



# Kansas Register

Kris W. Kobach, Secretary of State

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## State of Kansas

## Department for Children and Families

## Request for Proposals

The Kansas Department for Children and Families, Division of Economic and Employment Services, State Refugee Program, announces the release of a request for proposals to fund the provision of refugee social services. Eligible applicant agencies include local not-for-profit, charitable agencies providing community-based services under public and private auspices and with the resources and experience to serve the eligible population regardless of race, religion, color, national origin or sex. Faith-based organizations are encouraged to apply. Please be aware that federal regulations prohibit proselytization as part of activities related to this grant award. Services provided are to be in both a culturally and linguistically appropriate manner.

The Kansas Refugee Program provides funding to community not-for-profit or faith-based organizations for culturally competent and holistic social services to refugees, asylees and victims of human trafficking. Applicants must successfully communicate a comprehensive ap-

proach to providing social services in a manner conducive to refugees achieving early self-support and/or self-sufficiency, family well-being and integration into the larger community regardless of their race, religion, color, national origin, disability or sex. Applicants must demonstrate the capacity to provide necessary services as it relates to the implementation of the program's standards. All eligible recipients are to have equal access to services, subject to defined priorities of service.

A copy of the RFP may be found at <http://www.dcf.ks.gov/Agency/Operations/Pages/OGC/Grant-RFP.aspx>. Written questions about the RFP from potential applicants will be accepted until 2 p.m. April 21, 2014. Questions should be emailed to Joy Bodyk, DCF grants manager, at [joy.bodyk@dcf.ks.gov](mailto:joy.bodyk@dcf.ks.gov). Responses to questions will be posted on the aforementioned webpage by April 24. Proposals must be received not later than 2 p.m. May 15, 2014, at the Kansas Department for Children and Families, c/o Joy Bodyk, Grants Manager, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Phyllis Gilmore  
Secretary for Children and Families

Doc. No. 042441

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State of Kansas  
**Department for Children and Families**

**Request for Proposals**

The Kansas Department for Children and Families announces the release of a grant request for proposals for domestic violence and sexual assault (DV/SA) services for Temporary Assistance for Needy Families (TANF) cash recipients who are DV/SA survivors.

A complete copy of the RFP for DV/SA services may be obtained at <http://www.dcf.ks.gov/Agency/Operations/Pages/OGC/Grant-RFP.aspx>. Interested organizations and individuals also may contact the grant manager, Joy Bodyk, Kansas Department for Children and Families, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, or [joy.bodyk@dcf.ks.gov](mailto:joy.bodyk@dcf.ks.gov).

Written questions about the RFP will be accepted until 2 p.m. May 1, 2014. Questions should be submitted to Joy Bodyk. The deadline for proposals is 2 p.m. May 30, 2014.

Phyllis Gilmore  
 Secretary for Children and Families

Doc. No. 042446

State of Kansas  
**Department of Revenue  
 Division of Vehicles**

**Notice of Intent to Establish a New Location for  
 an Existing New Motor Vehicle Dealer**

Jay Hatfield Motorsports, LLC, has filed intent to change dealership location. Jay Hatfield Motorsports, LLC, currently conducts business as Jay Hatfield Motorsports, LLC, at 1021 N. Highway 69, Frontenac, Kansas. Jay Hatfield Motorsports, LLC, seeks to relocate its location and line-make vehicles to 1007 N. Highway 69, Frontenac, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer with standing may protest the proposed relocation of the new-line make vehicles by Jay Hatfield Motorsports, LLC. K.S.A. 8-2430(c) provides standing to any existing new motor vehicle dealer who has a franchise agreement for the same line-make vehicles as that which are to be sold or offered for sale by Jay Hatfield Motorsports, LLC, at 1007 N. Highway 69, Frontenac, 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 Jay Hatfield Motorsports, LLC, dealership will be relocated.

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 petition or complaint must be directed to the Kansas Department of Revenue, Division of Vehicles, 11th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Lisa Kaspar  
 Director of Vehicles

Doc. No. 042450

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. 2013 Supp. 12-1675(b)(c)(d) and K.S.A. 2013 Supp. 12-1675a(g).

**Effective 4-14-14 through 4-20-14**

Term	Rate
1-89 days	0.09%
3 months	0.03%
6 months	0.04%
12 months	0.10%
18 months	0.19%
2 years	0.37%

Scott Miller  
 Director of Investments

Doc. No. 042439

State of Kansas  
**Legislature  
 Legislative Bills and Resolutions Introduced**

The following numbers and titles of bills and resolutions were introduced April 3-6 by the 2014 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, 785-296-4096. Full texts of bills, bill tracking and other information may be accessed at <http://www.kslegislature.org/li/>.

**House Bills**

**HB 2776**, AN ACT concerning school districts; relating to the calculation of local property tax and the local option budget under the school finance formula; amending K.S.A. 2013 Supp. 72-6433d and repealing the existing section, by Committee on Appropriations.

**HB 2777**, AN ACT concerning motor carriers; relating to the regulation thereof; amending K.S.A. 2013 Supp. 66-1,109 and 66-1,129 and repealing the existing sections, by Committee on Appropriations.

**Senate Bills**

**SB 454**, AN ACT concerning state officers and employees; relating to an annual payment for classified state employees and certain officers; abolishing longevity bonus payments; amending K.S.A. 2013 Supp. 75-5551 and repealing the existing section; also repealing K.S.A. 2013 Supp. 75-5541, by Committee on Ways and Means.

**Senate Concurrent Resolutions**

**SCR 1623**, by Senators Wagle, Bruce and Hensley, A CONCURRENT RESOLUTION relating to the 2014 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

**Senate Resolutions**

**SR 1820**, by Senators Haley, Faust-Goudeau and Hensley, A RESOLUTION commemorating the 50th Anniversary of the Civil Rights Act of 1964.

**SR 1821**, by Senator Haley, A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide and designating April 26, 2014, as Kansas Drug Take-Back Day.

**SR 1822**, by Senator Hensley, A RESOLUTION congratulating the Santa Fe Trail High School girls' basketball team for winning the 2014 Class 4A State Basketball Championship.

Doc. No. 042444

(Published in the Kansas Register April 17, 2014.)

**City of Girard, Kansas****Notice of Intent to Seek Private Placement  
General Obligation Bonds, Series 2014**

Notice is hereby given that the city of Girard, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$1,230,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated April 7, 2014.

Debra J. Smith  
City Clerk

Doc. No. 042453

**State of Kansas****Department of Transportation****Notice to Consulting Firms**

The Kansas Department of Transportation is seeking qualified consulting firms prequalified in Category 402 — Landscape Architectural Design Services as described below. A PDF (1Mb maximum size) of the interest response must be emailed to David J. Nagy, P.E., assistant to the director of design/contracts engineer, at DavidN@ksdot.org. Interest and experience responses are limited to four pages, and the subject line of the reply email and the PDF file name must read "On-Call Landscape — Firm Name." The letter of interest must be received by noon May 1, 2014, for the consulting firm to be considered. View categories at <http://www.ksdot.org/divengdes/prequal/default.asp>.

**Project: On-Call Landscape Architectural Design**

The Kansas Department of Transportation is seeking qualified firms to provide landscape architectural design services. The scope of services is to provide landscape architectural design services on an as-needed basis statewide. Several firms may be selected to provide services.

The landscape architectural design activities included with this service will include a variety of landscape architectural functions associated with design at safety rest areas, special kiosks, interpretive signage, ADA compliant features, overlooks, and urban pedestrian and parking areas. The design shall result in a complete and accurate set(s) of plans to construct a project that fulfills the agency's intended purpose, safely and efficiently serves the public, and meets current best practices and prevailing criteria and standards.

Projects of this category will normally involve one or more features and may be either rural or urban in nature and support the sound conception, planning and design of engineered projects. Firms qualified in this area shall have the ability and past experiences of key staff in charge of these types of projects. It is desirable that the consultant

be staffed with a landscape architect, registered in Kansas, one of which shall be directly responsible for the projects.

The Consultant Shortlist Committee will select several of the most highly qualified firms expressing interest and schedule an individual interview for the project. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. View categories at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

The Consultant Selection Committee, appointed by the secretary of transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select several firms to perform the professional services required for completing the advertised project.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to project(s).
4. Work load of firm.
5. Firm's performance record.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

For more information contact David Nagy at 786-296-0930 or DavidN@ksdot.org.

