



# Kansas Register

Kris W. Kobach, Secretary of State

Vol. 30, No. 25

June 23, 2011

Pages 873-900

In this issue . . .	Page
<b>Kansas Water Authority</b>	
Notice of meeting .....	874
<b>Kansas Water Office</b>	
Notice of hearing on the Kansas Water Plan .....	874
<b>Kansas Guardianship Program</b>	
Notice of meeting .....	875
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	875
<b>Department of Administration—Division of Facilities Management</b>	
Notices of requested architectural/engineering services.....	875
<b>Department of Revenue</b>	
Notice of intent to establish a new line-make for an existing new motor vehicle dealer .....	876
<b>Kansas Department of Transportation</b>	
Request for comments on the Statewide Transportation Improvement Program.....	876
Notice of public auction.....	876
Notice to contractors.....	877
<b>Legislative interim committee schedule.....</b>	<b>877</b>
<b>Secretary of State</b>	
Notice of corporations forfeited .....	878
<b>State Conservation Commission</b>	
Notices to contractors .....	878, 879
<b>Kansas Department of Agriculture</b>	
Notice of extended comment period on proposed administrative regulations .....	879
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases .....	879
<b>Kansas Board of Regents Universities</b>	
Notice to bidders.....	880
<b>Kansas Development Finance Authority</b>	
Notice of hearing on proposed revenue bonds .....	880
<b>Notice of Bond Sale</b>	
City of Shawnee .....	881
<b>Department of Health and Environment</b>	
Request for comments on proposed air quality permit.....	882
Notice concerning water pollution control permits/applications .....	882
<b>Social and Rehabilitation Services, Kansas Department on Aging     and Kansas Development Finance Authority</b>	
Notice of final nursing facility Medicaid rates .....	884
<b>Index to administrative regulations.....</b>	<b>895</b>

## State of Kansas

## Kansas Water Authority

## Notice of Meeting

The Kansas Water Authority will conduct a special meeting at 8:30 a.m. Friday, June 24, by conference call or in person in the Kansas Water Office's conference room, 901 S. Kansas Ave., Topeka. The Authority will consider submitting comments on the U.S. Environmental Protection Agency's draft guidance on Waters of the United States and may include required Authority approval of Kansas Water Office operations.

Any meeting documents will be posted and may be reviewed online at [www.kwo.org](http://www.kwo.org). The public can request information or conference call instructions by contacting Katie Ingels, Kansas Water Office's communications director, at the address above, by phone at (785) 296-3185, or by e-mail at [katie.ingels@kwo.ks.gov](mailto:katie.ingels@kwo.ks.gov).

Any individual with a disability may request accommodation to participate in the special meeting at least five working days before the hearing by contacting Katie Ingels.

Gary Harshberger  
Chairman

Doc. No. 039497

## State of Kansas

## Kansas Water Office

## Notice of Hearing

The Kansas Water Office will conduct a public hearing at 10:30 a.m. Thursday, June 30, in the Kansas Water Office's conference room, 901 S. Kansas Ave., Topeka, on the proposed Aquatic Nuisance Species section of the Kansas Water Plan. The proposed section defines the problems and impacts of aquatic nuisance species and makes recommendations for strategies to manage aquatic nuisance species in Kansas. The draft section can be reviewed online at [www.kwo.org](http://www.kwo.org).

Public comments on the proposed section will be accepted until 4 p.m. July 19. Comments can be submitted at the hearing or in writing to the Kansas Water Office, Attention ANS Comment, 901 S. Kansas Ave., Topeka, 66612, or by e-mail to [bobbi.wendt@kwo.ks.gov](mailto:bobbi.wendt@kwo.ks.gov) (subject line: ANS comment).

The public can request additional information by contacting Katie Ingels, communications director, at (785) 296-3185. Any individual with a disability may request accommodation at least five working days before the hearing by contacting Katie Ingels.

Tracy Streeter  
Director

Doc. No. 039496

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**State of Kansas  
Kansas Guardianship Program**

**Notice of Meeting**

The Kansas Guardianship Program will conduct its governing board meeting from 1:30 to 3:30 p.m. Tuesday, June 28, at the Kansas Bankers Association, 610 S.W. Corporate View Drive, Topeka. For more information, call (785) 587-8555.

Jean Krahn  
Executive Director

Doc. No. 039506

**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. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

**Effective 6-20-11 through 6-26-11**

Term	Rate
1-89 days	0.10%
3 months	0.02%
6 months	0.10%
1 year	0.22%
18 months	0.29%
2 years	0.37%

Scott Miller  
Director of Investments

Doc. No. 039505

**State of Kansas  
Department of Administration  
Division of Facilities Management**

**Notice of Requested "On-Call" Engineering Services**

Notice is hereby given of the commencement of the selection process for "on-call" engineering services for small projects for the state of Kansas, Department of Administration, Division of Facilities Management. Contracts will be for three years. The following services are required:

- Two on-call environmental engineering firms; work will primarily be in Topeka and Wichita, but could be anywhere in the state.
- One on-call mechanical-electrical-plumbing engineering firm; work will primarily be in Wichita, but could be anywhere in the state.

For more information, contact George Werth at (785) 296-0159. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of

Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Forms referenced in Chapter 4 are available to firms at the Web site noted above or by contacting Barbara Schilling, Division of Facilities Management, Suite 600 South, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 291-3695, [Barb.Schilling@da.ks.gov](mailto:Barb.Schilling@da.ks.gov). Submittals shall be delivered to the attention of Barbara Schilling before noon July 8.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039516

**State of Kansas  
Department of Administration  
Division of Facilities Management**

**Notice of Requested "On-Call"  
Architectural Services and  
"On-Call" Engineering Services**

Notice is hereby given of the commencement of the selection process for "on-call" architectural services and "on-call" mechanical-electrical-plumbing engineering services for small projects at the Kansas State Schools for the Deaf and Blind, Olathe and Kansas City, Kansas. One architectural firm will be selected and one engineering firm will be selected. The selected firms will provide services at both locations and must be familiar with schools and commercial design as well as facilities for persons with special needs. Contracts will be for three years.

For more information, contact Sue Gamble at (913) 667-9783. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Forms referenced in Chapter 4 are available to firms at the Web site noted above or by contacting Barbara Schilling, Division of Facilities Management, Suite 600 South, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 291-3695, [Barb.Schilling@da.ks.gov](mailto:Barb.Schilling@da.ks.gov). Submittals shall be delivered to the attention of Barbara Schilling before noon July 8.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039517

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 11-14. The comprehensive list of projects being amended to the STIP may be viewed online at [www.ksdot.org/publications.asp](http://www.ksdot.org/publications.asp). This list includes projects for counties and cities and for projects on the State Highway System.

The amendment of the STIP requires a public comment period of 14 days. To make comments on this STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude July 7.

Deb Miller  
Secretary of Transportation

Doc. No. 039507

## State of Kansas

Department of Revenue  
Division of VehiclesNotice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer

Notice has been received from RML Olathe II LLC, dba Olathe Dodge Chrysler Jeep, Kansas Dealer #734, that it will be adding the Fiat line-make to its location at 15500 W. 117th St., Olathe, Kansas, 66062. The proposed selling location is 15500 W. 117th St., Olathe, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at RML Olathe II LLC, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at 15500 W. 117th St., Olathe, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Fiat dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Debra Wiley, Bureau Manager  
Titles & Registrations/Dealer Licensing

Doc. No. 039511

## State of Kansas

## Department of Transportation

## Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction the following tract of land:

**Tract 1803-14-2**

15.56 acres, Linn County, east side of Pleasanton on east side of Old US-69 Highway, approx. 0.25 mile south of 6th Street/1100 Road.

A complete legal description available on request.

The sale will be conducted at 5 p.m. July 28 at the access road on the south end of site, NE/4 Section 31-21s-25e. In case of inclement weather, call (877) 461-6817 after 3 p.m. on the day of sale to confirm the sale location.

The minimum acceptable bid is \$19,610.

An inspection of property will take place at 4 p.m. on the day of sale.

**Terms of Sale:**

A cashier's check for \$1,961, representing 10 percent of the minimum acceptable bid, is due at the time of the sale. The balance of the purchase price must be paid by cashier's check before 3 p.m. August 29, 2011. The successful bidder will receive a bill of sale on the day of the sale and a quit claim deed after the balance is paid. If the balance of the purchase price is not paid before 3 p.m. August 29, 2011, the 10 percent down payment will be forfeited to the seller. For additional terms and information, contact the Bureau of Right of Way at (877) 461-6817.

The seller reserves the right to reject any and all bids and is not responsible for accidents. No further bids will be entertained or any offers considered after the formal bidding is called to a close.

**Sold Subject to the Following:**

The tract will be sold subject to the easement for the right of ingress and egress, reconstruction and maintenance of all existing utilities and appurtenances thereto, as well as the following restrictive covenant: Grantees, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards, signboards or other outdoor advertising purposes.

The prospective buyer is encouraged to research the chain of title of the tract.

The Kansas Department of Transportation makes no representations concerning the condition, value or suitability of use for this property or the improvements, attachments, fixtures, apparatuses and appliances thereof, if any. The property and said improvements, etc., will be sold in the present "as is" condition, without warranties or guarantees of any kind.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Deb Miller  
Secretary of Transportation

Doc. No. 039510

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 30-July 7. 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 e-mail LegServ@las.ks.gov. The 2011 interim committee memberships and committee agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm>.

Date	Room	Time	Committee	Agenda
<del>June 28</del> June 30	548-S	TBA 1:30 p.m.	Legislative Coordinating Council	Legislative matters.
	<b>Note: Date &amp; time change.</b>			
July 7	152-S	9:00 a.m.	Legislative Post Audit	Performance and financial audits, performance audit topics, operations, old and new business.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 039513

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. July 20 and then publicly opened:

**District One — Northeast**

**Douglas**—10-23 KA-2409-01 — K-10 in Douglas County from east Lawrence to the Johnson County line, overlay and shoulders, 8.7 miles. (State Funds)

**Johnson**—35-46 KA-2235-01 — Bridge repair on Bridge 27 in Johnson County. (State Funds)

**Johnson**—435-46 KA-2257-01 — Bridge repair in Johnson County on I-435. (State Funds)

**Johnson**—435-46 KA-2406-01 — Pavement marking project, 4.3 miles. (Federal Funds)

**Wyandotte**—435-105 KA-2405-01 — I-435 from 98th Street to Leavenworth Road, pavement marking, 3.6 miles. (Federal Funds)

**Wyandotte**—105 KA-2407-01 — Pavement marking project, 10.5 miles. (Federal Funds)

**District Two — Northcentral**

**Clay**—24-14 KA-0708-01 — U.S. 24 bridge at the abandoned railroad and Huntress Creek in Clay Center, bridge replacement. (Federal Funds)

**Dickinson**—70-21 KA-2400-01 — Pavement marking project on I-70, 14.7 miles. (Federal Funds)

**Ellsworth**—70-27 KA-0728-01 — I-70 from the Russell-Ellsworth county line east 8.3 miles, milling and overlay. (Federal Funds)

**Ellsworth**—70-27 KA-0730-01 — I-70, 0.7 mile west of the K-14 east junction east to the Ellsworth-Lincoln county line, milling and overlay, 7 miles. (Federal Funds)

**Geary**—40B-31 KA-2239-01 — U.S. 40B bridge repair in Geary County. (State Funds)

**Geary**—70-31 KA-2240-01 — I-70 bridge repair in Geary County. (State Funds)

**Geary**—70-31 KA-2401-01 — Pavement marking project on I-70, 26.2 miles. (Federal Funds)

**McPherson**—61-59 K-8253-05 — K-61 from the Reno-McPherson county line to northeast of Chisholm Road, surfacing, 6.1 miles. (State Funds)

**District Three - Northwest**

**Ellis**—70-26 KA-2363-01 — I-70 in Ellis County, crack repair, 15.6 miles. (State Funds)

**District Four - Southeast**

**Neosho-Wilson**—106 KA-2177-01 — South Kansas Oklahoma Railroad, Neodesha and Chanute Subdivisions, railroad improvement. (Federal Funds)

**District Five - Southcentral**

**Sedgwick**—81-87 KA-2410-01 — U.S. 81 between K-53 and 95th Street South at Haysville, overlay and shoulders, 5.8 miles. (State Funds)

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

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

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

Deb Miller  
Secretary of Transportation

Doc. No. 039521

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of May 2011 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

## Domestic Corporations

All4B.Corp, Olathe, KS.  
 Billiard & Games Etc., Inc., Wichita, KS.  
 Busybrowser Corporation, Wamego, KS.  
 Claud Davis Engraving, Inc., Paola, KS.  
 Collins Bus Corporation, Hutchinson, KS.  
 Crago Corp., Merriam, KS.  
 Derby Swim Club, Derby, KS.  
 Diversity Kansas, Inc., Wichita, KS.  
 Finn-Kool, Inc., Beloit, KS.  
 General Marketing & Sales Corp., Lenexa, KS.  
 Gonzalez Construction, Inc., Wichita, KS.  
 Good Fortune Inc., New York, NY.  
 Hear Now South Africa Foundation, Leawood, KS.  
 Hit or Miss Media Inc., Kansas City, KS.  
 Hoisington Post #286 the American Legion, Hoisington, KS.  
 Howe's Building Supplies Company, Inc., Lindsborg, KS.  
 International Discipleship Mission, Inc., Torrance, CA.  
 Kansas Association of Pi Beta Phi, Lawrence, KS.  
 Lahoma, Ltd., Hutchinson, KS.  
 Lawrence Alcoholic Recovery House, Inc., Lawrence, KS.  
 Levendofsky Farms, Inc., Belleville, KS.  
 Liberal Publishing Company, L.L.C., Liberal, KS.  
 Manhattan Sertoma Club, Inc., Manhattan, KS.  
 Midwest Diamond & Gold Importers Inc., Kansas City, KS.  
 Mobile Products, Inc., Hutchinson, KS.  
 Moody Implement Co., Inc., St. John, KS.  
 Northeast Youth Club Inc., Wichita, KS.  
 Payment Paradigm, LLC, Overland Park, KS.  
 Phi XI House Corporation of Delta Delta Delta, Wichita, KS.  
 Prairie Shamrock, Incorporated, Colby, KS.  
 Pratt Area Humane Society, Pratt, KS.  
 R. C. Neuer Company, Paola, KS.  
 Riverdale, Inc., St. Joseph, MO.  
 Ron Boden, Inc., Beloit, KS.  
 Share the Way Inc., Wichita, KS.  
 Shawnee Assembly of God, Shawnee, KS.  
 Sturgeon & Taylor Development Co., Inc., Olathe KS.  
 Sums, Inc., Lawrence, KS.  
 Terrys Inc., Wichita, KS.  
 The Downtown Y's Men's Club of Wichita, Kansas, Wichita, KS.  
 The Gamble Team, Inc., Overland Park, KS.  
 W. H. Debrick Co., Inc., Paola, KS.  
 Woodbury-Lusk Motors, Inc., Quenemo, KS.  
 Wrestling Organization of Olathe Association, Olathe, KS.  
 Young's, Inc., Topeka, KS.

