-135
111-4-3422	New	V. 35, p. 157
111-4-3423	New	V. 35, p. 157
111-4-3424	through	
111-4-3431	New	V. 35, p. 406-408
111-4-3432	New	V. 35, p. 491
111-4-3433	through	
111-4-3439	New	V. 35, p. 457-461
111-4-3440	Amended	V. 35, p. 900
111-4-3441	New	V. 35, p. 463
111-4-3442	through	
111-4-3445	New	V. 35, p. 492-495
111-4-3446	through	
111-4-3449	New	V. 35, p. 582-584
111-4-3450	New	V. 35, p. 678
111-4-3451	New	V. 35, p. 765
111-4-3452	New	V. 35, p. 766
111-4-3453	New	V. 35, p. 768
111-4-3454	New	V. 35, p. 821
111-4-3455	through	
111-4-3459	New	V. 35, p. 900-904
111-4-3460	New	V. 35, p. 1057
111-4-3461	New	V. 35, p. 1058
111-4-3462	New	V. 35, p. 1059
111-4-3463	through	
111-4-3465	New	V. 36, p. 160-162
111-4-3466	New	V. 36, p. 192
111-4-3467	New	V. 36, p. 193
111-4-3468	New	V. 36, p. 217
111-4-3469	New	V. 36, p. 218
111-4-3470	New	V. 36, p. 219
111-4-3471	through	
111-4-3475	New	V. 36, p. 398-403
111-4-3476	through	
111-4-3485	New	V. 36, p. 483-492
111-4-3486	New	V. 36, p. 565
111-4-3487	Amended	V. 36, p. 880
111-4-3488	New	V. 36, p. 567
111-4-3489	New	V. 36, p. 881
111-4-3490	New	V. 36, p. 882

111-4-3491	through	
111-4-3498	New	V. 36, p. 973-983
111-4-3499	New	V. 36, p. 1055
111-4-3500	New	V. 36, p. 1056
111-4-3501	Amended	V. 36, p. 1145
111-4-3502	through	
111-4-3506	New	V. 36, p. 1146-1151
111-4-3507	New	V. 36, p. 1385
111-5-180	through	
111-5-187	Amended	V. 36, p. 1389-1393
111-5-191	Amended	V. 36, p. 1394
111-5-194	Amended	V. 36, p. 1394
111-5-219	New	V. 36, p. 493
111-5-220	through	
111-5-227	New	V. 35, p. 1060-1064
111-5-228	through	
111-5-242	New	V. 36, p. 1395-1403
111-6-1	Amended	V. 35, p. 907
111-7-66	Amended	V. 35, p. 158
111-7-68	Amended	V. 35, p. 159
111-7-73	Amended	V. 35, p. 159
111-7-75	Amended	V. 35, p. 159
111-7-265	New	V. 36, p. 404
111-7-266	New	V. 36, p. 405
111-9-216	New	V. 35, p. 586
111-9-217	New	V. 35, p. 586
111-15-1	through	
111-15-3	Amended	V. 36, p. 1059
111-15-5	Amended	V. 36, p. 1061
111-15-6	Amended	V. 36, p. 1061
111-15-7	Amended	V. 35, p. 1064
111-15-21	Amended	V. 35, p. 1064
111-16-1	Amended	V. 35, p. 464
111-16-2	Amended	V. 35, p. 464
111-16-5	Amended	V. 35, p. 464
111-17-21	Amended	V. 35, p. 160
111-17-24	New	V. 35, p. 136
111-17-25	New	V. 35, p. 161
111-17-27	New	V. 35, p. 408
111-17-28	New	V. 35, p. 465
111-17-29	New	V. 35, p. 466
111-17-30	New	V. 35, p. 498
111-17-31	New	V. 35, p. 499
111-17-32	New	V. 35, p. 678
111-17-33	New	V. 35, p. 769
111-17-34	Amended	V. 35, p. 1065
111-17-35	New	V. 35, p. 909
111-17-36	New	V. 36, p. 194
111-18-1	through	
111-18-7	New	V. 36, p. 220-224
111-19-1	through	
111-19-3	New	V. 36, p. 224-225
111-19-4	Amended	V. 36, p. 1061
111-19-5	New	V. 36, p. 226
111-19-6	New	V. 36, p. 405
111-19-7	Amended	V. 36, p. 1062
111-19-8	New	V. 36, p. 407
111-19-9	New	V. 36, p. 493
111-19-10	New	V. 36, 494
111-19-11	Amended	V. 36, p. 884
111-19-12	through	
111-19-18	New	V. 36, p. 495-496
111-19-19	New	V. 36, p. 568
111-19-20	New	V. 36, p. 983
111-19-21	New	V. 36, p. 984
111-19-22	Amended	V. 36, p. 1204
111-19-23	Amended	V. 36, p. 1204