Jim L. Kowach, P.E. Director  
Division of Engineering and Design

Doc. No. 042445

**State of Kansas****Department of Administration  
Procurement and Contracts****Notice to Bidders**

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

04/28/2014	EVT0003075	Impaired License Program
04/29/2014	EVT0003088	Riverbank Pump Station — Neosho Wildlife Area
04/29/2014	EVT0003100	Printing, Yearbook
04/30/2014	EVT0003090	Riverbank Pump Station — Marais des Cygnes Wildlife Area
05/01/2014	EVT0003089	Legal Services Pool
05/02/2014	EVT0003101	Rest Area Maintenance — District 4
05/06/2014	EVT0003096	Services, Website Maintenance and Development

- 05/07/2014 EVT0003097 Aluminum Sulfate and Ammonium Sulfate
- 05/13/2014 EVT0003082 Debit Card for Unemployment Benefits
- 05/14/2014 EVT0003086 Assistive and Corrective Devices for the Blind, Visually Impaired, Deaf and Hard of Hearing

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

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

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

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

- 05/01/2014 A-012298 Geodesic Dome Reroof — Speaker Road — Kansas City — Dept. of Transportation, Topeka
- 05/01/2014 A-012495 Repainting of Concourses — Gross Coliseum — Fort Hays State University, Hays
- 05/06/2014 A-012451 Renovation and Low Roof Replacement — Hiawatha Readiness Center — Adjutant General's Dept. — Topeka
- 05/07/2014 A-012401 Renovation — Milford Wildlife Area Office — Clay Center — Dept. of Wildlife, Parks and Tourism, Pratt
- 05/08/2014 A-012490 Metal Roof Retrofit — D Dorm & C Cell House — Norton Correctional Facility — Norton — Dept. of Corrections, Topeka
- 05/09/2014 A-012453 Roof Replacement — Olathe Readiness Center — Adjutant General's Dept. — Topeka

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

**Notice of Intent to Sell Real Property:**

The Kansas Department of Administration intends to sell the real property located at 818 Kansas Ave., Atchison County, Atchison, Kansas. The state will auction this property at a time to be determined and published in the local newspaper and at <http://www.da.ks.gov/purch/Contracts/bids.aspx> on or after May 16, 2014.

The Kansas Department of Administration intends to sell the real property located at the intersection of Green Hills Road and Menninger Road, Shawnee County, Topeka, Kansas. The state will auction this property at a time to be determined and published in the local newspaper and at <http://www.da.ks.gov/purch/Contracts/bids.aspx> on or after May 16, 2014.

Tracy T. Diel, Director  
Procurement and Contracts

Doc. No. 042455

**State of Kansas  
Board of Regents Universities  
Notice to Bidders**

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

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

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

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

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

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

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

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

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

Doc. No. 041700

## State of Kansas

**Department of Administration  
Office of Facilities and  
Property Management**

**Notice of Commencement of Negotiations for  
Construction Manager At-Risk Services**

Notice is hereby given of the commencement of negotiations for construction management at-risk services for the Chiller Plant Expansion project for Kansas State University on the main campus in Manhattan. The project calls for an initial chiller capacity of two 2,500-ton chillers, with a building sized for an additional two future 2,500-ton chillers. Additional requirements are a piping network to distribute the chilled water to existing and future main campus buildings and to interconnect to the existing chiller plant for redundancy; plus, construct a utility tunnel and steam piping from Justin Hall to the new College of Business Administration building. The estimated construction cost is \$49,886,000.

The construction manager at-risk will provide for each phase of cost estimating, scheduling, constructability reviews and value engineering studies; procure equipment, prequalify subcontractors and take bids; review bids with the design team and owner to determine bids to accept; prepare cost estimate(s) for the un-bid portion(s); provide a guaranteed maximum price and a bond; and manage construction and track all costs for the design team and owner's review.

Questions about the proposed scope of services should be submitted to Jack Carlson, KSU project manager, at [jec@ksu.edu](mailto:jec@ksu.edu) or 785-532-1722. An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation and an abbreviated project name in the title of the PDF document. Proposals should follow the current State Building Advisory Commission guidelines, found in Part B — Chapter 2 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Proposals should be sent on a CD, DVD or flash drive along with a transmittal to Barbara Schilling, Office of Facilities and Procurement Management, Suite 700, 800 S.W. Jackson, Topeka, 66612-1216. Proposals sent via email will no longer be accepted and paper copies of the proposals are no longer required. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions call 785-291-3695. The PDF proposal submittals shall be delivered to the attention of Barbara Schilling before 2 p.m. May 2, 2014.

Mark J. McGivern, Director  
Office of Facilities and  
Procurement Management

Doc. No. 042451

## 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 operating permit. Southern Star Central Gas Pipeline, Inc. — Hesston Compressor Station has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Southern Star Central Gas Pipeline, Inc., P.O. Box 20010, Owensboro, Kentucky, 42304, owns and operates the Hesston Compressor Station, a natural gas compressor station located at Section 8, T22S, R1W, Harvey County, Kansas.

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 during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Barbara Bangert, 785-296-1582, at the KDHE central office, or David Butler, 316-337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Barbara Bangert, 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 not later than noon May 19.

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 Barbara Bangert, KDHE, Bureau of Air, not later than noon May 19 in order for the secretary of health and environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

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

Doc. No. 042447

#### 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 operating permit. Southern Star Central Gas Pipeline Inc. — Humboldt Compressor Station has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Southern Star Central Gas Pipeline, P.O. Box 20010, Owensboro, Kentucky, 42304, owns and operates the Humboldt Compressor Station, a natural gas compressor station located at Section 6, T26S, R18E, Allen County, Kansas.

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 during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th St., Chanute. To obtain or review the proposed permit and supporting documentation, contact Barbara Bangert, 785-296-1582, at the KDHE central office, or Doug Cole, 620-431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Barbara Bangert, 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 not later than noon May 19.

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 Barbara Bangert, KDHE, Bureau of Air, not later than noon May 19 in order for the secretary of health and environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

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

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

Doc. No. 042448

#### State of Kansas

### Department of Health and Environment

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

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

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

#### Public Notice No. KS-AG-14-086/097

#### Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Scott Foote Hoxie Feedyard, Inc. P.O. Box 65 Hoxie, KS 67740	All of Section 28 & N/2 of Section 33, T07S, R29W, Sheridan County	Solomon River Basin
Kansas Permit No. A-SOSD-C002 Federal Permit No. KS0117897		

(continued)

This is a permit modification and reissuance for an existing livestock facility with the maximum capacity of 53,000 head (53,000 animal units) of cattle weighing greater than 700 pounds. The facility consists of approximately 424 acres of open lot pens and associated feed-lot areas. Surface runoff and process water is collected by a total of five sediment basins and ten earthen retention control structures. Proposed modifications to the facility include the addition of a manure storage area. A diversion channel, sediment basin and transfer pipe are also proposed. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Luke Busenitz Luke Busenitz #2 2188 N.W. Tawakoni Road Benton, KS 67017	SW/4 of Section 24, T25S, R03E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-B019

This is a new permit for a proposed facility with the maximum capacity for 999 head (999 animal units) of cattle weighing greater than 700 pounds. The proposed facility will consist of approximately 18.9 acres of open lot pens, feed roads, manure storage area, mortality composting area, feed storage area and other associated feedlot areas. Surface runoff will be collected by three sediment basins and stored in an earthen waste storage pond.

Name and Address of Applicant	Legal Description	Receiving Water
Bill A. Barger Barger Land & Livestock Inc. 1692 I Road Garfield, KS 67529	W/2 of Section 21, T22S, R17W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-B012

This is a permit renewal for an existing facility with the maximum capacity for 950 head (950 animal units) of cattle weighing greater than 700 pounds. The facility consists of approximately 12 acres of open lot confinement pens and a working area. Surface runoff is collected in a large irregular shaped earthen retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Eddie Nichols Irsik & Doll Feed Services, Inc. Ingalls Feedyard — East Pens 10505 U.S. Highway 50 Ingalls, KS 67853	NW/4 of Section 31, T25S, R28W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C007 Federal Permit No. KS0115258

This is a renewal permit for an existing facility for 5,000 head (5,000 animal units) of cattle weighing greater than 700 pounds. There are no proposed modifications and there is no change in the permitted animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Ronald L. Burdick 664 X Road Wetmore, KS 66550	NW/4 of Section 1, T05S, R14E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-B003

This permit is being reissued for an existing facility with a maximum capacity of 900 head (900 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Kevin Larson LKM Farms 1215 Rock Road Scandia, KS 66966	SE/4 of Section 21, T03S, R04W, Republic County	Lower Republican River Basin

Kansas Permit No. A-LRRP-B001

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

Name and Address of Applicant	Legal Description	Receiving Water
Eric Purvis Purvis Feedlot 340 Jackrabbit Road Weskan, KS 67762	N/2 of Section 20, T14S, R42W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-C005 Federal Permit No. KS0094897

This permit is being reissued for an existing facility with a maximum capacity of 3,000 head (3,000 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Richard Cott Keeott Farms, Inc. 1047 20th Road Clay Center, KS 67432	SW/4 of Section 27, T07S, R02E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-H004 Federal Permit No. KS0094471

This permit is being reissued for an existing facility with a maximum capacity of 2,600 head (1,040 animal units) of swine more than 55 pounds and 1,300 head (130 animal units) of swine 55 pounds or less, for a total of 1,170 animal units of swine. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Daniel J. Larson Larson Angus Ranch Feedlot 195 Road 26 Sharon Springs, KS 67758	SW/4 of Section 20, T15S, R39W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-B007

This permit is being reissued for an existing facility for 999 head (999 animal units) of cattle weighing more than 700 pounds. This represents a decrease in the permitted capacity from the previous permitted capacity of 2,000 head (2,000 animal units) of cattle weighing more than 700 pounds. No modifications are being made to the facility layout or the waste management system.