## Foreign Corporations

Albin Carlson & Co., Addison, IL.  
 Amateur Athletic Union of the United States, Inc., Lake Buena Vista, FL.  
 Collins Industries, Inc., Hutchinson, KS.  
 Consortium for the Advancement of Chiropractic Education and Science, Overland Park, KS.

Custom Engineered Wheels, Inc., Warsaw, IN.  
 D.R. Inc., Brea, CA.  
 ETS, LLC, Indianapolis, IN.  
 Integrated Services, Inc., Portland, OR.  
 International Localization Network, Inc., Potter, KS.  
 Nexaira, Inc., San Diego, CA.  
 Quarry Integrated Communications USA Inc., Durham, NC.  
 Soloff Builders, Inc., Chattanooga, TN.  
 Southside Landscaping Company, Kansas City, KS.  
 The Knopke Company, LLC, Kansas City, MO.  
 Wheeled Coach Industries, Inc., Hutchinson, KS.

Kris W. Kobach  
 Secretary of State

Doc. No. 039489

## State of Kansas

## State Conservation Commission

## Notice to Contractors

Sealed bids for the construction of a 22,600 cubic yard detention dam, Site No. 103 in Lyon County, will be received by the Eagle Creek Watershed District No. 77 at the Olpe State Bank, 202 Westphalia, Olpe, 66865, (620) 475-3213. Bids will be opened at 10 a.m. July 7 at the Olpe State Bank. Bids may be hand delivered prior to bid opening. A copy of the invitation to bid, plans and specifications can be reviewed at and obtained from the Eagle Creek Watershed District No. 77, P.O. Box 207, Olpe, 66865-0207. A \$20 nonrefundable deposit is required for each set of plans requested.

Greg A. Foley  
 Executive Director

Doc. No. 039509

## State of Kansas

## State Conservation Commission

## Notice to Contractors

Sealed bids for rehabilitation of the detention dam Site I-23 in Jackson County will be received by the Nemaha-Brown Watershed Joint District No. 7 Office, 328 2nd St. (mailing address P.O. Box 177), Wetmore, 66550, (785) 866-2112, until 7 p.m. July 14 and then opened. Principal spillway rehabilitation includes installation of 12" diameter pipe 35 feet long, 1657 cubic yards of earthfill and excavation. Each bidder shall file with the bid a cashier's check or certified check on an acceptable bank or a bid bond in the amount of 5 percent of the total amount of the bid. A copy of the invitation for bids and the rehabilitation plans and specifications can be reviewed at and obtained from King & Associates Engineering, 307 Montana Ave., Holton, 66436, (785) 364-4312 (office) or (785) 845-5272 (cell). Bidders also may call to make an appointment to visit the site. A \$20 nonrefundable deposit will be required for each set of plans requested.

Greg A. Foley  
 Executive Director

Doc. No. 039519

**State of Kansas  
State Conservation Commission**

**Notice to Contractors**

Sealed bids for rehabilitation of the detention dam Site 31-23 in Nemaha County will be received by the Nemaha-Brown Watershed Joint District No. 7 Office, 328 2nd St. (mailing address P.O. Box 177), Wetmore, 66550, (785) 866-2112, until 7 p.m. July 14 and then opened. Principal spillway rehabilitation includes installation of 12" PVC continuous liner, 3610 cubic yards of earthfill and excavation, and 640 cubic yards of topsoil. Each bidder shall file with the bid a cashier's check or certified check on an acceptable bank or a bid bond in the amount of 5 percent of the total amount of the bid. A copy of the invitation for bids and the rehabilitation plans and specifications can be reviewed at and obtained from King & Associates Engineering, 307 Montana Ave., Holton, 66436, (785) 364-4312 (office) or (785) 845-5272 (cell). Bidders also may call to make an appointment to visit the site. A \$20 non-refundable deposit will be required for each set of plans requested.

Greg A. Foley  
Executive Director

Doc. No. 039518

**State of Kansas  
Department of Agriculture**

**Notice of Extended Public Comment Period on  
Proposed Administrative Regulations**

Proposed revisions have been made to the Commercial Feeding Stuffs regulations in response to public comments received at the public hearing held April 5, 2011. Therefore, additional rulemaking proceedings are being initiated pursuant to K.S.A. 2010 Supp. 77-421(c). This serves as formal notice of the department's intent to adopt the proposed regulations as revised subsequent to the public hearing.

The 30 days following this publication shall constitute a public comment period in accordance with K.S.A. 2010 Supp. 77-421(a)(4) for the purpose of receiving written public comments on the Commercial Feeding Stuffs regulations K.A.R. 4-3-49 and K.A.R. 4-3-51. Comments must be received by 5 p.m. July 26. All interested parties may submit written comments to Leslie Garner, Kansas Department of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or [leslie.garner@kda.ks.gov](mailto:leslie.garner@kda.ks.gov), or through the department's Web site at <http://www.ksda.gov/statutes/>.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

**K.A.R. 4-3-49** currently adopts by reference certain sections of 21 C.F.R. Parts 225 and 226, revised April 1, 2006. The proposed amendment to the regulation adopts the April 1, 2010, revision of those sections.

**K.A.R. 4-3-51** currently adopts by reference certain sections of 21 C.F.R. Part 589, revised April 1, 2006, relating to commercial feed and prohibited materials. The proposed amendment to the regulation clarifies and updates

the regulation, and adopts the April 1, 2010, revision of those sections of 21 C.F.R. Part 589.

Economic Impact Statement: The changes are expected to have no economic impact on the Kansas Department of Agriculture, other governmental agencies, private businesses, or individuals.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the contact information above, (785) 296-4623, or from the department's Web site at <http://www.ksda.gov/statutes/>.

Dale A. Rodman  
Secretary of Agriculture

Doc. No. 039488

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

**Notice to Bidders**

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

- |            |            |  |
|------------|------------|--|
| 07/06/2011 | EVT0000741 | Collection Services, Court Debt & Restitution                |
| 07/06/2011 | EVT0000733 | Automated Calling Services                                   |
| 07/07/2011 | EVT0000734 | Aggregate  |
| 07/07/2011 | EVT0000738 | Aggregate — Hillsdale  |
| 07/18/2011 | EVT0000746 | Consulting Services, Nursing                                 |
| 07/21/2011 | EVT0000740 | Public Performance Licensing & Leasing (DVD Motion Pictures) |

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

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

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

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

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

- |            |          |  |
|------------|----------|--|
| 07/06/2011 | A-011712 | Energy Improvements — Manhattan Readiness Center Office — Adjutant General's Dept., Manhattan                        |
| 07/06/2011 | A-011715 | Energy Improvements KANG — Lenexa Armory — Adjutant General's Dept., Lenexa  |
| 07/13/2011 | A-011490 | Chiller Replacement & Chilled Water System Modifications — DSOB, Statehouse — Dept. of Facilities Management, Topeka |

Chris Howe  
Director of Purchases

Doc. No. 039520

## State of Kansas

## Board of Regents Universities

## Notice to Bidders

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

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

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

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

**Pittsburg State University** – Bid postings: [www.pittstate.edu/office/purchasing](http://www.pittstate.edu/office/purchasing). Additional contact info: phone: 620-235-4169, fax: 620-235-4166, e-mail: [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.purchasing.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, e-mail: [purchasing@ku.edu](mailto:purchasing@ku.edu).

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

**Wichita State University** – Bid postings: [www.wichita.edu/purchasing](http://www.wichita.edu/purchasing). Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Barry Swanson  
Chair of Regents Purchasing Group  
Chief Procurement Officer  
University of Kansas

Doc. No. 038494

## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, July 7, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The projects shall be located as shown:

**Project No. 000809—Maximum Principal Amount: \$91,370.56.** Owner/Operator: Garrett and Neva J. Beydler. Description: Acquisition of 40 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Garrett and Neva J. Beydler and is located at Section 23, Township 5 South, Range 23 West, Norton County, Kansas, approximately 15 miles south of Norton on Highway 283.

**Project No. 000810—Maximum Principal Amount: \$204,695.43.** Owner/Operator: Kevin M. Sudbeck. Description: Acquisition of 154 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Kevin M. Sudbeck and is located at the Northwest Quarter of Section 14, Township 7 South, Range 15 East, Jackson County, Kansas, approximately 1 mile south of Holton on Highway 75 and .5 mile east.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the K DFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the projects may be obtained by contacting the K DFA.

Tim Shallenburger  
President

Doc. No. 039508

(Published in the Kansas Register June 23, 2011.)

**Summary Notice of Bond Sale  
City of Shawnee, Kansas  
\$5,770,000\*  
Internal Improvement Bonds  
Series 2011A  
(General obligations payable from  
unlimited ad valorem taxes)**

2020	415,000
2021	430,000
2022	390,000
2023	400,000
2024	410,000
2025	330,000
2026	340,000

**Bids**

Subject to the Notice of Bond Sale dated June 22, 2011, bids for the bonds will be received on behalf of the finance director of the city of Shawnee, Kansas, on behalf of the governing body of the city at the offices of Springsted Incorporated, 380 Jackson St., Suite 300, St. Paul, MN 55101-2887, by delivery; via telephone at (651) 223-3000 or via facsimile at (651) 223-3046; or, in the case of electronic bids, via PARITY, until 11 a.m. Central Time on Monday, July 11, 2011, for the purchase of all of the city's \$5,770,000\* principal amount of Internal Improvement Bonds, Series 2011A.

Electronic bids for the purchase of all of the bonds will only be accepted through PARITY electronic bid submission system. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the requirements of the complete Notice of Sale. If any provisions in this Summary Notice of Bond Sale conflict with information provided by PARITY, this Summary Notice of Bond Sale will control. The city assumes no responsibility or liability for bids submitted through PARITY. The city is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for the bonds. PARITY is not an agent of the city.

All bids will be publicly opened on the date and at the time set forth above and acted upon by the governing body at a regular meeting to be held at 7:30 p.m., or as soon thereafter as practicable, on said sale date. No oral or auction bids will be considered. Bids for the bonds shall not be less than 98.8 percent of the entire par amount of the bonds (\$5,700,760), plus accrued interest on the total principal amount of the bonds to the date of delivery.

**Bond Details**

The bonds will be in book entry form only. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof; will be dated August 1, 2011 (the dated date); will be issued in the principal amount of \$5,770,000; and will become due serially on December 1 in each of the years as follows:

**Maturity Schedule\***

<b>Maturity December 1</b>	<b>Principal* Amount</b>
2012	\$330,000
2013	375,000
2014	375,000
2015	385,000
2016	390,000
2017	395,000
2018	400,000
2019	405,000

Bids for the bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption.

The bonds will bear interest from the dated date at the rates to be determined when the bonds are sold as hereinafter provided, payable semiannually on June 1 and December 1 in each year, commencing June 1, 2012. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for the bonds.

**Delivery and Payment**

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their sale in New York, New York.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check drawn on a bank located in the United States, a financial surety bond in a form that complies with the requirements set forth in the Notice of Sale, or the wire transfer of same-day funds in accordance with the requirements set forth in the Notice of Sale in the amount of \$115,400 must be furnished at or prior to the time of sale by each bidder.

**Costs**

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Kutak Rock LLP, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the bonds, the equalized assessed valuation of the taxable tangible property within the city for the year 2011 is \$771,091,562. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$91,935,000. A portion of the proceeds of the bonds will be used to retire the city's outstanding \$2,645,000 General Obligation Temporary Notes, Series 2010C.

**Additional Information**

A complete Notice of Sale for the bonds, Official Statement and bid forms approved by the city will be mailed to all interested parties. Bidders may be required to be qualified in a manner established by the city before submitting a bid. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, at (651) 223-3000, or Bryan Kidney, the city's finance director, at (913) 631-2500.

*(continued)*

City of Shawnee, Kansas  
Bryan Kidney, Finance Director  
Shawnee City Hall  
11110 Johnson Drive  
Shawnee, KS 66203

State of Kansas

Department of Health  
and Environment

Notice Concerning Kansas/Federal Water  
Pollution Control Permits and Applications

\*Preliminary; subject to change.

Doc. No. 039515

State of Kansas

Department of Health  
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Astro Truck Covers, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct a new fiberglass truck cover and lid manufacturing facility. Emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAPs) were evaluated during the permit review process.

Astro Truck Covers, Inc., 210 S. Catalpa, Garnett, 66032, owns and operates the stationary source located at 801 E. North St., Ottawa, 66067, at which the construction of a new fiberglass truck cover and lid manufacturing facility is to be constructed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northeast District Office, 801 W. 24th St., Lawrence. To obtain or review the proposed permit and supporting documentation, contact Kristin R. Fritchman, (785) 368-6683, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

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

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

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

Doc. No. 039514

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

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant 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-11-105/115  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Steve Johnson 1536 Nail Road Enterprise, KS 67441	NE/4 of Section 21 & SW/2 of Section 22, T14S, R03E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-B012

This is a new permit for an existing, expanding facility previously certified. The facility is expanding to a capacity of 999 head (499.5 animal units) of cattle and building four new pens northwest of the existing pens. The new pens will drain to a sediment basin and a gated pipe that will drain to a dense vegetative buffer.