111-19-24	New	V. 36, p. 1404
111-19-25	New	V. 36, p. 1404
111-301-28	Amended	V. 36, p. 163
111-301-45	Amended	V. 35, p. 770
111-301-47	New	V. 35, p. 1066
111-301-48	Amended	V. 36, p. 195
111-301-49	New	V. 35, p. 1066
111-301-50	Amended	V. 36, p. 195
111-301-51	New	V. 35, p. 1067
111-301-52	Amended	V. 36, p. 196
111-301-53	through	
111-301-57	New	V. 35, p. 1067-1068
111-301-58	New	V. 36, p. 884
111-301-59	New	V. 36, p. 885
111-301-60	through	
111-301-62	Amended	V. 36, p. 985-986
111-307-5	Amended	V. 35, p. 771
111-307-7	Amended	V. 35, p. 771
111-312-3	Amended	V. 36, p. 987
111-312-5	Amended	V. 36, p. 987
111-312-7	Amended	V. 36, p. 988
111-401-35	Amended	V. 36, p. 497
111-401-36	Amended	V. 35, p. 162
111-401-37	Amended	V. 35, p. 162
111-401-50	Amended	V. 36, p. 1405
111-401-63	Amended	V. 36, p. 1063
111-401-107	Amended	V. 36, p. 1153
111-401-108	Amended	V. 36, p. 1154
111-401-142	Amended	V. 36, p. 196
111-401-148	Amended	V. 35, p. 504
111-401-185	through	
111-401-188	Amended	V. 35, p. 139
111-401-190	through	
111-401-194	Amended	V. 35, p. 140
111-401-200a	New	V. 35, p. 409
111-401-201	through	
111-401-205	New	V. 35, p. 409-411
111-401-206	New	V. 36, p. 569
111-401-207	New	V. 36, p. 569
111-401-208	through	
111-401-210	Amended	V. 36, p. 1065-1066
111-401-211	through	
111-401-216	New	V. 36, p. 1154-1155
111-401-217	through	
111-401-228	New	V. 36, p. 1205-1209
111-401-229	through	
111-401-239	New	V. 36, p. 1406-1411
111-501-6	Amended	V. 36, p. 988
111-501-38	Amended	V. 36, p. 227
111-501-78	Amended	V. 36, p. 1210
111-501-122	through	
111-501-127	New	V. 35, p. 412-414
111-501-128	through	
111-501-138	New	V. 35, p. 910-912
111-501-139	through	
111-501-143	New	V. 36, p. 1412-1413
111-601-1	through	
111-601-8	New	V. 36, p. 164-167
111-601-14	through	
111-601-27	New	V. 36, p. 167-171
111-601-28	Amended	V. 36, p. 497

111-601-29  
through  
111-601-45 New V. 36, p. 172-178

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-102-2	Amended	V. 35, p. 612

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

Reg. No.	Action	Register
115-2-1	Amended	V. 36, p. 1332
115-2-2	Amended	V. 35, p. 973
115-2-3	Amended	V. 36, p. 1334
115-2-4	Amended	V. 36, p. 1335
115-2-6	Amended	V. 36, p. 1335
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 36, p. 1336
115-7-4	Amended	V. 36, p. 1337
115-7-10	Amended	V. 36, p. 1337
115-8-1	Amended	V. 36, p. 398
115-8-13	Amended	V. 35, p. 975
115-8-24	Revoked	V. 35, p. 633

115-16-3	Amended	V. 36, p. 859
115-17-2	Amended	V. 36, p. 1337
115-17-3	Amended	V. 36, p. 1338
115-18-12	Amended	V. 36, p. 1338
115-18-19	Amended	V. 36, p. 1338
115-18-20	Amended	V. 36, p. 1338
115-20-2	Amended	V. 36, p. 859
115-20-7	Amended	V. 36, p. 860

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 36, p. 452
117-2-2	Amended	V. 36, p. 452
117-2-2a	Amended	V. 36, p. 453
117-2-4	Amended	V. 35, p. 536
117-3-2	Amended	V. 36, p. 454
117-3-2a	Amended	V. 36, p. 455
117-3-4	Amended	V. 35, p. 537
117-4-1	Amended	V. 35, p. 537
117-4-2	Amended	V. 36, p. 455
117-4-2a	Amended	V. 36, p. 456
117-4-4	Amended	V. 35, p. 539
117-5-2a	Amended	V. 36, p. 457
117-8-3	New	V. 35, p. 199

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

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

**AGENCY 125: KANSAS AGRICULTURAL REMEDIATION BOARD**

Reg. No.	Action	Register
125-1-6	Amended	V. 35, p. 489
125-1-7	Amended	V. 35, p. 490

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

Reg. No.	Action	Register
128-6-4	Amended (T)	V. 35, p. 1115
128-6-4	Amended	V. 36, 271

**AGENCY 133: OFFICE OF ADMINISTRATIVE HEARINGS**

Reg. No.	Action	Register
133-1-1 through 133-1-4	New	V. 36, p. 8

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

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