Name and Address of Applicant	Legal Description	Receiving Water
Michael Arndt 2124 Deerbrook Emporia, KS 66801	NE/4 of Section 10, T20S, R10E, Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-B008

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

Name and Address of Applicant	Legal Description	Receiving Water
Warren Hornbaker Hornbaker Farms 1752 180th Ave. Lewis, KS 67552	NW/4 of Section 25, T25S, R18W, Edwards County	Arkansas River Basin

Kansas Permit No. A-ARED-B001

This permit is being reissued for an existing facility for 700 head (350 animal units) of beef cattle weighing less than 700 pounds. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Brian Vulgamore Vulgamore Land & Cattle Co., Inc. — East Yard 1550 W. Road 70 Scott City, KS 67871	SW/4 of Section 26, T19S, R33W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-B003

This permit is being reissued for an existing facility for 950 head (475 animal units) of beef cattle weighing less than 700 pounds. There is no change in the permitted animal units.

**Public Notice No. KS-Q-14-055/059**

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
TA Operating, LLC 24601 Center Ridge Road Westlake, OH 44145	Long Creek via Joe Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. C-MC57-0003		Federal Permit No. KS0086274
Legal Description: SW¼, SE¼, NW¼, S2, T19S, R15E, Coffey County, KS		

Facility Name: Beto Junction Travel Plaza  
 Facility Address: 2755 U.S. Highway 75, Lebo, KS 66856  
 The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and pH, as well as monitoring for ammonia and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Fiber Glass Systems, LP 2501 Southwest St. Wichita, KS 67217	Arkansas River	Noncontact Cooling Water
Kansas Permit No. I-AR94-PO39		Federal Permit No. KS0087807
Legal Description: NE¼, S2, T28S, R1W, Sedgwick County, KS		

The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. This facility manufactures fiberglass reinforced pipe and fittings by filament winding and compression molding process. Ancillary operations include machining and grinding. The discharge consists of noncontact cooling water from the pipe winding mandrels after the cure cycle and the non-contact cooling water used for one-pass cooling of hydraulic units. The source of the cooling water is the municipal water supply. A dechlorinating agent is added to the cooling water discharge. The proposed permit contains limits for total residual chlorine and pH, as well as monitoring of temperature and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Frankfort, City of 109 N. Kansas Frankfort, KS 66427	Timber Creek via Unnamed Tributary	Groundwater Remediation
Kansas Permit No. I-BB07-PO03		Federal Permit No. KS0099775
Legal Description: SE¼, S9, T4S, R9E, Marshall County KS		

The proposed action is to reissue an existing permit for discharge during an existing groundwater remediation project. Carbon tetrachloride (CCl4) contaminated groundwater is pumped from underneath the source area and treated in a three-stage gravity flow cascade aeration system to remove CCl4 prior to discharge to an onsite irrigation pond for agricultural crop production. The aeration system will not operate during winter months when the ambient air temperature is below 35°F. The proposed permit contains limits for carbon tetrachloride as well as monitoring of flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Martin Marietta Materials, Inc. 7381 W. 133rd St. Building 4, Suite 401 Overland Park, KS 66213	Long Creek via Frog Creek	Pit Dewatering and Stormwater Runoff
Kansas Permit No. I-MC23-PO02		Federal Permit No. KS0089711
Legal Description: S½, NW¼ & N½, SW¼, S16, T18S, R16E, Osage County, KS		

Facility Name: Melvern Quarry  
 The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone quarrying operation with some washing. Rock is crushed, processed and washed to meet specifications. Outfall 001A1 consists of stormwater runoff and treated wash-water, which is treated by a large settling pond. Outfalls 002A1 and 003A1 consist of stormwater runoff only. The proposed permit contains limits for total suspended solids as well as generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Town Creek via Unnamed Tributary	Pit Dewatering and Stormwater Runoff
Kansas Permit No. I-NE13-PO04		Federal Permit No. KS0088838
Legal Description: NW¼, S6, T35S, R21E, Labette County, KS		
Facility Name: Chetopa Quarry #40		

The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation, with no washing. Outfall 001 consists of stormwater runoff and quarry pit water. The proposed permit contains generic water-quality language to protect waters of the state.

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 May 17 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-14-086/097, KS-Q-14-055/059) 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. 042449

## State of Kansas

## Wildlife, Parks and Tourism Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m. Thursday, June 19, at the Lamplighter Inn & Suites, 4020 Parkview Drive, Pittsburg, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks and Tourism Commission will begin at 1 p.m. June 19 at the location listed above. The meeting will recess at approximately 5 p.m., then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete business matters, the commission will reconvene at 9 a.m. June 20 at the same location.

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

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

**K.A.R. 115-8-1.** This permanent regulation establishes hunting, furharvesting, and discharge of firearms provisions on department lands and waters. The proposed amendments would update the reference document, particularly related to removing some restrictions on vehicle traffic, adjusting some nontoxic shot requirements, adjusting some boating restrictions, coordinating some refuge area requirements and adding some daily use permits.

**Economic Impact Summary:** The proposed amendment to the regulation is not anticipated to have any apprecia-

ble negative economic impact on the department, other agencies, small businesses or the public.

**115-25-9a.** This exempt regulation establishes additional considerations for the deer open season, bag limit, and permits including Fort Riley and crossbow survey number. The proposed version of the regulation sets the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley.

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

**115-4-2.** This permanent regulation establishes general provisions for big game and wild turkeys. The proposed amendments would remove the restriction on same day purchase of permits and hunting big game and wild turkeys.

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

**115-25-1.** This exempt regulation establishes the open seasons, bag limits, and possession limits and permits for prairie chickens. The proposed version of the regulation includes closing the season in the southwest unit pursuant to a listing by the United States Fish and Wildlife Service as a threatened species under the federal endangered species act.

**Economic Impact Summary:** There will be some economic impact to closing the prairie chicken season in the southwest unit but it cannot be quantified at this time. Otherwise, the proposed version of the regulation is not anticipated to have appreciable negative economic impact on the department, other agencies, small businesses or the public.

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

Gerald Lauber  
Chairman

Doc. No. 042440

## State of Kansas

Department for Aging and Disability Services  
Department of Health and Environment  
Division of Health Care FinanceNotice of Proposed Nursing Facility Medicaid  
Rates for State Fiscal Year 2015;Methodology for Calculating Proposed 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 the Kansas De-

partment for Aging and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The secretary acts on behalf of the Kansas Department of Health and Environment, Division of Health Care Finance (DHCF), the single state Medicaid agency.

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2015, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. KDADS and DHCF 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, 2014.

### **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 DHCF:
  1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
  2. Attachment 4.19D, Part I, Subpart U

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 which the state currently intends to submit to CMS on or before September 30, 2014. 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 for Aging and Disability Services  
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 11 sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, and Retroactive Rate Adjustments.

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

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

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

#### Calendar Year End Cost Reports:

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

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

#### Projected Cost Reports:

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

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

##### Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined cal-

(continued)

endar year cost data from each available report submitted by the current provider during 2010, 2011, and 2012.

If the current provider has not submitted a calendar year report between 2010 and 2012, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider's base cost data.

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

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to 12/31/12. 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 12/31/12. 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 12/31/12. The provider shall remain in new enrollment 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 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 2010 to 2012. 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 12/31/12. 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 12/31/12. 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 (Reenrollment Status)

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding calendar year 2010.

All cost data used to set rates for facilities reentering the program shall be adjusted to 12/31/12. 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 12/31/12. 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 reenrollment status.

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

Providers are required to submit to the agency the uniform assessment instrument, which is the Minimum Data

Set (MDS), for each resident in the facility. The MDS assessments are maintained in a computer database.

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 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 cut-off 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>Cut-Off 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 cut off schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

**4) Resident Days**

Facilities with 60 beds or less:

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

Facilities with more than 60 beds:

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

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

The second exception is for the first cost report filed by a new provider who assumes the rate of the 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 12/31/12. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

The IHS Global Insight, CMS Nursing Home without Capital Market Basket Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables

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

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

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

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

The Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2012 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 determines the per diem limit for the facilities between 15 and 50 beds.

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

##### Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit will be 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2014.

##### 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 12/31/12. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket Index.