Name and Address of Applicant	Legal Description	Receiving Water
Mas Cow Dairy, L.L.C. Brian Hemann 1699 CR 20 Moscow, KS 67952	NE/4 of Section 34, T32S, R36W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-D001 Federal Permit No. KS0097098

This is a permit renewal and modification for a 6,000 head (7,320 animal units) dairy and replacement heifer facility. The facility is proposing to construct additional manure storage area. There are no changes in animal unit capacity. This facility has an approved nutrient management plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Pratt Feeders, Inc. dba Ashland Feeders Mick Sharp 2590 County Road L Ashland, KS 67831	N/2 & SE/4 of Section 25, T31S, R22W, Clark County	Cimarron River Basin

Kansas Permit No. A-CICA-C001 Federal Permit No. KS0047104

This is a permit reissuance with modification for an existing cattle feeding facility. The maximum permitted capacity of the facility will remain at 15,000 head (15,000 animal units) of cattle weighing 700

pounds or more. The permittee will be modifying one of the runoff storage basins and adding a sedimentation basin. This facility has an approved nutrient management plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Finney County Feedyard, Inc. Jeff George 4170 N. Finney County Feeders Road Garden City, KS 67846	S/2 of Section 31, T23S, R31W, Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-C002 Federal Permit No. KS0037583

This is a permit modification and reissuance for an expanding livestock facility for 32,700 head (32,700 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. Proposed modifications include the construction of open lot pens, a sediment basin, a concrete overflow spillway and three channels. This facility has an approved nutrient management plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Larson Feedlot Craig Larson Route 2 583 PLN Oberlin, KS 67749	SE/4 of Section 13, T03S, R30W, Decatur County	Upper Republican River Basin

Kansas Permit No. A-URDC-C005 Kansas Permit No. KS0097438

This is a permit modification and reissuance for an expanding livestock facility for 2,500 head (2,500 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. Proposed modifications include the construction of open lot pens, three sediment basin, two earthen retention structures and three freshwater diversions. Modifications also will be made to the existing sedimentation channel and retention structure. This facility has an approved nutrient management plan on file with the KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Kopfer Farms Kellan Kopfer 630 Cherokee Road Oak Hill, KS 67432	NW/4 of Section 04, T10S, 01E, Clay County	Smoky Hill River Basin

Kansas Permit No. A-SHCY-S007

A permit is being reissued to an existing facility with a maximum capacity for 1,200 head (480 animal units) of swine weighing more than 55 pounds and 600 head (60 animal units) of swine weighing 55 pounds or less. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Rex Headrick 1375 H Road Jewell, KS 66949	N/2 of Section 31, T04S, R08W, Jewell County	Solomon River Basin

Kansas Permit No. A-SOJW-B002

A permit is being reissued to an existing facility with a maximum capacity for 850 head (850 animal units) of cattle weighing more than 700 pounds. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pine Lane Dairy Jonas Frantz 1025 320th Tampa, KS 67483	N/2 of Section 34, T17S, R02E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-M017

A permit is being reissued to an existing facility with a maximum capacity for 85 head (119 animal units) of mature dairy cows and 10 head (5 animal units) of calves weighing less than 700 pounds. The

animal unit capacity has increased from 114 to 124 due to a change in the way animal units are calculated.

Name and Address of Applicant	Legal Description	Receiving Water
Kopfer Dairy Merlin Kopfer 2129 17th Road Clay Center, KS 67432	SW/4 of Section 09, T08S, R04E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-M005

A permit is being reissued to an existing facility with a maximum capacity for 100 head (140 animal units) of mature dairy cows and 80 head (40 animal units) of cattle weighing less than 700 pounds. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Farms of Windom, Inc. James R. Nelson 905 1st Ave. Windom, KS 67491	NE/4 of Section 19, T20S, R05W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-B001

This permit is being reissued for an existing facility with a maximum of 600 head (600 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
Lazy B Farm, Inc. Murray J. Baalman 9247 W. Road 110 S. Grinnell, KS 67738	NE/4 of Section 12, T10S, R30W, Sheridan County	Saline River Basin

Kansas Permit No. A-SASD-B005

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

**Public Notice No. KS-Q-11-049/052**

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Altoona, City of P.O. Box 147 Altoona, KS 66710	Verdigris River	Treated Domestic Wastewater

Kansas Permit No. M-VE01-OO01 Federal Permit No. KS0027511  
Legal Description: N½, SE¼, NW¼, S21, T29S, R16E, Wilson County

Facility Description: The proposed action is to reissue the existing permit for the operation of the existing wastewater treatment facility. The proposed permit contain limits for biochemical oxygen demand and total suspended solids, as well as monitoring of ammonia, E. coli and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Bayer Construction Company P.O. Box 889 Manhattan, KS 66505	Kansas River via Deep Creek via East Branch of Deep Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-KS38-PO03 Federal Permit No. KS0020630  
Legal Description: W½, NW¼, S3 & N½, S4, T11S, R9E; S½, S33 & W½, SW¼, S34, T10S, R9E, Riley County

Facility Name: Hayden Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations.

(continued)

This is a limestone quarrying and crushing operation that discharges stormwater runoff via Outfalls 001, 002 and 003, which is treated by several settling ponds before discharging. This quarry has been inactive for the most part, with only stockpiling taking place. The proposed permit contains generic water quality language to protect waters of the state.

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Bayer Construction Company P.O. Box 889 Manhattan, KS 66505	Kansas River via Deep Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-KS38-PO08      Federal Permit No. KS0098032  
Legal Description: S½, S28, T10S, R9E, Riley County  
Facility Name: Moore Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation that performs some rock washing. Outfall 001 consists of washwater treated by a rock check dam and two settling ponds in series before discharging. Outfall 002 consists of stormwater runoff treated by a fresh water pond that rarely discharges. Outfall 003 consists of stormwater runoff from a reclaimed area and would only discharge if the settling pond level was high enough to overflow into a riser pipe, which discharges to the other side of the dam. The proposed permit contains limits for total suspended solids, as well as generic water-quality language to protect waters of the state.

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Bunge North America, Inc. 11720 Borman Drive St. Louis, MO 63146	Saline River via Mulberry Creek via Pipe	Groundwater Remediation Project

Kansas Permit No. I-SA20-PO04      Federal Permit No. KS0100196  
Legal Description: NE¼, S9, T14S, R3W, Saline County

Facility Description: The proposed action consists of issuance of a new Kansas/NPDES Water Pollution Control permit for a new existing groundwater remediation project. Groundwater contaminated with grain fumigants is collected in a series of groundwater extraction wells and pumped along with some miscellaneous wastewater to an air stripper. There is no domestic wastewater generated at this facility. The proposed permit contains limits for tetrachloromethane, chloroform and pH, as well as monitoring for total recoverable copper, total phosphorus and effluent flow.

**Public Notice No. KS-PT-11-005**

<b>Name and Address of Applicant</b>	<b>Receiving Facility</b>	<b>Type of Discharge</b>
D-J Engineering, Inc. 219 W. 6th Ave. Augusta, KS 67010	Conway Springs WWTP	Process Wastewater

Kansas Permit No. P-AR25-OO01      Federal Tracking No. KSP000048

Facility Description: The proposed action is to reissue an existing pretreatment permit for this facility. This facility extrudes aluminum alloy billets into aluminum parts. Aluminum parts are rinsed off in a 9,000-gallon tank containing a water/glycol mixture following a heat treat operation. This rinse water is discharged to the city sanitary sewer via Outfall 001. The proposed permit contains limits for chromium, zinc, oil and grease, total cyanide, total toxic organics and pH, as well as monitoring of effluent flow. The permit limits are pursuant to state and federal pretreatment requirements.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents

or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before July 23 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-105/115, KS-Q-11-049/052, KS-PT-11-005) and name of the applicant/permittee when preparing comments.

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

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

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

Doc. No. 039511

**State of Kansas  
Social and Rehabilitation Services  
Department on Aging  
Kansas Health Policy Authority**

**Notice of Final Nursing Facility Medicaid Rates for State Fiscal Year 2012;**

**Methodology for Calculating Final Rates, and Rate Justifications; Response to Written Comments; Notice of Intent to Amend the Medicaid State Plan**

Under the Medicaid program, 42 U.S.C. 1396 et seq., the state of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the nursing facility program, which includes hospital long-term care units, and the Secretary of Social and Rehabilitation Services administers the nursing facility for mental health program. Both secretaries act on behalf of the Kansas Health Policy Authority (KHPA), the single state Medicaid agency. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department on Aging (KDOA) and the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) are

publishing the final Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2012, the methodology underlying the establishment of the final nursing facility rates, and the justifications for those final rates. SRS and KDOA are also providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2011.

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

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

- A. The following portions of the Kansas Medicaid State Plan are maintained by KHPA:
1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
  2. Attachment 4.19D, Part I, Subpart J; and
  3. Attachment 4.19D, Part I, Subpart K.

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provision set out in this notice appears in the version that the state currently intends to submit to CMS on or before September 30, 2011. The proposed Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

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

Secretary of Aging  
New England Building, 2nd Floor  
503 S. Kansas Ave.  
Topeka, KS 66603-3404  
Fax (785) 296-0767

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

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

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

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

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

#### Calendar Year End Cost Reports:

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

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

#### Projected Cost Reports:

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

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

##### Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2008, 2009, and 2010.

If the current provider has not submitted a calendar year report between 2008 and 2010, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider's base cost data.

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

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The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to 12/31/11. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

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

The case mix of the residents adjusts the Direct Health Care cost center. The reasoning behind a case mix payment system is that the characteristics of the residents in a facility should be considered in determining the payment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

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

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

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

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to 12/31/11. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/11. The provider shall remain in new enrollment status until the base data is re-established. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

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

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2008 to 2010. If base cost data is not available the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to 12/31/11. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/11. The provider shall remain in change-of-provider status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

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

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding calendar year 2008.

All cost data used to set rates for facilities reentering the program shall be adjusted to 12/31/11. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/11. The provider shall remain in reenrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in re-enrollment status.

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

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

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.12b case mix indices developed by the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) shall be the basis for calculating facility average case mix indices to

be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the State.

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

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

The resident listing cutoff for calculating the average CMIs will be the first day of the quarter before the rate is effective. The following are the dates for the resident listings and the quarter in which the average Medicaid CMIs will be used in the quarterly rate-setting process.

<u>Rate Effective Date:</u>	<u>Cutoff Date:</u>
July 1	April 1
October 1	July 1
January 1	October 1
April 1	January 1

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

**4) Resident Days**

Facilities with 60 beds or less:

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

Facilities with more than 60 beds:

For facilities with more than 60 beds, the allowable historic per diem costs for the Direct Health Care cost center

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

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

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

**5) Inflation Factors**

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to 12/31/11. The inflation will be based on the IHS index.

The IHS Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

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

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

The inflation factor for the real and personal property fees will be based on the IHS index.

**6) Upper Payment Limits**

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and per-

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sonal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a State Plan amendment.

Owner/Related Party/Administrator/Co-Administrator

Limits:

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

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

The Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2010 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. The Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

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

termines the per diem limit for the facilities between 15 and 50 beds.

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

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit will be 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2011.

Cost Center Upper Payment Limits

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

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to 12/31/11. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Index.

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

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

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

Direct Health Care Cost Center Limit:

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

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of the quarterly facility-wide average case mix indices, carried to four decimal places. The

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

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

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

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are 8 million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$60 and the upper payment limit is based on 120% of the median, then the upper payment limit for the statewide average CMI would be \$78 ( $D=130\% \times \$60$ ).

#### **7) Quarterly Case Mix Rate Adjustment**

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

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The Medicaid CMI is divided by the statewide average CMI for the cost data period. This answer, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated quarterly to account for changes in the Medicaid CMI. To il-

lustrate this calculation take the following situation: The facility's direct health care per diem cost is \$60.00, the Direct Health Care per diem limit is \$78.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$60.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the answer by the Allowable Direct Health Care Cost. In this case that would result in \$54.00 ( $0.9000/1.0000 \times \$60.00$ ). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next quarter rose to 1.1000, the Medicaid Acuity Adjustment would be \$66.00 ( $1.1000/1.0000 \times \$60.00$ ). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

#### **8) Real and Personal Property Fee**

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor. The differentiation of fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor.

The property fees in effect on June 1, 2008 were inflated with 12 months of inflation effective July 1, 2008. The inflation factor was from the IHS index. The providers receive the lower of the inflated property fee or the upper payment limit.

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

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in (K.A.R. 30-10-25).

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

**9) Incentive Factors**

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

Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by six per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$2.50 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.25 per diem add-on. Providers that achieve a turnover rate at or below the 75th percentile will earn a \$2.50 per diem add-on. Providers that have a turnover rate greater than the 75th percentile but that reduce their turnover rate by 10% or more will receive a per diem add-on of \$0.25. Providers that have completed the full Kansas Culture Change Instrument Survey will receive a \$0.38 per diem add-on. Finally, providers that have a Medicaid occupancy percentage of 60% or more will receive a \$1.13 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

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

Incentive Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 75th percentile (4.81), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$2.50 \$0.25
Staff turnover rate ≤ 75th percentile, 41% or Staff turnover rate > 75th percentile but reduced ≥ 10%	\$2.50 \$0.25
Completion of the full Kansas Culture Change Instrument Survey	\$0.38
Medicaid occupancy ≥ 60%	\$1.13
Total Incentive Points Available	\$6.51

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:

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

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to three dollars. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover

rate; staff retention rate; and occupancy rate. Each provider is awarded points based on their outcomes measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.50, which is 120% of the statewide NFMH median of 2.92. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.21, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

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

NFMH providers may earn one point for low operating expense outcomes measures. They will earn a point if their per diem operating expenses are below \$19.49, or 90% of the statewide median of \$21.66.