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

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 eight million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$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 result, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated quarterly to account for changes in the Medicaid CMI. To illustrate this calculation take the following situation: The facility's direct health care per diem cost is \$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 result 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 Global Insight, CMS Nursing Home without Capital Market Basket. 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

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effective property allowance and the last effective value factor for that facility. The property fee will be inflated to 12/31/08 and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

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

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

**9) Incentive Factors**

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

Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by 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 \$2.25 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 \$0.20 per diem add-on. Providers that achieve a turnover rate at or below the 75th percentile will earn a \$2.25 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 \$0.20. Finally, providers that have a Medicaid occupancy percentage of 60% or more will receive a \$1.00 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 (5.04), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$2.25 \$0.20
Staff turnover rate ≤ 75th percentile, 42% or Staff turnover rate > 75th percentile but reduced ≥ 10%	\$2.25 \$0.20
Medicaid occupancy ≥ 60%	\$1.00
Total Incentive Points Available	\$5.90

The Culture Change/Person-Centered Care Incentive

The Culture Change/Person-Centered Care Incentive

Program (PEAK 2.0) includes five different incentive levels to recognize homes that are either pursuing culture change, have made major achievements in the pursuit of culture change, have met minimum competencies in person-centered care, have sustained person-centered care, or are mentoring others in person-centered care.

Each incentive level has a specific pay-for-performance incentive per diem attached to it that homes can earn by meeting defined outcomes. The first two levels are intended to encourage quality improvement for homes that have not yet met the minimum competency requirements for a person-centered care home. Homes can earn both of these incentives simultaneously as they progress toward the minimum competency level.

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

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

	program. Performing successfully on a Level 2 screening call with the KSU PEAK 2.0 team. Passing a full site visit.	fiscal year. Renewable bi-annually.
Level 4 Sustained Person-Centered Care Home \$3.00	Homes earn person-centered care home award two consecutive years.	Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies. Incentive is granted for two fiscal years. Renewable bi-annually.
Level 5 Person-Centered Care Mentor Home \$4.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.

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

The Quality and Efficiency Incentive plan for Nursing Facilities for Mental Health (NFMH) will be established separately from 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 4.02, which is 120% of the statewide NFMH median of 3.35. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.69, 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 \$19.58, or 90% of the statewide median of \$21.75.

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 24%, 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 24% but equal to or below 36%, 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 78%, 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% (4.02) of NF-MH median (3.35), or CMI adjusted staffing ratio between 110% (3.69) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$19.58, 90% of NF-MH median, \$21.75	1
Staff turnover rate ≤ 75th percentile, 24%	2, or 1
Staff turnover rate ≤ 50th percentile, 36%	
Contracted labor < 10% of total direct health care labor costs	2, or 1
Staff retention ≥ 75th percentile, 84%	
Staff retention ≥ 50th percentile, 78%	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.

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

The survey and certification performance of each NF and 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.

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

**10) Rate Effective Date**

Rate effective dates are determined in accordance with K.A.R. 30-10-19. The rate may be revised for an add-on

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reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

**11) Retroactive Rate Adjustments**

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

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

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

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

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

**A.1 Cost Center Limitations:** The state proposes the following cost center limitations which are used in setting rates effective July 1, 2014.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$31.86
Indirect Health Care	115% of the Median Cost	\$47.53
Direct Health Care	130% of the Median Cost	\$103.42
Real and Personal Property Fee	105% of the Median Fee	\$9.39

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 1.0175, which is the statewide average.

**A.2 Quality Care Assessment Per Diem Pass-Through:** To compensate providers for increased expenses incurred due to the quality care assessment, a per diem pass-through will be determined and paid to each Medicaid provider. The per diem will be added to the nursing facility Medicaid per diem rate. The quality care assessment pass-through will not be subject to cost center limits or the 85% occupancy rule.

**1) Qualifying Providers.** All providers currently enrolled in the Medicaid program will be eligible for the quality care assessment pass-through per diem.

**2) Per Diem Pass-Through Calculation.** The quality care assessment pass-through per diem will be determined by multiplying the quarterly quality care assessment paid by each qualifying provider by four to determine an annualized assessment expense. The annualized assessment expense will be divided by the total resident days from the calendar year cost report preceding the start of the fiscal year. For example, during fiscal year 2015 (July 1, 2014 through June 30, 2015), the resident day total from the calendar year 2013 cost report will be used to determine the per diem pass-through.

For providers filing a projected cost report the projected resident day total will be used to initially calculate the pass-through per diem. The per diem pass-through will be adjusted retroactively for an historical cost report covering the projection period.

**B. Case Mix Index.** These proposed rates are based

upon each nursing facility's Medicaid average CMI calculated with a cutoff date of April 1, 2014, using the July 1, 2013 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its proposed per diem rate.

C. 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.

FY15 Prov. Num.	Facility Name	City	Daily Rate	Medicaid CMI
19928	Village Manor	Abilene	159.07	0.9234
20875	Alma Manor	Alma	162.83	0.8505
11211	Life Care Center of Andover	Andover	166.88	1.1852
21600	Victoria Falls SNF	Andover	166.42	1.0117
19671	Anthony Community Care Center	Anthony	159.82	0.9900
18691	Medicalodges Health Care Ctr Arkansas City	Arkansas City	162.71	0.9845
19387	Arkansas City Presbyterian Manor	Arkansas City	170.30	0.9968
19244	Arma Care Center	Arma	118.19	1.0471
15157	Ashland Health Center - LTCU	Ashland	192.35	1.0286
10826	Medicalodges Atchison	Atchison	189.08	1.0855
15023	Atchison Senior Village	Atchison	171.72	0.9016
21222	Dooley Center	Atchison	165.04	0.6761
05720	Attica Long Term Care	Attica	164.83	0.9267
26464	Atwood Good Samaritan Center	Atwood	174.02	1.0044
15113	Lake Point Nursing Center	Augusta	155.06	0.9898
15363	Baldwin Care Center	Baldwin City	151.34	1.0546
20919	Quaker Hill Manor	Baxter Springs	138.28	1.0063
05415	Great Plains of Republic County, Inc.	Belleville	188.81	0.9867
18502	Belleville Health Care Center	Belleville	138.88	0.9664
05516	Mitchell County Hospital LTCU	Beloit	169.94	0.8250
11467	Hilltop Lodge Nursing Home	Beloit	156.88	1.0493
20732	Bonner Springs Nursing and Rehabilitation	Bonner Springs	157.86	1.0600
15462	Hill Top House	Bucklin	174.95	1.0336
26565	Buhler Sunshine Home, Inc.	Buhler	175.24	0.9125
16780	Life Care Center of Burlington	Burlington	146.53	1.0184
20676	Caney Nursing Center	Caney	103.05	0.9011
21132	Eastridge Nursing Home	Centralia	165.68	0.8340
11144	Heritage Health Care Center	Chanute	142.42	1.0620
20147	Diversicare of Chanute	Chanute	165.57	1.0623
20942	Applewood Rehabilitation	Chanute	84.23	0.7874
16845	Chapman Valley Manor	Chapman	139.78	0.8314
16351	Cheney Golden Age Home Inc.	Cheney	162.86	1.0183
21009	Cherryvale Care Center	Cherryvale	124.78	0.9114
19019	Chetopa Manor	Chetopa	130.23	0.9747
18308	The Shepherd's Center	Cimarron	149.48	0.9669
11107	Medicalodges Clay Center	Clay Center	181.62	1.0332
15168	Clay Center Presbyterian Manor	Clay Center	207.57	1.2778
16418	Clearwater Nursing and Rehabilitation	Clearwater	170.30	1.1100
20266	Community Care, Inc.	Clifton	144.14	1.0291
17813	Park Villa Nursing Home	Clyde	145.52	0.9314
05764	Coffeyville Regional Medical Center	Coffeyville	191.84	1.0130
11514	Windsor Place	Coffeyville	161.84	1.0811
15991	Medicalodges Coffeyville	Coffeyville	185.26	0.9961
19917	Windsor Place at Iola, LLC	Coffeyville	163.61	1.0300
19119	Deseret Nursing & Rehab at Colby	Colby	132.45	1.0163
19648	Prairie Senior Living Complex	Colby	184.64	1.0032
25251	Pioneer Lodge	Coldwater	149.34	0.9250
18410	Medicalodges Columbus	Columbus	169.11	0.9757
15226	Mt. Joseph Senior Village, LLC	Concordia	138.90	0.9159
21187	Sunset Home, Inc.	Concordia	152.49	0.8873
27217	Spring View Manor	Conway Springs	132.19	0.8642
19872	Golden Living Center-Chase Co.	Cottonwood Falls	143.26	0.9479
20136	Diversicare of Council Grove	Council Grove	145.05	0.9739
18162	Hilltop Manor	Cunningham	134.18	1.0126

10748	Westview of Derby	Derby	142.93	1.0487	11077	Golden Plains Rehabilitation Center	Hutchinson	160.32	1.0029
21560	Derby Health and Rehabilitation	Derby	191.42	1.1271	17148	Good Sam Society-Hutchinson Village	Hutchinson	170.70	0.9454
20492	Hillside Village	De Soto	169.62	1.0681	19595	Hutchinson Care Center	Hutchinson	138.02	1.1263
05347	Lane County Hospital - LTCU	Dighton	190.88	1.0160	21154	Wesley Towers	Hutchinson	196.29	1.0372
11378	Trinity Manor	Dodge City	178.95	1.1660	21176	Ray E. Dillon Living Center	Hutchinson	188.77	0.9829
17385	Dodge City Good Samaritan Center	Dodge City	149.96	0.9086	11448	Medicalodges of Independence	Independence	134.18	1.0385
21143	Manor of the Plains	Dodge City	169.54	0.9638	19300	Montgomery Place Nursing Center, LLC	Independence	141.92	0.9850
20838	Medicalodges Douglass	Douglass	159.03	0.9204	25913	Pleasant View Home	Inman	167.29	0.8588
10995	Golden Living Center-Downs	Downs	138.83	0.9721	15002	Iola Nursing Center	Iola	127.76	0.9959
19153	Country Care Home	Easton	140.15	0.9155	05066	Hodgeman Co Health Center-LTCU	Jetmore	196.17	1.0644
20614	Golden Living Center-Parkway	Edwardsville	151.02	0.9725	05674	Stanton County Hospital-LTCU	Johnson	172.43	0.8379
20625	Golden Living Center-Kaw River	Edwardsville	193.52	1.1679	10480	Valley View Senior Life	Junction City	165.91	0.9808
20636	Golden Living Center-Edwardsville	Edwardsville	138.71	0.7731	10591	Medicalodges Post Acute Care Center	Kansas City	172.21	1.0592
10782	Lakepoint Nursing Center-El Dorado	El Dorado	146.96	1.0553	11030	Kansas City Presbyterian Manor	Kansas City	185.31	0.9547
19907	Golden Living Center-El Dorado	El Dorado	166.63	1.1897	16654	Medicalodges Kansas City	Kansas City	157.80	0.9250
05696	Morton County Hospital	Elkhart	150.73	0.9845	20377	Lifecare Center of Kansas City	Kansas City	159.17	1.0551
19635	Woodhaven Care Center	Ellinwood	151.68	0.9767	21660	Providence Place	Kansas City	215.07	1.2218
25485	Ellis Good Samaritan Center	Ellis	165.09	0.9986	20244	Deseret Nursing & Rehab at Kensington	Kensington	115.39	0.9838
15416	Good Sam Society-Ellsworth Village	Ellsworth	149.58	0.9382	21121	The Wheatlands	Kingman	147.32	0.9124
11232	Emporia Presbyterian Manor	Emporia	188.81	1.0710	18432	Medicalodges Kinsley	Kinsley	186.49	0.9313
11367	Holiday Resort	Emporia	146.00	1.0105	20806	Kiowa Hospital District Manor	Kiowa	170.67	0.8686
20175	Flint Hills Care Center, Inc.	Emporia	127.43	0.9153	05246	Rush Co. Memorial Hospital	La Crosse	156.69	1.0022
17791	Enterprise Estates Nursing Center, Inc.	Enterprise	137.42	0.9532	18757	Locust Grove Village	La Crosse	159.78	0.9215
20715	Golden Living Center-Eskridge	Eskridge	118.00	0.8083	20232	High Plains Retirement Village	Lakin	197.79	1.0267
17781	Medicalodges Eudora	Eudora	144.47	0.8931	20197	Golden Living Center-Lansing	Lansing	162.12	1.0367
18927	Eureka Nursing Center	Eureka	155.92	1.0959	21680	Twin Oaks Health & Rehab	Lansing	191.45	0.9180
21570	Kansas Soldiers' Home	Fort Dodge	183.97	1.0747	20451	Diversicare of Larned	Larned	135.48	1.0221
15045	Medicalodges Fort Scott	Fort Scott	171.24	1.0041	11175	Lawrence Presbyterian Manor	Lawrence	172.45	0.9283
20446	Fort Scott Manor	Fort Scott	136.99	0.9618	11391	Brandon Woods at Alvarar	Lawrence	185.09	0.9560
17857	Fowler Residential Care	Fowler	175.43	0.8900	21450	Pioneer Ridge Retirement Community	Lawrence	185.49	1.0996
27555	Frankfort Community Care Home, Inc.	Frankfort	155.09	0.9485	11096	Medicalodges Leavenworth	Leavenworth	175.08	0.9605
20581	Golden Living Center-Fredonia	Fredonia	150.61	1.0183	11355	Delmar Gardens of Lenexa	Lenexa	139.83	0.9221
15305	Medicalodges Frontenac	Frontenac	140.27	1.0200	21470	Lakeview Village	Lenexa	194.55	1.0078
17915	Emerald Pointe Health & Rehab Centre	Galena	112.97	0.8382	21690	The Covenant Place of Lenexa	Lenexa	247.76	1.5325
20930	Galena Nursing & Rehab Center	Galena	143.47	1.0811	16261	Leonardville Nursing Home	Leonardville	142.48	0.9850
11345	Garden Valley Retirement Village	Garden City	150.55	0.9930	05786	Wichita County Health Center	Leoti	178.73	0.8950
15430	Homestead Health & Rehab	Garden City	178.28	1.0484	17508	Liberal Good Samaritan Center	Liberal	155.54	1.0308
05712	Meadowbrook Rehab Hosp., LTCU	Gardner	196.32	1.0471	21510	Wheatridge Park Care Center	Liberal	158.59	0.8600
19579	Medicalodges Gardner	Gardner	145.45	0.9000	17577	Lincoln Park Manor, Inc.	Lincoln	153.06	0.9638
05808	Anderson County Hospital	Garnett	176.62	0.8350	15890	Bethany Home Association	Lindsborg	192.04	1.0023
21053	Golden Heights Living Center	Garnett	152.63	0.9239	17352	Linn Community Nursing Home	Linn	137.76	0.8704
15315	The Heritage	Girard	133.92	0.9224	27566	Sandstone Heights Nursing Home	Little River	194.71	1.0620
15214	The Nicol Home, Inc.	Glasco	157.49	0.8908	17328	Logan Manor Community Health Service	Logan	187.78	1.1454
11197	Medicalodges Goddard	Goddard	176.15	1.0000	20096	Louisburg Care Center	Louisburg	151.23	1.1214
05595	Bethesda Home	Goessel	179.37	0.9973	17497	Good Samaritan Society-Lyons	Lyons	150.50	0.8372
17295	Goodland Sherman Co. Good Samaritan	Goodland	169.61	0.9957	10894	Meadowlark Hills Retirement Community	Manhattan	187.27	0.9696
10714	Cherry Village Benevolence	Great Bend	157.23	0.9767	11491	Stoneybrook Retirement Community	Manhattan	188.05	1.1217
16837	Great Bend Health & Rehab Center	Great Bend	158.56	1.1751	21530	Via Christi Village Manhattan, Inc	Manhattan	159.48	1.0034
11029	Halstead Health and Rehab Center	Halstead	157.65	1.0031	05156	St. Luke Living Center	Marion	156.82	0.9200
20121	Haviland Care Center	Haviland	85.49	0.7388	18037	Riverview Estates, Inc.	Marquette	146.52	0.8818
17486	Good Samaritan Society-Hays	Hays	158.93	0.9989	21162	Cambridge Place	Marysville	146.36	0.9665
21640	Via Christi Village-Hays	Hays	164.56	0.8776	20854	McPherson Care Center	McPherson	122.60	1.1829
11080	Diversicare of Haysville	Haysville	157.32	0.9447	25935	The Cedars, Inc.	McPherson	172.10	0.9355
15348	Medicalodges Herington	Herington	138.98	0.8618	25982	Meade District Hospital, LTCU	Meade	193.86	0.9638
16902	Schowalter Villa	Hesston	189.71	0.9063	10805	Trinity Nursing & Rehab Ctr	Merriam	161.52	1.1016
21032	Maple Heights of Hiawatha	Hiawatha	137.79	0.9757	05191	Great Plains of Ottawa County, Inc.	Minneapolis	151.62	0.8700
19334	Highland Care Center	Highland	127.18	0.9808	17734	Good Samaritan Society-Minneapolis	Minneapolis	149.39	0.9213
25531	Dawson Place, Inc.	Hill City	155.37	0.9537	18274	Minneola District Hospital-LTCU	Minneola	197.33	1.0395
05426	Salem Home	Hillsboro	154.25	0.8727	15528	Bethel Home, Inc.	Montezuma	165.17	0.8432
17690	Parkside Homes, Inc.	Hillsboro	170.85	1.0233	20085	Moran Manor	Moran	139.49	1.1338
17835	Medicalodges Jackson County	Holton	154.84	0.8852	15901	Pine Village	Moundridge	163.39	0.9754
10602	Tri County Manor Living Center, Inc.	Horton	126.49	0.9838	18140	Moundridge Manor, Inc.	Moundridge	169.66	0.8898
15394	Howard Twilight Manor	Howard	153.32	1.0806	17565	Mt. Hope Nursing Center	Mt. Hope	150.88	1.0091
05281	Sheridan County Hospital	Hoxie	191.40	1.0270					
11018	Pioneer Manor	Hugoton	185.14	0.8368					