NFMH providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 29%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 29% but equal to or below 33%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 84%, the 75th percentile statewide will earn two points. Providers with staff retention rates at or above 77%, the 50th percentile statewide will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 120% (3.66) of NF-MH median (3.05), or CMI adjusted staffing ratio between 110% (3.36) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$19.14, 90% of NF-MH median, \$21.27	1
Staff turnover rate ≤ 75th percentile, 24% Staff turnover rate ≤ 50th percentile, 34% Contracted labor < 10% of total direct health care labor costs	2, or 1
Staff retention ≥ 75th percentile, 81% Staff retention ≥ 50th percentile, 79%	2, or 1
Total Incentive Points Available	8

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

<u>Total Incentive Points:</u>	<u>Incentive Factor Per Diem:</u>
Tier 1: 6-8 points	\$7.50
Tier 2: 5 points	\$5.00
Tier 3: 4 points	\$2.50

Tier 4: 0-3 points \$0.00

The survey and certification performance of each NF and NF-MH provider will be reviewed prior to any incentive factor payment. In order to qualify for the incentive factor a home must not have received any health care survey deficiency of scope and severity level "H" or higher during the survey review period. Homes that receive "G" level deficiencies, but no "H" level or higher deficiencies, and that correct the "G" level deficiencies within 30 days of the survey, will receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level "F" will receive 100% of the calculated incentive factor. The survey and certification review period will be the 15-month period ending one quarter prior to the rate effective date. The following table lists the rate effective dates and corresponding review period end dates.

<u>Rate Effective Date:</u>	<u>Review Period End Date:</u>
July 1	March 31st
October 1	June 30th
January 1	September 30th
April 1	December 31st

**10) Rate Effective Date**

Rate effective dates are determined in accordance with K.A.R. 30-10-19. The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

**11) Retroactive Rate Adjustments**

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

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

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

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

**A.2 Attachment 4.19D, Part I, Subpart J**

To compensate providers for increased expenses incurred to raise employees' wages to the new minimum wage effective July 1, 2009 (\$7.25), a per diem pass-through will be determined and added on to each qualifying provider's per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the minimum wage pass-through.

**1) Qualifying Providers**

In order to qualify for the minimum wage pass-through, a provider must submit a pass-through application on the forms provided by the Kansas Department on Aging. The application will document the hourly wages of all affected employees prior to the implementation of the new minimum wage. Wage increases made prior to June 1, 2009 will not be eligible for the minimum

wage pass-through. Providers will also estimate and report the number of hours each affected employee is expected to work during state fiscal year 2010 (the twelve months beginning July 1, 2009 and ending June 30, 2010). Completed applications must be returned to the Kansas Department prior to September 30, 2009.

**2) Per Diem Pass-Through Calculation**

The per diem pass-through will be determined by first estimating the total impact of increasing wages to the new minimum wage, and then dividing by resident days to get a per diem add-on. The total impact of increasing wages to the new minimum wage will be determined for each provider through three steps. First the incremental wage increase to the new minimum wage will be calculated for each affected employee. Second the individual impact for each affected employee will be determined by multiplying the incremental wage increase by the estimated hours each affected employee is expected to work during fiscal year 2010. Finally the total impact of the minimum wage increase for each provider will be the sum of the individual impacts determined for each employee. A per diem pass-through add-on will then be calculated by dividing each provider's estimated total impact by the provider's most recent cost report resident day total.

As an example, consider an employer that has ten employees receiving a wage of \$6.75 prior to July 1, 2009. If the employer raises their wages effective July 1, 2009, the incremental wage increase due to the new minimum wage will be \$0.50. If each employee is expected to work 2,000 hours during fiscal year 2010, the total impact per employee will be \$1,000 (\$0.50 x 2,000 hrs). The total estimated impact for the provider will be \$10,000 (\$1,000 x 10). If the employer provided 10,000 resident days during the most recent cost report, the pass-through per diem will be \$10,000/10,000 days, or \$1.00.

**3) Per Diem Limits**

No per diem add-on will be implemented that is not equal to or greater than \$0.10.

**4) Effective Dates**

Pass-through applications received prior to June 30, 2009 will be effective July 1, 2009. After that date, each provider's per diem pass-through will be effective on the first day of the month following the receipt of a completed application. No pass-through per diems will be implemented after October 1, 2009.

**5) Phasing Out the Pass-Through**

The per diem pass-through will be phased out as the effects of the minimum wage increase are reflected in the cost reports. The pass-through per diems will be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new minimum wage costs.

During the phasing out of the minimum wage pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation.

**6) Auditing and Adjustments**

Each qualifying providers' application and supporting documentation for the minimum wage pass-through will be subject to desk review and field audit and may be re-

*(continued)*

vised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through will be implemented. Retroactive rate adjustments will be made when necessary.

**A.3 Attachment 4.19D, Part I, Subpart K**

To compensate providers for increased expenses incurred due to the transfer of responsibility for all durable medical equipment to the nursing home program, a per diem pass-through will be determined and added on to each provider’s per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the DME pass-through.

**1) Qualifying Providers**

All providers with costs reported on line 507 of the Medicaid cost report will be eligible to receive the DME pass-through.

**2) Per Diem Pass-Through Calculation**

The per diem pass-through will be determined by dividing the inflated unadjusted costs reported on line 507 for the base cost data period effective July 1, 2008, by the non-Medicaid days reported for the same period. Non-Medicaid resident days will be determined by subtracting Medicaid resident days from total resident days.

As an example, consider a provider that reported \$1,000 on line 507 for each year in the base cost data period from 2005 through 2007. The cost will first be inflated for each year based on the DRI factors applied to cost data used to determine the base reimbursement rates. For 2005 the inflated cost would be \$1,134, for 2006 the inflated costs would be \$1,089, and for 2007 the inflated costs would be \$1,055. The total inflated costs would be \$3,278. If the provider reported 30,000 resident days during the base cost data period and 20,000 Medicaid days, the non-Medicaid resident day total would be 10,000 (30,000 – 20,000). The DME pass-through per diem would then be \$0.33 (\$3,278 / 10,000 rounded to the nearest hundredth).

**3) Per Diem Limits**

No per diem add-on will be implemented that is not equal to or greater than \$0.10.

**4) Effective Dates**

The durable medical equipment pass-through will be effective July 1, 2008.

**5) Phasing Out the Pass-Through**

The per diem pass-through will be phased out as the effects of transferring responsibility for all DME to the nursing home program are reflected in the cost reports.

The pass-through per diems will be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new DME expenses.

During the phasing out of the DME pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation.

**6) Auditing and Adjustments**

Each qualifying providers’ cost report and supporting documentation used to determine the DME pass-through will be subject to desk review and field audit and may be revised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through

will be implemented. Retroactive rate adjustments will be made when necessary.

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

**A. Cost Center Limitations:** The state proposes the following cost center limitations which are used in setting rates effective July 1, 2011.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$31.45
Indirect Health Care	115% of the Median Cost	\$45.89
Direct Health Care	130% of the Median Cost	\$99.24
Real and Personal Property Fee	105% of the Median Fee	\$9.11

These amounts were determined according to the “Reimbursement Limitations” section. The Direct Healthcare Limit is calculated based on a CMI of 1.0124, which is the statewide average.

**B. Case Mix Index.** These final rates are based upon each nursing facility’s Medicaid average CMI calculated with a cutoff date of April 1, 2011, using the July 1, 2011 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility’s Medicaid average CMI is listed beside its final per diem rate.

**C. Final Nursing Facility Per Diem Rates and CMI.**

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

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	155.40	0.9136
Alma Manor	Alma	159.99	0.8485
Life Care Center of Andover	Andover	150.92	1.1339
Victoria Falls SNF	Andover	173.71	1.0124
Anthony Community Care Center	Anthony	148.63	1.1084
Medicalodges Health Care Center	Arkansas City	157.88	0.9785
Arkansas City Presbyterian Manor	Arkansas City	158.10	0.9686
Arma Care Center	Arma	130.27	1.1081
Ashland Health Center - LTCU	Ashland	186.87	1.0757
Medicalodges Atchison	Atchison	163.76	1.0262
Atchison Senior Village	Atchison	161.76	0.9254
Dooley Center	Atchison	162.45	0.7272
Attica Long Term Care	Attica	154.00	0.9193
Atwood Good Samaritan Center	Atwood	159.55	0.9279
Lake Point Nursing Center	Augusta	132.71	0.9337
Baldwin Care Center	Baldwin City	136.47	1.0458
Quaker Hill Manor	Baxter Springs	124.04	1.0800
Catholic Care Center Inc.	Bel Aire	166.28	0.9375
Great Plains of Republic County, Inc.	Belleville	189.32	1.0746
Belleville Health Care Center	Belleville	126.91	0.9930
Mitchell County Hospital LTCU	Beloit	177.09	0.9067
Hilltop Lodge Nursing Home	Beloit	151.15	0.9907
Bonner Springs Nursing and Rehab.	Bonner Springs	145.56	1.0564
Hill Top House	Bucklin	160.12	0.9838
Buhler Sunshine Home, Inc.	Buhler	174.87	1.0352
Life Care Center of Burlington	Burlington	135.68	1.0263
Caney Nursing Center	Caney	104.07	0.9074
Eastridge Nursing Home	Centralia	155.94	0.7573
Heritage Health Care Center	Chanute	125.29	0.9686
Chanute Health Care Center	Chanute	150.32	1.0345
Applewood Rehabilitation	Chanute	77.41	0.7724
Chapman Valley Manor	Chapman	129.72	0.8811
Cheney Golden Age Home Inc.	Cheney	145.40	0.9654
Cherryvale Care Center	Cherryvale	131.27	1.0429
Chetopa Manor	Chetopa	120.89	0.9436
The Shepherd’s Center	Cimarron	145.03	0.9893
Medicalodges Clay Center	Clay Center	166.97	0.9350
Clay Center Presbyterian Manor	Clay Center	182.37	0.9800
Clearwater Ret. Community	Clearwater	161.79	0.9812
Community Care, Inc.	Clifton	119.44	0.8780
Park Villa Nursing Home	Clyde	131.14	0.9106
Coffeyville Regional Medical Center	Coffeyville	87.01	0.0000