(continued)

18230	Villa Maria, Inc.	Mulvane	161.98	1.0178	20696	Fountainview Nursing and Rehab Center	Rose Hill	148.62	1.0414
20605	Golden Living Center-Neodesha	Neodesha	145.30	1.0796	18445	Rossville Healthcare & Rehab Center	Rossville	148.52	1.0292
05630	Ness County Hospital Dist.#2	Ness City	179.20	0.9127	20772	Wheatland Nursing & Rehab Center	Russell	148.85	1.0217
10062	Asbury Park	Newton	186.58	1.0446	21480	Russell Regional Hospital	Russell	194.17	0.9800
15574	Kansas Christian Home	Newton	174.14	1.0172	19782	Sabetha Nursing Center	Sabetha	150.27	1.0604
15585	Newton Presbyterian Manor	Newton	184.14	1.0160	26238	Apostolic Christian Home	Sabetha	150.41	0.9147
10051	Bethel Care Center	North Newton	173.31	0.9319	10774	Smokey Hill Rehabilitation Center	Salina	141.34	0.9889
16103	Andbe Home, Inc.	Norton	157.83	0.9279	10952	Kenwood View Health and Rehab Center	Salina	156.43	1.0298
15619	Village Villa	Nortonville	138.21	1.0482	11186	Windsor Estates	Salina	151.90	0.9896
19683	Logan County Manor	Oakley	177.97	0.8794	11459	Pinnacle Park Nursing and Rehabilitation	Salina	137.05	0.9515
05562	Decatur County Hospital	Oberlin	172.29	0.9557	11480	Salina Presbyterian Manor	Salina	186.07	0.9888
25395	Good Samaritan Society-Decatur Co.	Oberlin	153.67	0.8970	21382	Holiday Resort of Salina	Salina	168.53	0.9792
10668	Villa St. Francis	Olathe	187.52	1.0339	05685	Satanta Dist. Hosp. LTCU	Satanta	179.49	0.9168
10920	Pinnacle Ridge Nursing and Rehabilitation	Olathe	170.27	1.0483	16338	Park Lane Nursing Home	Scott City	173.69	0.8346
11245	Royal Terrace Nrsng. & Rehab. Center	Olathe	163.74	0.9424	19545	Pleasant Valley Manor	Sedan	130.27	1.0152
15653	Good Samaritan Society-Olathe	Olathe	182.75	0.9937	19708	Diversicare of Sedgwick	Sedgwick	175.80	1.0213
21109	Evergreen Community of Johnson County	Olathe	197.06	1.0106	16037	Crestview Manor	Seneca	133.67	1.0350
21460	Aberdeen Village, Inc.	Olathe	189.44	0.9507	18253	Life Care Center of Seneca	Seneca	133.48	0.9504
21710	Nottingham Health & Rehab	Olathe	195.47	1.0130	21630	Wallace County Community Center	Sharon Springs	174.93	1.0260
26422	Deseret Nursing & Rehab at Onaga	Onaga	119.12	1.1000	15384	Shawnee Gardens Nursing Center	Shawnee	145.47	1.0701
18206	Peterson Health Care, Inc.	Osage City	132.79	0.9826	21190	Sharon Lane Health Services	Shawnee	149.15	1.0335
27578	Osage Nursing & Rehab Center	Osage City	156.54	1.1821	05505	Smith County Memorial Hospital LTCU	Smith Center	163.91	0.8650
10973	Life Care Center of Osawatomie	Osawatomie	164.42	1.1394	18153	Deseret Nursing & Rehab at Smith Center	Smith Center	113.31	0.9563
17521	Parkview Care Center	Osborne	138.63	0.8731	18138	Mennonite Friendship Manor, Inc.	South Hutchinson	179.68	0.9652
20301	Hickory Pointe Care & Rehab Ctr	Oskaloosa	155.50	1.0074	20650	Golden Living Center-Spring Hill	Spring Hill	167.32	1.1253
18402	Deseret Nursing & Rehab at Oswego	Oswego	130.68	1.0018	25204	Good Samaritan Society-Cheyenne County	St. Francis	184.30	1.0544
20467	Ottawa Retirement Village	Ottawa	145.39	1.0764	19884	Leisure Homestead at St. John	St. John	139.70	0.9256
11121	Brookside Manor	Overbrook	137.41	0.9241	19467	Community Hospital of Onaga, LTCU	St. Marys	177.64	0.9678
11300	Garden Terrace at Overland Park	Overland Park	159.71	1.0270	21240	Prairie Mission Retirement Village	St. Paul	142.21	0.9365
11335	Indian Meadows Healthcare Center	Overland Park	193.33	1.4770	17655	Leisure Homestead at Stafford	Stafford	135.37	0.9079
11412	Manorcare Health Services of Overland Park	Overland Park	171.87	1.0098	26622	Sterling Presbyterian Manor	Sterling	179.50	0.9219
11423	Villa Saint Joseph	Overland Park	191.98	0.9637	20222	Solomon Valley Manor	Stockton	165.79	0.9863
11478	Delmar Gardens of Overland Park	Overland Park	172.63	0.9739	05641	Seasons of Life Living Center	Syracuse	171.42	0.8309
21200	Overland Park Nursing & Rehab.	Overland Park	173.43	1.0283	11154	Tonganoxie Nursing Center	Tonganoxie	159.10	1.1110
21251	Indian Creek Healthcare Center	Overland Park	169.84	1.0828	10310	Brewster Health Center	Topeka	187.31	0.9190
21430	Village Shalom, Inc.	Overland Park	199.64	1.0342	10343	Topeka Presbyterian Manor Inc.	Topeka	186.05	0.9559
16553	Riverview Manor, Inc.	Oxford	108.51	0.8625	10917	The Legacy on 10th Avenue	Topeka	141.85	0.9237
18713	Medicalodges Paola	Paola	123.38	0.6554	11254	McCrite Plaza Health Center	Topeka	168.80	1.0038
20298	North Point Skilled Nursing Center	Paola	169.58	1.1663	11276	Rolling Hills Health Center	Topeka	173.52	1.0241
18322	Elmhaven East	Parsons	134.88	1.0157	11388	Manorcare Health Services of Topeka	Topeka	163.19	1.0208
18792	Elmhaven West	Parsons	134.69	0.9418	19346	Westwood Manor	Topeka	142.96	0.9785
18871	Parsons Presbyterian Manor	Parsons	168.01	0.9688	19445	Brighton Place West	Topeka	97.18	0.6956
25733	Good Samaritan Society-Parsons	Parsons	153.23	0.9944	19692	Countryside Health Center	Topeka	107.01	0.7662
10097	Peabody Care Center, LLC	Peabody	128.19	0.9787	20557	Providence Living Center	Topeka	102.82	0.7230
20753	Westview Manor of Peabody	Peabody	88.29	0.6449	20963	Brighton Place North	Topeka	96.12	0.7121
21045	Phillips County Retirement Center	Phillipsburg	138.19	0.9504	21110	Aldersgate Village	Topeka	185.77	0.9866
10433	Medicalodges Pittsburg South	Pittsburg	172.06	0.9648	21211	Plaza West Care Center, Inc.	Topeka	185.40	1.0852
20749	Golden Living Center-Pittsburg	Pittsburg	148.66	1.0658	21420	Lexington Park Nursing and Post Acute	Topeka	200.54	1.0782
21520	Via Christi Village Pittsburg, Inc.	Pittsburg	145.42	0.9267	21610	Washburn Community Care Center, LLC	Topeka	158.27	1.1200
26666	Rooks County Senior Services, Inc.	Plainville	172.07	1.0286	18772	Greeley County Hospital, LTCU	Tribune	174.73	0.8650
05775	Pratt Regional Medical Center	Pratt	181.87	1.0159	21590	The Legacy at Park View	Ulysses	186.96	0.9465
20029	Deseret Health & Rehab at Pratt LLC	Pratt	130.25	1.1700	18465	Valley Health Care Center	Valley Falls	130.56	0.6434
17464	Prescott Country View Nursing Center	Prescott	148.88	1.1156	05292	Trego Co. Lemke Memorial LTCU	WaKeeney	192.49	1.0442
21440	Prairie Sunset Manor	Pretty Prairie	162.45	0.8458	20865	Trego Manor	WaKeeney	164.44	0.9045
17587	Protection Valley Manor	Protection	127.50	0.7819	20704	Golden Living Center-Wakefield	Wakefield	162.37	0.9857
05044	Gove County Medical Center	Quinter	187.36	0.9812	26442	Wamego Valley Vista Good Samaritan	Wamego	158.21	0.8917
05617	Grisell Memorial Hosp Dist #1-LTCU	Ransom	158.29	0.9120	16597	The Centennial Homestead, Inc.	Washington	153.92	1.0192
15485	Richmond Healthcare and Rehabilitation	Richmond	154.52	1.0061	20186	Wathena Nursing & Rehab Center	Wathena	145.26	0.9478
					20076	Coffey County Hospital	Waverly	172.04	0.8532

19863	Golden Living Center-Wellington	Wellington	140.14	0.9563
20368	Sumner County Care Center	Wellington	135.61	1.1778
20392	Wellsville Manor	Wellsville	141.80	0.9836
17767	Westy Community Care Home	Westmoreland	129.35	0.9062
10578	Wheat State Manor	Whitewater	170.32	0.9935
10141	Medicalodges Wichita	Wichita	169.40	1.0376
10613	Meridian Nursing & Rehab Center	Wichita	147.47	1.0133
10646	Catholic Care Center Inc.	Wichita	177.91	0.9963
10670	Kansas Masonic Home	Wichita	186.83	1.1873
10736	Homestead Health Center, Inc.	Wichita	192.65	0.9926
10853	Deseret Healthcare and Rehab at Wichita	Wichita	120.54	1.0946
11052	Wichita Presbyterian Manor	Wichita	181.55	0.9850
11266	Sandpiper Healthcare and Rehab Center	Wichita	145.84	0.9979
11313	Lakepoint Nursing and Rehabilitation	Wichita	151.08	0.9068
11322	Manorcare Health Services of Wichita	Wichita	163.05	1.1753
11504	College Hill Nursing and Rehab Center	Wichita	139.22	0.8650
18583	Deseret Health & Rehab at Seville LLC	Wichita	138.06	0.9205
18591	Golden Living Center-Wichita	Wichita	146.25	0.8912
21233	The Health Care Center @ Larksfield Pl.	Wichita	177.32	1.0200
21360	Life Care Center of Wichita	Wichita	168.72	1.0912
21541	Via Christi Hope	Wichita	149.03	1.0130
21550	Family Health & Rehabilitation Center	Wichita	173.89	1.0323
21620	Caritas Center	Wichita	157.31	0.7885
21650	Regent Park Rehab and Healthcare	Wichita	197.76	1.0300
21670	Avita Health & Rehab of Reeds Cove	Wichita	211.32	1.1957
21700	Via Christi Village Ridge	Wichita	165.02	0.8529
20660	Golden Living Center-Wilson	Wilson	150.50	1.0800
05584	Jefferson Co. Memorial Hospital-LTCU	Winchester	148.38	0.9200
16812	Winfield Good Samaritan Center	Winfield	148.21	0.9542
21350	Cumbernauld Village, Inc.	Winfield	183.31	0.8771
21410	Winfield Rest Haven II LLC	Winfield	177.23	0.9714
21580	Kansas Veterans' Home	Winfield	164.17	0.8600
20335	Deseret Health & Rehab at Yates Center	Yates Center	124.69	1.0878

**III. Justifications for the Proposed Rates**

- The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
- The state's analyses project that the proposed rates:
  - Would result in payment, in the aggregate of 92.73% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
  - Would result in a maximum allowable rate of \$192.20; with the total average allowable cost being \$157.75.
  - Estimated average rate July 1, 2014           \$159.51
  - Average payment rate July 1, 2013           \$154.37
  - Amount of change                                   \$4.94
  - Percent of change                                   3.19%
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$13.36 million.
- The state estimates that the proposed 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 295 nursing facilities (representing 85.5% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 38 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;
  - The statewide average occupancy rate for nursing facilities participating in Medicaid is 84.35%;
  - The statewide average Medicaid occupancy rate for participating facilities is 62.32%; and
  - The proposed rates would cover 92.73% 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 proposed methodology will result in compliance with the federal regulation.

**IV. Request for Comments; Request for Copies**

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver, or fax their signed, written comments before the close of business on Friday, May 16, 2014, to:

Rhonda Boose  
 Nursing Facility Reimbursement Manager  
 Kansas Department for Aging and Disability Services  
 New England Building  
 503 S. Kansas Ave.  
 Topeka, KS 66603-3404  
 Fax: 785-296-0256

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

The state intends to submit proposed Medicaid State Plan amendments to CMS on or before September 30, 2014.

Shawn Sullivan  
 Secretary for Aging and  
 Disability Services

Kari Bruffet, Executive Director  
 Division of Health Care Finance

Doc. No. 042454

## 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 March 2014 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

## Domestic Corporations

Ag Management Services, Inc., Washington, KS  
 Alpha Iota Alumni Association of Theta Xi, Prairie Village, KS  
 Amanda Arnold Elementary School, Parent Teacher Organization Inc., Manhattan, KS  
 Arkansas City Area Progress, Inc., Arkansas City, KS  
 Band-Aides, West, Inc., Lenexa, KS  
 Bargain Depot, Inc., Overland Park, KS  
 Barton County Arts Council, Inc., Great Bend, KS  
 Blue Sky Green Earth, LLC, Lawrence, KS  
 Buchman Farm Supply, Inc., Alta Vista, KS  
 Care.2.Inspire, Inc., Leavenworth, KS  
 Catholic Housing of Wyandotte County, Inc., Kansas City, KS  
 Center for Venture Education, Inc., Palo Alto, CA  
 Central Christian Church of Liberal, Kansas, Liberal, KS  
 Central Prairie Honor Flight, Inc., Topeka, KS  
 Central Prairie Honor Flights, Inc., Topeka, KS  
 Chisholm Trail Antique Gun Association, Wichita, KS  
 CIS Fast D & D, Inc., Newton, KS  
 Climate and Energy Project, Inc., Lawrence, KS  
 Coalition for Educational and Scientific Literacy Assistance, Augusta, KS  
 Col. E. L. Willson Jr. Post Number 2699 - Veterans of Foreign Wars of the United States, Marysville, KS  
 Cowley County Developmental Services, Inc., Arkansas City, KS  
 Create Dentistry Study Club, Wichita, KS  
 DC of Manhattan Corporation, Manhattan, KS  
 Diehl Enterprises Inc., Salina, KS  
 Dodge City Family Planning Clinic, Inc., Dodge City, KS  
 Electronic Funds Transfer, Inc., Mission, KS  
 Family Artifacts and Culture Exchange, Inc., Topeka, KS  
 Gamma Eta Upsilon Sorority Incorporated, Junction City, KS  
 Gamma Upsilon House Corporation of Delta Gamma Fraternity, Columbus, OH  
 Gardner Church of the Nazarene, Inc., Gardner, KS  
 Gardner Rotary Club, Gardner, KS  
 Girlversity Incorporated, Overland Park, KS  
 Happy Hearts, Inc., Atchison, KS  
 Home Educator's Association, Inc., Newton, KS  
 Home Town Learning Center, Inc., Hartford, KS  
 Hometown Appliance, Inc., Buhler, KS  
 K & P Farm Inc., Berryton, KS  
 K.C.P.D. Mobile Home Services, Inc., Edwardsville, KS  
 K.P.C. Inc., Wichita, KS  
 Kansas Association of Interpreters-Registry of Interpreters for the Deaf, Inc., Wichita, KS  
 Kansas Association of School Business Officials, Hays, KS  
 Kansas Association of Wheat Growers, Manhattan, KS  
 Kansas Beta House Association, Incorporated, Lenexa, KS  
 Kansas United Corp., Coffeyville, KS  
 Kansas Wheat Growers Research Foundation, Manhattan, KS  
 KC Speed Club, Olathe, KS  
 Krohe Electronics Corporation, Topeka, KS  
 Lawrence Decorating Center, Inc., Lawrence, KS