Windsor Place	Coffeyville	151.25	1.0640	Ray E. Dillon Living Center	Hutchinson	179.61	0.9739
Medicalodges Coffeyville	Coffeyville	171.45	1.0848	Regal Estate	Independence	120.59	0.9870
Windsor Place at Iola, LLC	Coffeyville	152.73	1.0588	Windsor Place at Independence	Independence	140.78	0.9154
Deseret Nursing & Rehab at Colby	Colby	156.49	1.0665	Pleasant View Home	Inman	154.33	0.8869
Prairie Senior Living Complex	Colby	173.15	0.9660	Iola Nursing Center	Iola	147.24	1.0700
Pioneer Lodge	Coldwater	140.34	0.8444	Hodgeman Co Health Center-LTCU	Jetmore	176.82	0.9570
Medicalodges Columbus	Columbus	168.91	1.0888	Stanton County Hospital- LTCU	Johnson	188.13	1.0143
Mt Joseph Senior Village, LLC	Concordia	138.26	1.0788	Valley View Senior Life	Junction City	156.95	1.0108
Sunset Home, Inc.	Concordia	150.28	1.0220	Medicalodges Post Acute Care Center	Kansas City	170.47	1.0884
Spring View Manor	Conway Springs	120.41	0.9180	Kansas City Presbyterian Manor	Kansas City	180.18	0.9799
Golden Living Center-Chase Co.	Cottonwood Falls	132.95	1.0091	Medicalodges Kansas City	Kansas City	165.87	0.9883
Council Grove Healthcare Center	Council Grove	144.93	1.1076	Lifecare Center of Kansas City	Kansas City	148.34	1.0100
Hilltop Manor	Cunningham	121.33	0.9578	Deseret Nursing & Rehab	Kensington	123.71	1.1006
Westview of Derby	Derby	147.93	1.0106	The Wheatlands	Kingman	140.75	0.9659
Derby Health and Rehabilitation	Derby	184.94	1.0911	Medicalodges Kinsley	Kinsley	179.58	0.9181
Hillside Village	DeSoto	140.07	0.9519	Kiowa Hospital District Manor	Kiowa	157.26	0.8418
Dexter Care Center	Dexter	126.64	0.8392	Rush Co. Memorial Hospital	La Crosse	167.49	1.0756
Lane County Hospital - LTCU	Dighton	169.47	0.9367	Rush County Nursing Home	La Crosse	155.50	1.0075
Trinity Manor	Dodge City	150.30	0.9817	High Plains Retirement Village	Lakin	192.00	1.0339
Dodge City Good Samaritan Center	Dodge City	148.38	0.9847	Golden Living Center-Lansing	Lansing	147.00	1.0738
Manor of the Plains	Dodge City	165.26	1.0508	Larned Healthcare Center	Larned	139.30	0.9664
Medicalodges Douglass	Douglass	164.51	0.9779	Lawrence Presbyterian Manor	Lawrence	177.48	1.0308
Golden Living Center-Downs	Downs	133.71	1.0015	Brandon Woods at Alvarado	Lawrence	173.97	0.9350
Country Care Home	Easton	134.24	0.8512	Pioneer Ridge Retirement Community	Lawrence	168.16	1.0157
Golden Living Center-Parkway	Edwardsville	146.39	1.0283	Medicalodges Leavenworth	Leavenworth	153.88	0.9085
Golden Living Center-Kaw River	Edwardsville	160.34	0.9870	Delmar Gardens of Lenexa	Lenexa	142.57	0.9719
Golden Living Center-Edwardsville	Edwardsville	131.24	0.8151	Lakeview Village	Lenexa	178.19	0.9310
Lakepoint Nursing Center-El Dorado	El Dorado	140.23	1.1298	Leonardville Nursing Home	Leonardville	126.64	0.9531
Golden Living Center-El Dorado	El Dorado	144.30	1.1750	Wichita County Health Center	Leoti	149.66	0.6700
Morton County Hospital	Elkhart	141.45	0.9463	Liberal Good Samaritan Center	Liberal	157.16	1.0719
Woodhaven Care Center	Ellinwood	134.81	1.0078	Wheatridge Park Care Center	Liberal	152.87	0.9238
Ellis Good Samaritan Center	Ellis	166.99	1.0923	Lincoln Park Manor, Inc.	Lincoln	148.83	1.0820
Good Sam Society-Ellsworth Village	Ellsworth	156.31	1.0532	Bethany Home Association	Lindsborg	176.74	0.9498
Emporia Presbyterian Manor	Emporia	177.36	1.0093	Linn Community Nursing Home	Linn	132.06	1.0334
Holiday Resort	Emporia	133.02	0.9935	Sandstone Heights	Little River	176.08	1.0194
Flint Hills Care Center, Inc.	Emporia	110.70	0.8936	Logan Manor Community Health Service	Logan	179.49	1.0190
Enterprise Estates Nursing Center	Enterprise	131.15	0.9374	Louisburg Care Center	Louisburg	141.98	1.0724
Golden Living Center-Eskridge	Eskridge	110.00	0.8132	Good Samaritan Society-Lyons	Lyons	155.91	1.0100
Medicalodges of Eudora	Eudora	138.34	0.9045	Meadowlark Hills Retirement Comm.	Manhattan	192.89	1.0620
Eureka Nursing Center	Eureka	136.00	1.0053	Stoneybrook Retirement Community	Manhattan	163.15	0.9809
Kansas Soldiers' Home	Fort Dodge	159.89	0.8511	Via Christi Village Manhattan, Inc.	Manhattan	152.54	1.0081
Medicalodges Fort Scott	Fort Scott	157.39	0.9613	Jewell County Hospital	Mankato	176.31	0.9850
Fort Scott Manor	Fort Scott	123.66	0.9109	St. Luke Living Center	Marion	145.92	0.9079
Fowler Residential Care	Fowler	166.01	0.9222	Riverview Estates, Inc.	Marquette	145.49	0.8638
Frankfort Community Care Home, Inc.	Frankfort	143.21	1.0095	Cambridge Place	Marysville	132.94	0.9298
Golden Living Center-Fredonia	Fredonia	141.35	1.1091	McPherson Care Center	McPherson	128.76	1.1719
Sunset Manor, Inc.	Frontenac	124.98	0.9839	The Cedars, Inc.	McPherson	162.58	0.9049
Emerald Pointe Health & Rehab Centre	Galena	120.91	0.8817	Meade District Hospital, LTCU	Meade	177.22	0.8750
Galena Nursing & Rehab Center	Galena	125.99	0.9169	Trinity Nursing & Rehab Ctr	Merriam	166.08	1.1018
Garden Valley Retirement Village	Garden City	152.13	0.9803	Great Plains of Ottawa County, Inc.	Minneapolis	138.49	0.9033
Homestead Health & Rehab	Garden City	157.71	0.9264	Good Samaritan Society-Minneapolis	Minneapolis	147.68	1.0700
Meadowbrook Rehab Hosp., LTCU	Gardner	198.68	1.1250	Minneola District Hospital	Minneola	183.69	0.9850
Medicalodges Gardner	Gardner	152.29	0.9791	Bethel Home, Inc.	Montezuma	151.35	0.8671
Anderson County Hospital	Garnett	172.68	0.9433	Moran Manor	Moran	129.21	1.1459
Golden Heights Living Center	Garnett	142.68	0.9062	Memorial Home for the Aged	Moundridge	169.12	0.9472
The Heritage	Girard	123.94	1.0962	Moundridge Manor, Inc.	Moundridge	150.51	0.8360
The Nicol Home, Inc.	Glasco	136.30	0.9000	Mt. Hope Nursing Center	Mt. Hope	139.11	0.9380
Medicalodges Goddard	Goddard	172.91	1.0524	Villa Maria, Inc.	Mulvane	139.48	0.9659
Bethesda Home	Goessel	185.05	1.0482	Golden Living Center-Neodesha	Neodesha	135.34	1.0891
Goodland Sherman Co Good Samaritan	Goodland	154.76	0.9460	Ness County Hospital Dist.#2	Ness City	173.09	0.9867
Cherry Village Benevolence	Great Bend	132.24	0.8760	Asbury Park	Newton	175.35	0.9775
Great Bend Health & Rehab Center	Great Bend	141.24	1.0374	Kansas Christian Home	Newton	162.49	1.0233
Halstead Health and Rehab Center	Halstead	136.57	0.8457	Newton Presbyterian Manor	Newton	182.77	0.9681
Lakewood Senior Living of Haviland	Haviland	94.27	0.7000	Bethel Care Center	North Newton	164.06	0.9604
St. John's of Hays	Hays	145.39	0.9088	Andbe Home, Inc.	Norton	148.78	0.9662
St. Johns Victoria	Hays	149.24	0.9691	Village Villa	Nortonville	137.81	1.0713
Good Samaritan Society-Hays	Hays	139.10	0.9567	Logan County Manor	Oakley	178.92	0.9321
Haysville Healthcare Center	Haysville	156.32	1.0323	Decatur County Hospital	Oberlin	172.38	1.0482
Medicalodges Herington	Herington	138.74	0.9884	Good Samaritan Society-Decatur Co.	Oberlin	150.98	0.9500
Schowalter Villa	Hesston	186.33	0.9598	Villa St. Francis	Olathe	172.91	1.0278
Maple Heights of Hiawatha	Hiawatha	125.62	0.9179	Pinnacle Ridge Nursing and Rehabilit	Olathe	144.36	0.9984
Highland Care Center	Highland	130.58	0.9441	Royal Terrace Nrsrg. & Rehab. Center	Olathe	139.03	0.9252
Dawson Place, Inc.	Hill City	161.09	0.9993	Good Samaritan Society-Olathe	Olathe	176.07	1.0045
Salem Home	Hillsboro	156.91	0.8527	Evergreen Community of Johnson Co.	Olathe	194.86	1.0849
Parkside Homes, Inc.	Hillsboro	162.02	1.0800	Aberdeen Village, Inc.	Olathe	181.79	0.9137
Medicalodges Jackson County	Holton	138.10	0.8685	Deseret Nursing & Rehab at Onaga	Onaga	123.27	1.0890
Tri County Manor Living Center, Inc.	Horton	110.63	0.9353	Peterson Health Care, Inc.	Osage City	126.32	0.9627
Howard Twilight Manor	Howard	145.79	1.0235	Osage Nursing & Rehab Center	Osage City	151.00	1.1240
Sheridan County Hospital	Hoxie	156.73	0.8745	Life Care Center of Osawatomie	Osawatomie	150.64	1.1151
Pioneer Manor	Hugoton	176.33	0.8836	Parkview Care Center	Osborne	130.27	0.8852
Pinecrest Nursing Home	Humboldt	145.16	0.8938	Hickory Pointe Care & Rehab Center	Oskaloosa	147.09	0.9486
Golden Plains	Hutchinson	133.13	0.9366	Deseret Nursing & Rehab at Oswego	Oswego	114.40	1.0045
Good Sam Society-Hutchinson Village	Hutchinson	169.67	1.0584	Ottawa Retirement Village	Ottawa	134.16	1.0335
Hutchinson Care Center	Hutchinson	129.43	0.9724	Brookside Manor	Overbrook	130.93	0.9094
Wesley Towers	Hutchinson	191.30	1.0466				

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Garden Terrace at Overland Park	Overland Park	150.71	1.0297	Wamego Valley Vista Good Samaritan	Wamego	162.82	0.9954
Indian Meadows Healthcare Center	Overland Park	183.11	1.3125	The Centennial Homestead, Inc.	Washington	117.93	0.8675
Manorcare Hlth Services of Overland	Overland Park	181.49	1.1265	Wathena Nursing & Rehab Center	Wathena	144.35	1.0265
Villa Saint Joseph	Overland Park	188.34	1.0524	Coffey County Hospital	Waverly	165.20	0.8755
Delmar Gardens of Overland Park	Overland Park	169.98	0.9840	Golden Living Center-Wellington	Wellington	132.19	1.0076
Overland Park Nursing & Rehab	Overland Park	158.14	0.9514	Sumner County Care Center	Wellington	125.21	1.1000
Indian Creek Healthcare Center	Overland Park	173.43	1.1280	Wellsville Manor	Wellsville	121.12	0.8343
Village Shalom, Inc.	Overland Park	186.40	0.9605	Westy Community Care Home	Westmoreland	131.65	0.9700
Riverview Manor, Inc.	Oxford	113.06	0.8929	Wheat State Manor	Whitewater	159.82	0.9897
Medicalodges Paola	Paola	119.22	0.7022	Medicalodges Wichita	Wichita	163.01	1.0203
North Point Skilled Nursing Center	Paola	137.96	0.9900	Meridian Nursing & Rehab Center	Wichita	127.64	0.9375
Elmhaven East	Parsons	127.46	1.0626	Kansas Masonic Home	Wichita	173.19	1.0475
Elmhaven West	Parsons	133.94	0.9905	Homestead Health Center, Inc.	Wichita	174.29	1.0109
Parsons Presbyterian Manor	Parsons	169.78	0.9956	Deseret Healthcare and Rehab at Wichita	Wichita	130.31	1.1669
Good Samaritan Society-Parsons	Parsons	141.00	0.9500	Wichita Presbyterian Manor	Wichita	172.09	0.9200
Legacy Park	Peabody	146.52	0.9168	Sandpiper Healthcare and Rehab Ctr	Wichita	139.78	1.0464
Westview Manor of Peabody	Peabody	80.13	0.6502	Lakepoint Nursing and Rehabilitation	Wichita	149.41	1.0130
Phillips County Retirement Center	Phillipsburg	129.70	0.9691	Manorcare Health Services of Wichita	Wichita	160.41	1.0959
Medicalodges Pittsburg South	Pittsburg	168.56	1.1437	College Hill Nursing and Rehab Ctr	Wichita	145.29	0.9622
Golden Living Center-Pittsburg	Pittsburg	132.03	1.0513	Lakewood Senior Living of Seville	Wichita	139.47	0.9612
Via Christi Village Pittsburg, Inc	Pittsburg	142.78	0.9364	Golden Living Center-Wichita	Wichita	140.38	0.8943
Rooks County Senior Services, Inc.	Plainville	159.07	0.9167	Wichita Nursing Center	Wichita	101.59	0.8037
Pratt Regional Medical Center	Pratt	180.70	1.0606	The Health Care Center@Larksfield Pl	Wichita	160.94	0.9550
Lakewood Senior Living of Pratt, LLC	Pratt	143.17	1.0827	Life Care Center of Wichita	Wichita	155.74	1.0939
Prescott Country View Nursing Center	Prescott	133.17	1.1181	Via Christi Hope	Wichita	54.45	0.0000
Prairie Sunset Manor	Pretty Prairie	147.50	0.8438	Family Health & Rehabilitation Ctr	Wichita	160.97	0.9325
Protection Valley Manor	Protection	129.39	0.8562	Golden Living Center-Wilson	Wilson	143.91	1.1505
Gove County Medical Center	Quinter	180.37	0.9517	Jefferson Co. Memorial Hospital-LTCU	Winchester	155.98	0.9683
Grisell Memorial Hosp Dist #1-LTCU	Ransom	166.61	0.9332	Winfield Good Samaritan Center	Winfield	151.91	1.0170
Richmond Healthcare and Rehab.	Richmond	149.07	1.0362	Cumbernauld Village, Inc.	Winfield	174.40	0.9225
Lakepoint Nursing Ctr-Rose Hill	Rose Hill	145.60	1.0513	Winfield Rest Haven II LLC	Winfield	153.93	0.8685
Rossville Healthcare & Rehab Center	Rossville	134.34	0.9733	Kansas Veterans' Home	Winfield	161.16	0.9994
Wheatland Nursing & Rehab Center	Russell	136.69	1.0032	Yates Center Nursing and Rehabilitation	Yates Center	133.43	1.0937
Russell Regional Hospital	Russell	209.82	1.2022				
Sabetha Nursing Center	Sabetha	153.91	1.2000				
Apostolic Christian Home	Sabetha	137.70	0.9335				
Smokey Hill Rehabilitation Center	Salina	134.55	0.9858				
Kenwood View Nursing Center	Salina	130.12	0.9673				
Windsor Estates	Salina	139.56	1.0314				
Pinnacle Park Nursing and Rehab.	Salina	127.96	1.0593				
Salina Presbyterian Manor	Salina	179.76	0.9800				
Holiday Resort of Salina	Salina	144.54	0.9316				
Satanta Dist. Hosp. LTCU	Satanta	180.13	0.9806				
Park Lane Nursing Home	Scott City	165.41	0.9281				
Pleasant Valley Manor	Sedan	119.27	1.0093				
Sedgwick Healthcare Center	Sedgwick	160.76	0.9482				
Crestview Manor	Seneca	116.94	1.0233				
Life Care Center of Seneca	Seneca	127.41	0.9419				
Sharon Springs Prairie Manor	Sharon Springs	150.00	1.0386				
Shawnee Gardens Nursing Center	Shawnee	142.47	1.1209				
Sharon Lane Health Services	Shawnee	140.26	1.0128				
Smith County Memorial Hospital LTCU	Smith Center	167.53	0.8400				
Deseret Nursing & Rehab at Smith Ctr	Smith Center	127.06	1.1188				
Mennonite Friendship Manor, Inc.	South Hutchinson	174.63	0.9560				
Golden Living Center-Spring Hill	Spring Hill	163.25	1.1587				
St Francis Good Samaritan Village	St. Francis	161.95	1.0175				
Leisure Homestead at St. John	St. John	148.76	0.9780				
Community Hospital of Onaga, LTCU	St. Marys	177.28	0.9590				
Prairie Mission Retirement Village	St. Paul	136.32	0.9744				
Leisure Homestead at Stafford	Stafford	127.00	0.8965				
Sterling Presbyterian Manor	Sterling	167.93	0.8348				
Solomon Valley Manor	Stockton	165.62	1.0789				
Seasons of Life Living Center	Syracuse	169.92	0.8505				
Tonganoxie Nursing Center	Tonganoxie	144.66	1.0085				
Brewster Health Center	Topeka	174.56	0.9172				
Topeka Presbyterian Manor Inc.	Topeka	180.27	0.9620				
Eventide Convalescent Center, Inc.	Topeka	121.22	0.8463				
Topeka Community Healthcare Center	Topeka	150.62	1.0332				
McCrite Plaza Health Center	Topeka	149.32	0.9257				
Rolling Hills Health Center	Topeka	170.66	1.0115				
Manorcare Health Services of Topeka	Topeka	160.91	1.0623				
Westwood Manor	Topeka	135.36	0.9657				
IHS of Brighton Place	Topeka	97.35	0.6839				
Countryside Health Center	Topeka	110.31	0.6834				
Providence Living Center	Topeka	94.61	0.7168				
Brighton Place North	Topeka	86.23	0.6455				
Aldersgate Village	Topeka	178.63	0.9883				
Plaza West Care Center, Inc.	Topeka	173.40	1.0259				
Lexington Park Nursing & Post Acute	Topeka	168.72	0.9304				
Greeley County Hospital, LTCU	Tribune	181.40	0.9862				
The Legacy at Park View	Ulysses	164.86	0.9089				
Valley Health Care Center	Valley Falls	123.23	0.6530				
Trego Co. Lemke Memorial LTCU	WaKeeney	174.20	0.8967				
Trego Manor	WaKeeney	150.99	0.9294				
Golden Living Center-Wakefield	Wakefield	154.69	1.0321				

### III. Justifications for the Final Rates

- The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The final rates are calculated according to a methodology that satisfies the requirements of K.S.A. 39-708c(x) and the KHPA regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
- The state's analyses project that the final rates:
  - Would result in payment, in the aggregate of 95.7% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
  - Would result in a maximum allowable rate of \$185.69, with the total average allowable cost being \$162.13.
  - Estimated average rate July 1, 2011 \$149.14
  - Average payment rate July 1, 2010 \$145.44

Amount of change	\$3.70
Percent of change	2.54%
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$11 million.
- The state estimates that the final rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
  - Service providers operating a total of 285 nursing facilities (representing 97% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 39 hospital-based long-term care units are also certified to participate in the Medicaid program;
  - There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 105 of the 105 counties in Kansas;

- c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 83.82%;
  - d. The statewide average Medicaid occupancy rate for participating facilities is 56.38%; and
  - e. The final rates would cover 96.6% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the final methodology will result in compliance with the federal regulation.

**IV. The State's Response to Written Comments on the Published Proposals**

The state received two comments to the Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2012, Methodology for Calculating Proposed Rates,

and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan and Request for Comments published in the May 5, 2011 Kansas Register. These comments were considered in the preparation of the final rates. The state thanks the commenters for their remarks.

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

The state intends to submit proposed Medicaid State Plan amendments to CMS on or before September 30, 2011.

Shawn Sullivan  
Secretary of Aging

Rod Siedlecki  
Secretary of Social and  
Rehabilitation Services

Dr. Andrew Allison  
KHPA Executive Director

Doc. No. 039522

**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 2010 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-16-8	Amended	V. 29, p. 676
1-16-15	Amended	V. 29, p. 677
1-16-18	Amended	V. 29, p. 677
1-16-18a	Amended	V. 29, p. 678
1-16-20	Amended	V. 29, p. 680
1-65-1	New	V. 30, p. 44
1-66-1	New	V. 30, p. 44
1-66-2	New	V. 30, p. 45
1-66-3	New	V. 30, p. 45
1-67-1	New	V. 30, p. 45
1-67-2	New	V. 30, p. 45
1-67-3	New	V. 30, p. 45
1-68-1	New	V. 30, p. 45
1-68-2	New	V. 30, p. 46

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-3-2	Amended (T)	V. 29, p. 702
3-3-2	Amended	V. 30, p. 9

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-1-2	Amended	V. 30, p. 635
4-1-5	Amended	V. 30, p. 635
4-1-6	Revoked	V. 30, p. 636
4-1-8	Revoked	V. 30, p. 636
4-1-9	Amended	V. 30, p. 636
4-1-9a	New	V. 30, p. 636
4-1-9b	New	V. 30, p. 637
4-1-11	Revoked	V. 30, p. 637
4-1-13	Amended	V. 30, p. 637
4-1-14	Amended	V. 30, p. 637
4-1-17	Amended	V. 30, p. 638
4-3-47	Amended (T)	V. 30, p. 25

4-3-47	Amended	V. 30, p. 411
4-3-48	Revoked	V. 30, p. 411
4-3-50	Amended	V. 30, p. 411
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023
4-10-1	Amended	V. 29, p. 254
4-10-1a	New	V. 29, p. 255
4-10-1b	New	V. 29, p. 255
4-10-2a through 4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f through 4-10-2k	Revoked	V. 29, p. 256
4-10-4	Revoked	V. 29, p. 256
4-10-4a through 4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
4-10-6	Revoked	V. 29, p. 259
4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
4-10-15	Revoked	V. 29, p. 260
4-10-16	Amended	V. 29, p. 260
4-10-17	Revoked	V. 29, p. 261
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71
4-13-17	Amended	V. 29, p. 72
4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72
4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-25	Amended	V. 29, p. 1242
4-13-25b through 4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
4-13-25j	Amended	V. 29, p. 1246
4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
4-13-25m	New	V. 29, p. 1247
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
4-13-62	Amended	V. 29, p. 73
4-27-1 through 4-27-22	New	V. 29, p. 706-720
4-28-1	Amended	V. 29, p. 720

4-28-2	Amended	V. 29, p. 720
4-28-8	Amended	V. 29, p. 721
4-28-11	Amended	V. 29, p. 722
4-28-12	Amended	V. 29, p. 722
4-28-18 through 4-28-30	New	V. 29, p. 723-725

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

Reg. No.	Action	Register
5-1-4	Amended	V. 29, p. 652
5-1-9	Amended	V. 29, p. 653
5-3-23	Amended (T)	V. 29, p. 1338
5-3-23	Amended	V. 29, p. 1598
5-4-1	Amended	V. 29, p. 1476
5-4-1a	New	V. 29, p. 1477
5-7-1	Amended	V. 29, p. 653
5-17-2	Amended	V. 29, p. 654
5-21-4	Amended	V. 30, p. 369
5-22-7	Amended	V. 29, p. 596
5-25-5	Amended	V. 29, p. 1598
5-25-15	Amended	V. 29, p. 654

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-16-1	Amended (T)	V. 29, p. 1115
7-16-1	Amended	V. 29, p. 1281

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-7-4	Amended (T)	V. 29, p. 703
9-7-4	Amended	V. 29, p. 1336
9-27-1	Amended	V. 29, p. 1337

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

14-6-2a	Revoked	V. 29, p. 1306
14-6-3	Revoked	V. 29, p. 1306
14-6-4	Amended	V. 29, p. 1306
14-11-1	New	V. 29, p. 1307
14-11-4	New	V. 29, p. 1307
14-11-5	Amended	V. 29, p. 1307
14-11-6	Amended	V. 29, p. 1307
14-11-7	Amended	V. 29, p. 1307
14-11-9	Amended	V. 29, p. 1307
14-11-10a	Revoked	V. 29, p. 1307
14-11-10b	Revoked	V. 29, p. 1308
14-11-10d	Revoked	V. 29, p. 1308
14-11-11	Revoked	V. 29, p. 1633
14-11-14	Revoked	V. 29, p. 1308
14-11-15	Amended	V. 29, p. 1308
14-11-16	Amended	V. 29, p. 1308
14-11-22	New	V. 29, p. 1633

(continued)

14-11-23			28-19-350	Amended	V. 29, p. 1635	28-23-73	Revoked	V. 29, p. 727
through			28-19-517	Amended	V. 29, p. 1510	28-23-75	Revoked	V. 29, p. 727
14-11-29	New	V. 29, P. 1308-1310	28-19-645a	New (T)	V. 30, p. 232	28-23-78		
14-11-27	Revoked	V. 29, p. 1730	28-19-712	New	V. 29, p. 866	through		
14-16-25	New	V. 29, p. 1310	28-19-712a			28-23-80	Revoked	V. 29, p. 727
14-19-27	Amended	V. 29, p. 1310	through			28-31-1	Revoked	V. 30, p. 414
14-19-38	New	V. 29, p. 1311	28-19-712d	New	V. 29, p. 867	28-31-2	Revoked	V. 30, p. 414
14-19-39	New	V. 29, p. 1311	28-19-713	New	V. 29, p. 867	28-31-3	Revoked	V. 30, p. 414
14-20-29	Amended	V. 29, p. 1311	28-19-713a			28-31-4	Amended	V. 30, p. 414
14-20-40	New	V. 29, p. 1312	through			28-31-5	Revoked	V. 30, p. 415
14-20-41	New	V. 29, p. 1312	28-19-713d	New	V. 29, p. 867, 868	28-31-6	Amended	V. 30, p. 415
14-21-12	Amended	V. 29, p. 1313	28-19-720	Amended	V. 29, p. 1510	28-31-7	Revoked	V. 30, p. 415
14-21-21	New	V. 29, p. 1313	28-19-728	Revoked	V. 29, p. 1511	28-31-8	Revoked	V. 30, p. 415
14-21-22	New	V. 29, p. 1313	28-19-728a			28-31-8b	Revoked	V. 30, p. 415
14-23-2	Amended	V. 29, p. 1314	through			28-31-9	Revoked	V. 30, p. 415
14-23-5	Amended	V. 29, p. 1314	28-19-728f	Revoked	V. 29, p. 1511	28-31-10	Amended	V. 30, p. 415
14-23-8	Amended	V. 29, p. 1314	28-19-735	Amended	V. 29, p. 1511	28-31-12	Amended	V. 30, p. 416
14-23-10	Amended	V. 29, p. 1315	28-19-750	Amended	V. 29, p. 1511	28-31-13	Amended	V. 30, p. 417
14-24-1			28-19-750a			28-31-14	Revoked	V. 30, p. 417
through			28-21-1	Revoked	V. 29, p. 725	28-31-15	Revoked	V. 30, p. 417
14-24-6	Revoked	V. 29, p. 1315	28-21-6	Revoked	V. 29, p. 725	28-31-16	Revoked	V. 30, p. 417
<b>AGENCY 16: KANSAS ATTORNEY GENERAL</b>			28-21-7	Revoked	V. 29, p. 725	28-31-100	New	V. 30, p. 417
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-21-8	Revoked	V. 29, p. 725	28-31-100a	New	V. 30, p. 418
16-11-1			28-21-9	Revoked	V. 29, p. 725	28-31-100d	New	V. 30, p. 418
through			28-21-10	Revoked	V. 29, p. 726	28-31-100e	New	V. 30, p. 419
16-11-5	Amended	V. 29, p. 1813-1815	28-21-11	Revoked	V. 29, p. 726	28-31-100f	New	V. 30, p. 420
16-11-6	Revoked	V. 29, p. 1816	28-21-20a	Revoked	V. 29, p. 726	28-31-100p	New	V. 30, p. 420
16-11-7	Amended	V. 29, p. 1816	28-21-21a	Revoked	V. 29, p. 726	28-31-100q	New	V. 30, p. 420
16-11-8	Amended	V. 29, p. 1816	28-21-22a	Revoked	V. 29, p. 726	28-31-100r	New	V. 30, p. 420
<b>AGENCY 19: GOVERNMENTAL ETHICS COMMISSION</b>			28-21-23a	Revoked	V. 29, p. 726	28-31-100s	New	V. 30, p. 421
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-21-24a	Revoked	V. 29, p. 726	28-31-124	New	V. 30, p. 422
19-6-1	Amended	V. 29, p. 112	28-21-25a	Revoked	V. 29, p. 726	28-31-124a	New	V. 30, p. 423
19-22-1	Amended	V. 30, p. 92	28-21-26a	Revoked	V. 29, p. 726	28-31-124b	New	V. 30, p. 423
19-23-1	Amended	V. 30, p. 92	28-21-27a	Revoked	V. 29, p. 726	28-31-124c	New	V. 30, p. 423
19-30-4	Revoked	V. 30, p. 92	28-21-28a	Revoked	V. 29, p. 726	28-31-124d	New	V. 30, p. 424
<b>AGENCY 22: STATE FIRE MARSHAL</b>			28-21-29a	Revoked	V. 29, p. 726	28-31-124e	New	V. 30, p. 424
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-21-30a	Revoked	V. 29, p. 726	28-31-260	New	V. 30, p. 425
22-1-1	Amended	V. 30, p. 46	28-21-31a	Revoked	V. 29, p. 726	28-31-260a	New	V. 30, p. 426
22-1-2	Amended	V. 30, p. 46	28-21-32a	Revoked	V. 29, p. 726	28-31-261	New	V. 30, p. 426
22-1-3	Amended	V. 30, p. 46	28-21-33a	Revoked	V. 29, p. 726	28-31-261a	New	V. 30, p. 427
22-8-13	Amended	V. 30, p. 47	28-21-34a	Revoked	V. 29, p. 726	28-31-262	New	V. 30, p. 427
22-10-3	Amended	V. 30, p. 47	28-21-35a	Revoked	V. 29, p. 726	28-31-262a	New	V. 30, p. 427
22-11-6	Revoked	V. 30, p. 48	28-21-40a	Revoked	V. 29, p. 726	28-31-263	New	V. 30, p. 428
22-11-8	Amended	V. 30, p. 48	28-21-41a	Revoked	V. 29, p. 726	28-31-263a	New	V. 30, p. 429
22-15-7	Revoked	V. 30, p. 49	28-21-42a	Revoked	V. 29, p. 726	28-31-264	New	V. 30, p. 429
22-18-3	Amended	V. 30, p. 49	28-21-43a	Revoked	V. 29, p. 726	28-31-264a	New	V. 30, p. 431
<b>AGENCY 26: DEPARTMENT ON AGING</b>			28-21-44a	Revoked	V. 29, p. 726	28-31-265	New	V. 30, p. 432
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-21-50a	Revoked	V. 29, p. 726	28-31-265a	New	V. 30, p. 433
26-39-100	Amended	V. 29, p. 1772	28-21-51a	Revoked	V. 29, p. 726	28-31-266	New	V. 30, p. 433
26-39-101	Amended	V. 29, p. 1775	28-21-52a	Revoked	V. 29, p. 726	28-31-267	New	V. 30, p. 434
26-39-105	Amended	V. 29, p. 1777	28-21-53a	Revoked	V. 29, p. 726	28-31-267a	New	V. 30, p. 434
26-40-301			28-21-54a	Revoked	V. 29, p. 726	28-31-268	New	V. 30, p. 434
through			28-21-55a	Revoked	V. 29, p. 726	28-31-270	New	V. 30, p. 434
26-40-305	New	V. 29, p. 1777-1793	28-21-56a	Revoked	V. 29, p. 726	28-31-270a	New	V. 30, p. 435
<b>AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT</b>			28-21-57a	Revoked	V. 29, p. 726	28-31-273	New	V. 30, p. 436
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-21-58a	Revoked	V. 29, p. 726	28-31-279	New	V. 30, p. 436
28-1-27	New	V. 30, p. 111	28-21-59a	Revoked	V. 29, p. 726	28-31-279a	New	V. 30, p. 437
28-1-30	New	V. 30, p. 369	28-21-60a	Revoked	V. 29, p. 726	28-35-135l	Amended	V. 30, p. 195
28-1-31	New	V. 30, p. 370	28-21-61a	Revoked	V. 29, p. 726	28-35-135t	Amended	V. 30, p. 196
28-1-32	New	V. 30, p. 370	28-21-62a	Revoked	V. 29, p. 726	28-35-135w	Amended	V. 30, p. 197
28-4-92	Amended (T)	V. 29, p. 1348	28-21-63	Revoked	V. 29, p. 726	28-35-175a	Amended	V. 30, p. 198
28-4-92	Amended	V. 29, p. 1705	28-21-64	Revoked	V. 29, p. 726	28-35-178b	Amended	V. 30, p. 198
28-4-370			28-21-70a	Revoked	V. 29, p. 726	28-35-178e	Amended	V. 30, p. 200
through			28-21-71a	Revoked	V. 29, p. 726	28-35-178j	Amended	V. 30, p. 201
28-4-379	Revoked	V. 29, p. 1024	28-21-72a	Revoked	V. 29, p. 726	28-35-180b	Amended	V. 30, p. 201
28-4-503	Amended	V. 29, p. 1662	28-21-82			28-35-181a	Amended	V. 30, p. 203
28-4-505	Amended	V. 29, p. 1662	through			28-35-181e	Revoked	V. 30, p. 203
28-4-514	Amended	V. 29, p. 1663	28-21-85	Revoked	V. 29, p. 726	28-35-181j	Amended	V. 30, p. 203
28-4-520	New	V. 29, p. 1663	28-23-4	Revoked	V. 29, p. 726	28-35-181m	Amended	V. 30, p. 204
28-4-521	New	V. 29, p. 1663	28-23-9	Revoked	V. 29, p. 726	28-35-181o	Amended	V. 30, p. 205
28-4-1300			28-23-10	Revoked	V. 29, p. 726	28-35-192b	Amended	V. 30, p. 206
through			28-23-20			28-35-192c	Amended	V. 30, p. 206
28-4-1318	New	V. 29, p. 1024-1032	through			28-35-192d	Revoked	V. 30, p. 207
28-16-28g	Amended	V. 29, p. 181	28-23-24	Revoked	V. 29, p. 726	28-35-192e	Amended	V. 30, p. 207
28-19-200a	New	V. 29, p. 1634	28-23-26			28-35-192g	Amended	V. 30, p. 207
28-19-202	Amended	V. 29, p. 1509	through			28-35-194a	Amended	V. 30, p. 207
28-19-325	New	V. 29, p. 1634	28-23-32	Revoked	V. 29, p. 726	28-35-212a	Amended	V. 30, p. 208
			28-23-34			28-35-216a	Amended	V. 30, p. 209
			through			28-35-225b	New	V. 30, p. 210
			28-23-36	Revoked	V. 29, p. 727	28-35-231c	Amended	V. 30, p. 210
			28-23-41			28-35-242	Amended	V. 30, p. 210
			through			28-35-264	Amended	V. 30, P. 210
			28-23-55	Revoked	V. 29, p. 727	28-35-334	Amended	V. 30, p. 211
			28-23-70	Revoked	V. 29, p. 727	28-35-346	Amended	V. 30, p. 212
			28-23-71	Revoked	V. 29, p. 727	28-35-411	Amended	V. 30, p. 212

28-36-30	Revoked	V. 29, p. 727
28-36-31	Revoked	V. 29, p. 727
28-36-70		
through		
28-36-89	Revoked	V. 29, p. 727
28-36-101		
through		
28-36-109	Revoked	V. 29, p. 727
28-39-162	Revoked	V. 29, p. 1777
28-39-162a	Revoked	V. 29, p. 1777
28-39-162b	Revoked	V. 29, p. 1777
28-39-162c	Revoked	V. 29, p. 1777
28-43-1		
through		
28-43-11	Revoked	V. 29, p. 1137
28-46-1	Amended	V. 29, p. 1138
28-46-2a	Amended	V. 29, p. 1138
28-46-3		
through		
28-46-22	Amended	V. 29, p. 1139-1141
28-46-27	Amended	V. 29, p. 1141
28-46-28	Amended	V. 29, p. 1141
28-46-29	Amended	V. 29, p. 1141
28-46-29a	New	V. 29, p. 1142
28-46-30	Amended	V. 29, p. 1142
28-46-30a	New	V. 29, p. 1142
28-46-30b	New	V. 29, p. 1144
28-46-31	Amended	V. 29, p. 1144
28-46-33	Amended	V. 29, p. 1144
28-46-34	Amended	V. 29, p. 1145
28-46-35	Amended	V. 29, p. 1145
28-46-40	Amended	V. 29, p. 1145
28-46-41	Amended	V. 29, p. 1145
28-46-44	Amended	V. 29, p. 1145
28-46-45	New	V. 29, p. 1145
28-53-1	Amended	V. 30, p. 463
28-53-2	Amended	V. 30, p. 463
28-53-4	Amended	V. 30, p. 463
28-61-1	Amended	V. 29, p. 419
28-61-2	Amended	V. 30, p. 336
28-61-3	Amended	V. 30, p. 337
28-61-4	Amended	V. 30, p. 337
28-61-5	Amended	V. 29, p. 420
28-61-8	Amended	V. 29, p. 422
28-72-1	Revoked	V. 29, p. 357
28-72-1a	New	V. 29, p. 357
28-72-1c	New	V. 29, p. 357
28-72-1d	New	V. 29, p. 358
28-72-1e	New	V. 29, p. 358
28-72-1g	New	V. 29, p. 358
28-72-1h	New	V. 29, p. 358
28-72-1i	New	V. 29, p. 359
28-72-1k	New	V. 29, p. 359
28-72-1l	New	V. 29, p. 359
28-72-1m	New	V. 29, p. 360
28-72-1n	New	V. 29, p. 360
28-72-1o	New	V. 29, p. 360
28-72-1p	New	V. 29, p. 360
28-72-1r	New	V. 29, p. 361
28-72-1s	New	V. 29, p. 361
28-72-1t	New	V. 29, p. 361
28-72-1v	New	V. 29, p. 361
28-72-1x	New	V. 29, p. 361
28-72-2	Amended	V. 29, p. 361
28-72-3	Amended	V. 29, p. 362
28-72-4	Amended	V. 29, p. 362
28-72-4a	Amended	V. 29, p. 366
28-72-4b	Revoked	V. 29, p. 368
28-72-4c	Amended	V. 29, p. 368
28-72-5	Amended	V. 29, p. 369
28-72-6	Amended	V. 29, p. 370
28-72-6a	New	V. 29, p. 371
28-72-7	Amended	V. 29, p. 373
28-72-7a	New	V. 29, p. 373
28-72-8	Amended	V. 29, p. 374
28-72-9	Amended	V. 29, p. 375
28-72-10	Amended	V. 29, p. 376
28-72-10a	New	V. 29, p. 377
28-72-11	Amended	V. 29, p. 378
28-72-12	Amended	V. 29, p. 378
28-72-13	Amended	V. 29, p. 379
28-72-14	Amended	V. 29, p. 379
28-72-15	Amended	V. 29, p. 380
28-72-16	Amended	V. 29, p. 380
28-72-17	Amended	V. 29, p. 381

28-72-18	Amended	V. 29, p. 382
28-72-18a	Amended	V. 29, p. 383
28-72-18b	Amended	V. 29, p. 384
28-72-18c	Amended	V. 29, p. 384
28-72-18d	Amended	V. 29, p. 385
28-72-18e	Amended	V. 29, p. 386
28-72-19	Amended	V. 29, p. 387
28-72-20	Amended	V. 29, p. 387
28-72-21	Amended	V. 29, p. 387
28-72-22	Amended	V. 29, p. 388
28-72-51	Amended	V. 29, p. 388
28-72-52	Amended	V. 29, p. 389
28-72-53	Amended	V. 29, p. 389

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-5-118a	Revoked	V. 29, p. 293

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-39-2	Amended (T)	V. 29, p. 1090
36-39-2	Amended	V. 29, p. 1416
36-39-4	Amended (T)	V. 29, p. 1091
36-39-4	Amended	V. 29, p. 1416
36-39-6	Amended (T)	V. 29, p. 1091
36-39-6	Amended	V. 29, p. 1416
36-42-1		
through		
36-42-9	New	V. 29, p. 502-504

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-22	Amended	V. 30, p. 722
40-1-37	Amended	V. 30, p. 193
40-1-48	Amended	V. 29, p. 1752
40-3-33	Revoked	V. 30, p. 232
40-3-43	Amended	V. 29, p. 1337
40-4-43	New	V. 29, p. 703
40-7-26	New	V. 29, p. 1752
40-7-27	New	V. 29, p. 1753
40-9-23	New	V. 29, p. 1813
40-10-16	New	V. 30, p. 556

**AGENCY 48: DEPARTMENT OF LABOR—EMPLOYMENT SECURITY BOARD OF REVIEW**

Reg. No.	Action	Register
48-1-1		
through		
48-1-6	Amended	V. 29, p. 15-17
48-2-1		
through		
48-2-5	Amended	V. 29, p. 17
48-3-1	Amended	V. 29, p. 18
48-3-2	Amended	V. 29, p. 18
48-3-4	Amended	V. 29, p. 18
48-3-5	Amended	V. 29, p. 18
48-4-1	Amended	V. 29, p. 18
48-4-2	Amended	V. 29, p. 18

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-55-1		
through		
49-55-12	New	V. 29, p. 675, 676

**AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-2-21a	New (T)	V. 29, p. 701
50-2-21a	New	V. 29, p. 1214

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

Reg. No.	Action	Register
51-9-7	Amended	V. 29, p. 1508

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-16-105	Revoked	V. 29, p. 1115

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-4-3	Amended	V. 29, p. 990

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-8-6	Amended	V. 29, p. 794
66-10-1	Amended	V. 29, p. 794
66-12-1	Amended	V. 29, p. 794
66-14-10	Amended	V. 29, p. 794

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-2-22	Amended	V. 30, p. 537
68-7-11	Amended	V. 29, p. 1053
68-7-21	New	V. 29, p. 465
68-20-10a	Amended	V. 30, p. 538
68-20-24	New (T)	V. 30, p. 357
68-20-25	New (T)	V. 30, p. 357
68-20-26	New (T)	V. 30, p. 357
68-20-27	New (T)	V. 30, p. 357
68-20-28	New (T)	V. 30, p. 635
68-20-29	New (T)	V. 30, p. 635
68-21-1		
through		
68-21-7	New	V. 29, p. 1417-1420
68-21-2	Amended	V. 30, p. 370

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-5-1		
through		
71-5-6	Revoked	V. 29, p. 1593
71-5-7		
through		
71-5-13	New	V. 29, p. 1593-1597

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-8	Amended	V. 29, p. 1636
74-4-9	Amended	V. 29, p. 1638
74-5-2	Amended	V. 29, p. 1638
74-5-101	Amended	V. 29, p. 1639
74-5-202	Amended	V. 29, p. 1639
74-5-203	Amended	V. 29, p. 1639
74-6-2	Amended	V. 29, p. 1640
74-11-6	Amended	V. 29, p. 1640
74-11-7	Amended	V. 29, p. 1640
74-12-1	Amended	V. 29, p. 1641
74-15-2	Revoked	V. 29, p. 1641

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-20-1	Revoked	V. 30, p. 866
81-20-2	Revoked	V. 30, p. 866
81-22-1	Amended	V. 30, p. 866
81-22-2	Revoked	V. 30, p. 866
81-23-1	Revoked	V. 30, p. 867
81-23-2	Revoked	V. 30, p. 867
81-24-1	Revoked	V. 30, p. 867
81-25-1	Revoked	V. 30, p. 867
81-25-2	Revoked	V. 30, p. 867
81-25-3	Revoked	V. 30, p. 867
81-26-3	Revoked	V. 30, p. 867
81-28-1	Revoked	V. 30, p. 867
81-28-2	Revoked	V. 30, p. 867
81-30-1	Revoked	V. 30, p. 867

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-219	Amended	V. 29, p. 1099
82-3-101a	New	V. 29, p. 1508
82-3-311a	New	V. 29, p. 181
82-3-1100		
through		
82-3-1120	New	V. 29, p. 182-190
82-4-2	Amended	V. 29, p. 1443

(continued)

82-4-3a	Amended	V. 29, p. 1443
82-4-3d	Amended	V. 29, p. 1444
82-4-3f	Amended	V. 29, p. 1390
82-4-3n	New	V. 29, p. 1444
82-4-3o	New	V. 29, p. 1445
82-4-6a	Amended	V. 29, p. 1446
82-4-8h	Amended	V. 29, p. 1446
82-4-21	Amended	V. 29, p. 1446
82-4-22	Amended	V. 29, p. 1446
82-4-23	Amended	V. 29, p. 1447
82-4-24a	Amended	V. 29, p. 1447
82-4-26	Amended	V. 29, p. 1447
82-4-26a	Amended	V. 29, p. 1447
82-4-27	Amended	V. 29, p. 1447
82-4-27a	Amended	V. 29, p. 1448
82-4-27c	Amended	V. 29, p. 1448
82-4-27e	Amended	V. 29, p. 1449
82-4-28	Revoked	V. 29, p. 1449
82-4-28a	Revoked	V. 29, p. 1449
82-4-28b	Revoked	V. 29, p. 1449
82-4-30a	Amended (T)	V. 29, p. 702
82-4-30a	Amended	V. 29, p. 1392
82-4-31	Revoked	V. 29, p. 1450
82-4-32	Amended	V. 29, p. 1450
82-4-33	Amended	V. 29, p. 1450
82-4-35	Amended	V. 29, p. 1450
82-4-35a	Amended	V. 29, p. 1450
82-4-37	Revoked	V. 29, p. 1450
82-4-40	Amended	V. 29, p. 1450
82-4-42	Amended	V. 29, p. 1450
82-4-48	Amended	V. 29, p. 1451
82-4-48a	Amended	V. 29, p. 1451
82-4-53	Amended	V. 29, p. 1451
82-4-54	Amended	V. 29, p. 1452
82-4-55	Amended	V. 29, p. 1452
82-4-56a	Amended	V. 29, p. 1452
82-4-57	Amended	V. 29, p. 1453
82-4-58	Amended	V. 29, p. 1453
82-4-62	Revoked	V. 29, p. 1453
82-4-63	Amended	V. 29, p. 1453
82-4-65	Amended	V. 29, p. 1453
82-4-77	Amended	V. 29, p. 1454
82-16-1 through 82-16-6	New	V. 29, p. 1598-1601
82-17-1 through 82-17-5	New	V. 29, p. 1136, 1137

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-24-1	Amended	V. 29, p. 1415
88-28-1	Amended	V. 30, p. 193
88-28-6	Amended	V. 29, p. 408
88-30-1	Amended	V. 30, p. 194

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-40-1	Amended	V. 29, p. 1093
91-40-27	Amended	V. 29, p. 1098

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-3	Revoked	V. 30, p. 280
92-19-3a	New	V. 30, p. 280
92-19-3b	New	V. 30, p. 283
92-19-3c	New	V. 30, p. 285
92-19-10	Revoked	V. 30, p. 285
92-19-16a	Amended	V. 30, p. 285
92-19-16b	Revoked	V. 30, p. 286
92-19-40	Revoked	V. 30, p. 286
92-19-42	Revoked	V. 30, p. 286
92-19-49b	Amended	V. 30, p. 286
92-19-55b	New	V. 30, p. 287
92-19-59	Amended	V. 30, p. 289
92-19-73	Amended	V. 30, p. 289
92-24-23	Amended	V. 29, p. 1633
92-51-25a	New	V. 29, p. 1281

**AGENCY 94: COURT OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through 94-2-21	Revoked	V. 29, p. 1478, 1479
94-5-1 through 94-5-25	New	V. 29, p. 1479-1485

**Agency 97: COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-7-1 through 97-7-6	New	V. 29, p. 252-254

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

Reg. No.	Action	Register
99-25-1	Amended	V. 29, p. 1242
99-25-5	Amended	V. 29, p. 1242
99-25-12	New	V. 29, p. 1242

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-29-1	Amended	V. 29, p. 598
100-49-4	Amended	V. 29, p. 651
100-55-1	Amended	V. 29, p. 704
100-55-7	Amended	V. 29, p. 651
100-69-12	New	V. 29, p. 704
100-72-2	Amended	V. 29, p. 705
100-73-2	Amended	V. 29, p. 598

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-2-3	Amended	V. 29, p. 340
102-5-3	Amended	V. 30, p. 371

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

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 29, p. 1338
105-4-1	Amended	V. 29, p. 1506
105-5-2	Amended (T)	V. 29, p. 1339
105-5-2	Amended	V. 29, p. 1506
105-5-3	Amended (T)	V. 29, p. 1339
105-5-3	Amended	V. 29, p. 1506
105-5-6	Amended (T)	V. 29, p. 1339
105-5-6	Amended	V. 29, p. 1506
105-5-7	Amended (T)	V. 29, p. 1339
105-5-7	Amended	V. 29, p. 1507
105-5-8	Amended (T)	V. 29, p. 1340
105-5-8	Amended	V. 29, p. 1507
105-11-1	Amended (T)	V. 29, p. 1340
105-11-1	Amended	V. 29, p. 1507

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended (T)	V. 29, p. 1340
108-1-1	Amended	V. 30, p. 166
108-1-3	Amended (T)	V. 29, p. 1342
108-1-3	Amended	V. 30, p. 168
108-1-4	Amended (T)	V. 29, p. 1344
108-1-4	Amended	V. 30, p. 170

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

Reg. No.	Action	Register
109-1-1a	New (T)	V. 30, p. 138
109-1-1a	New	V. 30, p. 573
109-5-1	Amended (T)	V. 30, p. 138
109-5-1	Amended	V. 30, p. 573
109-5-1a	New (T)	V. 30, p. 139
109-5-1a	New	V. 30, p. 574
109-5-1b	New (T)	V. 30, p. 139
109-5-1b	New	V. 30, p. 574
109-5-1d	New (T)	V. 30, p. 139
109-5-1d	New	V. 30, p. 574
109-5-1e	New (T)	V. 30, p. 139

109-5-1e	New	V. 30, p. 574
109-5-1f	New (T)	V. 30, p. 139
109-5-1f	New	V. 30, p. 574
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-7a	New (T)	V. 30, p. 139
109-5-7a	New	V. 30, p. 574
109-5-7b	New (T)	V. 30, p. 140
109-5-7b	New	V. 30, p. 575
109-5-7d	New (T)	V. 30, p. 141
109-5-7d	New	V. 30, p. 576
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-8-1	Amended (T)	V. 30, p. 141
109-8-1	Amended	V. 30, p. 576
109-10-1a	New (T)	V. 30, p. 141
109-10-1a	New	V. 30, p. 577
109-10-1b	New (T)	V. 30, p. 142
109-10-1b	New	V. 30, p. 577
109-10-1d	New (T)	V. 30, p. 142
109-10-1d	New	V. 30, p. 577
109-10-1e	New (T)	V. 30, p. 142
109-10-1e	New	V. 30, p. 577
109-10-1f	New (T)	V. 30, p. 142
109-10-1f	New	V. 30, p. 577
109-10-1g	New (T)	V. 30, p. 142
109-10-1g	New	V. 30, p. 578
109-10-6	Amended (T)	V. 30, p. 143
109-10-6	Amended	V. 30, p. 578
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-1a	New (T)	V. 30, p. 143
109-11-1a	New	V. 30, p. 578
109-11-3	Amended	V. 29, p. 1284
109-11-3a	New (T)	V. 30, p. 144
109-11-3a	New	V. 30, p. 579
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-11-6a	New (T)	V. 30, p. 144
109-11-6a	New	V. 30, p. 579
109-15-2	Amended	V. 29, p. 1285

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-4-1 through 110-4-5	Amended	V. 30, p. 25-27
110-21-1 through 110-21-5	New	V. 30, p. 411-413

**AGENCY 111: KANSAS LOTTERY**

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

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-230	Amended	V. 30, p. 232
111-2-231	Amended	V. 30, p. 233
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-2-234	New	V. 29, p. 746
111-2-235 through 111-2-240	New	V. 29, p. 1214, 1215
111-2-241	New	V. 29, p. 1247
111-2-242	New	V. 29, p. 1247
111-2-243 through 111-2-248	New	V. 29, p. 1512, 1513
111-2-247	Amended	V. 30, p. 233
111-2-248	Amended	V. 30, p. 233

111-2-249		
through		
111-2-252	New	V. 30, p. 233, 234
111-2-249	Amended	V. 30, p. 357
111-2-253	New	V. 30, p. 241
111-2-254	New	V. 30, p. 241
111-2-255	Amended	V. 30, p. 358
111-4-2899		
through		
111-4-2907	New	V. 29, p. 9-14
111-4-2908		
through		
111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912		
through		
111-4-2923	New	V. 29, p. 153-157
111-4-2924		
through		
111-4-2930	New	V. 29, p. 216-222
111-4-2931		
through		
111-4-2938	New	V. 29, p. 467-473
111-4-2939		
through		
111-4-2948	New	V. 29, p. 569-575
111-4-2949		
through		
111-4-2984	New	V. 29, p. 746-769
111-4-2984	New	V. 29, p. 746-769
111-4-2985		
through		
111-4-2988	New	V. 29, p. 1180-1183
111-4-2989	New	V. 29, p. 1216
111-4-2990	New	V. 29, p. 1217
111-4-2991	New	V. 29, p. 1218
111-4-2992		
through		
111-4-3011	New	V. 29, p. 1248-1259
111-4-3012		
through		
111-4-3022	New	V. 29, p. 1513-1522
111-4-3023		
through		
111-4-3027	New	V. 30, p. 234-237
111-4-3028		
through		
111-4-3031	New	V. 30, p. 241-243
111-4-3032		
through		
111-4-3045	New	V. 30, p. 249-258
111-4-3046		
through		
111-4-3054	New	V. 30, p. 358-364
111-5-175		
through		
111-5-179	New	V. 29, p. 157-159
111-5-180		
through		
111-5-194	New	V. 29, p. 222-228
111-5-181	Amended	V. 29, p. 1522
111-5-184	Amended	V. 29, p. 1523
111-5-186	Amended	V. 29, p. 1524
111-5-194	Amended	V. 29, p. 1525
111-7-243		
through		
111-7-248	New	V. 30, p. 259, 260
111-9-162	New	V. 29, p. 229
111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-9-165	New	V. 29, p. 769
111-9-166	New	V. 29, p. 1184
111-9-167	New	V. 29, p. 1526
111-9-168	New	V. 29, p. 1526
111-9-169	New	V. 29, p. 1527
111-9-170	New	V. 30, p. 261
111-15-1	Amended	V. 30, p. 238
111-15-3	Amended	V. 30, p. 365
111-201-1		
through		
111-201-17	New	V. 29, p. 73-79

111-301-1		
through		
111-301-6	New	V. 29, p. 79, 80
111-301-7		
through		
111-301-12	New	V. 30, p. 244-248
111-301-13		
through		
111-301-20	New	V. 30, p. 366-368
111-302-1		
through		
111-302-6	New	V. 29, p. 82-86
111-302-4	Amended	V. 30, p. 249
111-303-1		
through		
111-303-5	New	V. 29, p. 87-89
111-304-1		
through		
111-304-6	New	V. 29, p. 89-91
111-305-1		
through		
111-305-6	New	V. 29, p. 474, 475
111-306-1		
through		
111-306-6	New	V. 29, p. 1185-1187
111-306-4	Amended	V. 29, p. 1260
111-306-6	Amended	V. 29, p. 1219
111-307-1		
through		
111-307-7	New	V. 29, p. 1189-1191
111-308-1		
through		
111-308-7	New	V. 29, p. 1261-1263
111-309-1		
through		
111-309-6	New	V. 29, p. 1528-1530
111-310-1		
through		
111-310-6	New	V. 29, p. 1530-1532
111-311-1		
through		
111-311-7	New	V. 29, p. 1532-1535
111-312-1		
through		
111-312-8	New	V. 30, p. 239, 240
111-312-6	Amended	V. 30, p. 368
111-312-8	Amended	V. 30, p. 368

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-101-6	Amended	V. 30, p. 290
112-102-8	Amended	V. 30, p. 290
112-103-2	Amended	V. 30, p. 291
112-103-4	Amended	V. 30, p. 292
112-103-5	Amended	V. 30, p. 292
112-103-8	Amended	V. 30, p. 292
112-103-15	Amended	V. 30, p. 292
112-104-1	Amended	V. 30, p. 293
112-104-8	Amended	V. 30, p. 294
112-104-13	Amended	V. 30, p. 295
112-104-14	Amended	V. 30, p. 297
112-104-15	Amended	V. 30, p. 297
112-104-16	Amended	V. 30, p. 298
112-104-32	Amended	V. 30, p. 300
112-105-1	Amended	V. 30, p. 301
112-105-2	Amended	V. 30, p. 301
112-105-3	Amended	V. 30, p. 301
112-106-1	Amended	V. 30, p. 301
112-106-2	Amended	V. 30, p. 303
112-106-5	Amended	V. 30, p. 303
112-106-6	Amended	V. 30, p. 304
112-107-3	Amended	V. 30, p. 304
112-107-5	Amended	V. 30, p. 307
112-107-10	Amended	V. 30, p. 308
112-107-21	Amended	V. 30, p. 309
112-107-22	Amended	V. 30, p. 310
112-108-18	Amended	V. 30, p. 311
112-108-36	Amended	V. 30, p. 312
112-108-55	Amended	V. 30, p. 313
112-110-3	Amended	V. 30, p. 313

112-112-1	Amended	V. 30, p. 314
112-112-3	Amended	V. 30, p. 314
112-112-4	Amended	V. 30, p. 314
112-112-7	Amended	V. 30, p. 315
112-112-9	Amended	V. 30, p. 315

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

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1602
115-2-2	Amended	V. 30, p. 331
115-2-3	Amended	V. 30, p. 331
115-2-3a	Amended	V. 29, p. 1603
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-6b	New	V. 30, p. 332
115-4-11	Amended	V. 30, p. 332
115-7-1	Amended	V. 29, p. 1606
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 30, p. 536
115-8-1	Amended	V. 29, p. 1092
115-16-5	Amended	V. 30, p. 334
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-1	Amended	V. 29, p. 412
117-2-2	Amended	V. 29, p. 413
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 30, p. 92
117-8-1	Amended	V. 29, p. 418

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-10-1	Amended	V. 29, p. 675

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115
123-2-111	New	V. 29, p. 1415

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
129-10-31	New	V. 30, p. 92

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

**AGENCY 131: COMMITTEE ON SURETY BONDS AND INSURANCE**

Reg. No.	Action	Register
131-1-1	New	V. 30, p. 195

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