Lindsborg Arts Council, Inc., Lindsborg, KS  
 Little River Area Chamber of Commerce Incorporated, Little River, KS  
 Lowell P. & W. Jean Graves Family Foundation, Prairie Village, KS  
 Lyric Opera of Kansas City, Inc., Kansas City, MO  
 M-Pact Worldwide Management Corporation, Baldwin City, KS  
 Marriagevine Ministries Inc., Overland Park, KS  
 Mid-Kansas Chapter of the Construction Specification Institute (C.S.I.), Inc., Wichita, KS  
 Midwest Cooperative, Quinter, KS  
 Midwest Standard Homes, LLC, St. Marys, KS  
 Millennium Foundation, Junction City, KS  
 Morgan Parent-Teacher Organization, Inc., Hutchinson, KS  
 Nelson Gabriel Ministries Inc., Kansas City, KS  
 NoMar Theatre, Inc., Wichita, KS  
 P.C.M. Management Co., Inc., Great Bend, KS  
 Pageant Creek, Limited, Medicine Lodge, KS  
 Percussion on the Plains, Inc., Lawrence, KS  
 Pittsburg Unified School District #250 Foundation, Pittsburg, KS  
 Prairie Thunder Outfitters Co., Hoisington, KS  
 Prairie Village Lions Club, Prairie Village, KS  
 Princess Pup's Inc., Topeka, KS  
 R. K. Seng Chiropractic Office, Chartered, McCool Junction, NE  
 Rebuilding Together Emporia, Inc., Emporia, KS  
 Renegade Pictures, LLC, Kansas City, MO  
 Restore American Labor Liberties, Inc., Kansas City, MO  
 Rolling Thunder Systems, L.L.C. Kansas City, MO  
 SecureNet Alarm Systems, Inc., Maize, KS  
 Seedsowers Ministry KC Inc., Kansas City, KS  
 Shawnee Heights High School Navy Junior Reserve Officers Training Corps Booster Club, Tecumseh, KS  
 Shepherd's Heart Ministry, Inc., Topeka, KS  
 Shifty Eye Entertainment Inc., Wichita, KS  
 Sousearch Church, Kansas City, KS  
 Stockton Educational Endowment Association, Inc., Stockton, KS  
 Substance Abuse Center of Eastern Kansas, Inc., Kansas City, KS  
 The Alpha Kappa House Corporation of Delta Gamma, Columbus, OH  
 The First Christian Church of Lyons, Kansas, Lyons, KS  
 The Herrmann Family Foundation, Prairie Village, KS  
 The Junior League of Wichita, Incorporated, Wichita, KS  
 The K.U. Housing Corporation of Delta Gamma Alumnae, Inc., Columbus, OH  
 The Wichita Downtown Lions Club, Wichita, KS  
 True Source L.L.P., Holland Landing, Ontario  
 Two Plus Two Foundation, Wamego, KS  
 Vernon Place Homes Association, Inc., Merriam, KS  
 Victory Christian Academy, Inc., El Dorado, KS  
 Wadley Homes, Inc., Wichita, KS  
 Walnut Grove, Inc., Valley Falls, KS  
 Walterscheid Pharmacy, Inc., Coffeyville, KS  
 Wamego Sertoma Club, Inc., St. George, KS  
 WBJ Investments, Inc., Wichita, KS  
 Wellington Area Habitat for Humanity, Inc., Wellington, KS  
 Wichita Lightning Booster Club, Derby, KS  
 Wichita Wind Ensembles, Inc., Wichita, KS

## Foreign Corporations

Allstate Security Industries, Inc., Amarillo, TX  
 American Dynamic Resources, Inc., Houston, TX  
 American Lung Association of the Plains-Gulf Region, Inc., Dallas, TX

C & R Contractors, L.L.C., Raytown, MO  
 C.W. Marrs Sales, Inc., Kansas City, MO  
 CHADD, Inc. (Children & Adults with Attention Deficit/  
 Hyperactivity Disorder), Landover, MD  
 Church World Service, Inc., Elkhart, IN  
 Community Health Plan, St. Joseph, MO  
 Consolidated Credit Counseling Services, Inc., Fort  
 Lauderdale, FL  
 Data Essentials, Inc., Kansas City, MO  
 DII, L.L.C., Lafayette, LA  
 Diva Girl Enterprises, L.L.C., Omaha, NE  
 Eaglecrest, L.L.C., Lincoln, NE  
 First Children's Finance, Minneapolis, MN  
 Interstate Realty Management Company, Marlton, NJ  
 Lafayette Lifepans of Hiawatha, Inc., Alpharetta, GA  
 National Veterans Wellness and Healing Center in Angel Fire,  
 Inc., Angel Fire, NM  
 Partners of Change, Inc., Long Beach, CA  
 Pennsylvania Higher Education Assistance Agency,  
 Harrisburg, PA

Kris W. Kobach  
 Secretary of State

Doc. No. 042452

**State of Kansas**

**State Fire Marshal**

**Permanent Administrative Regulations**

**Article 8.—LIQUEFIED PETROLEUM GASES**

**22-8-4.** (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; revoked May 2, 2014.)

**22-8-7.** (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1986; amended May 1, 1987; revoked May 2, 2014.)

**22-8-11. Initial training; instructor and class approval.** (a) For each type of initial license sought, each applicant or, if the applicant is not an individual, an agent or employee of the applicant shall complete the required training specified in this regulation.

(b) If the individual who completed the required training specified in this regulation ceases to be an agent or employee of the licensee, another agent or employee of the licensee shall complete the training specified in this regulation within six months of the date the individual who previously completed the training ceased to be an agent or employee of the licensee.

(c) Each instructor and each class shall be approved in advance by the state fire marshal.

(d) Each applicant shall submit proof of successful completion of the following certified employee training program (CETP) or propane education and research council (PERC) courses or equivalent courses approved by the state fire marshal, as applicable, to the state fire marshal's office:

(1) For a class one dealer license, the basic principles and practices class, except that this requirement shall not apply to any applicant seeking a class four or class five license who will not otherwise engage in the retail distribution of liquefied petroleum gas;

(2) for a class two bulk storage site license, the basic plant operations class;

(3) for a class three cylinder transport license, the propane delivery operations and cylinder delivery class or the bobtail delivery operations class;

(4) for a class four cylinder filling license, the dispensing propane safely class;

(5) for a class five recreational vehicle fueling license, the dispensing propane safely class;

(6) for a class six cylinder exchange cabinet license, one of the following:

(A) If the applicant is a cylinder exchange company, the basic principles and practices class; or

(B) if the applicant owns or operates an individual cylinder exchange location, no required training;

(7) for a class seven self-serve liquefied petroleum gas dispensing license, the dispensing propane safely class; and

(8) for a class eight installation and service of liquefied petroleum gas systems license, the basic principles and practices class and one of the following:

(A) The installing appliances and interior vapor distribution systems class;

(B) the designing and installing exterior vapor distribution systems class; or

(C) systems testing training. (Authorized by and implementing K.S.A. 2013 Supp. 55-1812; effective March 31, 2006; amended May 2, 2014.)

**22-8-12. Refresher training.** (a) Each licensee shall ensure that one of the following occurs at least every three years:

(1) The individual who completed the initial training required by K.A.R. 22-8-11 completes the corresponding refresher training.

(2) An agent or employee of the licensee other than the individual specified in paragraph (a)(1) completes the initial training specified in K.A.R. 22-8-11.

(b) Each instructor and each refresher course shall be approved in advance by the state fire marshal.

(c) Each licensee shall submit proof of compliance with this regulation to renew the license. (Authorized by and implementing K.S.A. 2013 Supp. 55-1812; effective March 31, 2006; amended May 2, 2014.)

Doug Jorgensen  
 State Fire Marshal

Doc. No. 042442

**State of Kansas**

**Department of Revenue**

**Permanent Administrative Regulations**

**Article 56.—IGNITION INTERLOCK DEVICES**

**92-56-1. Ignition interlock device; definitions.** As used in this article, each of the following terms shall have the meaning specified in this regulation: (a) "Device" means "ignition interlock device," as defined in K.S.A. 8-1013 and amendments thereto. This device uses micro-computer logic and internal memory and has a breath alcohol analyzer as a major component that interconnects

(continued)

with the ignition and other control systems of a motor vehicle. This device measures the breath alcohol concentration (BrAC) of an intended driver to prevent the motor vehicle from being started if the BrAC exceeds a preset limit and to deter and record any instances of circumvention or tampering.

(b) "Alcohol setpoint" means the breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the normal lockpoint at which the ignition interlock device is set at the time of calibration. The alcohol setpoint shall be .03. The alcohol setpoint for retests shall be .03.

(c) "BrAC" means the breath alcohol concentration expressed as weight divided by volume, based upon grams of alcohol per 210 liters of breath.

(d) "BrAC fail" means the condition in which the ignition interlock device registers a BrAC value equal to or greater than the alcohol setpoint when the intended driver conducts an initial test or retest. This condition is recorded as a violation.

(e) "Breath sample" means the sample of alveolar or end-expiratory breath that is analyzed for the analysis of alcohol content after the expiration of at least 1.2 liters of air.

(f) "Circumvention" means an overt, conscious attempt to bypass the ignition interlock device by any of the following:

- (1) Providing samples other than the natural, unfiltered breath of the driver;
- (2) starting the vehicle without using the ignition switch; or
- (3) performing any other act intended to start the vehicle without first taking and passing a breath test.

(g) "Director" means director of vehicles, division of vehicles of the department of revenue.

(h) "Emergency bypass procedure" means the procedure that allows the driver to travel to a service provider and avoid a lockout. If used, the event shall be recorded in the event log, and the device shall be put into early service status. The emergency bypass procedure shall require the driver to provide a breath sample with a test result below the alcohol setpoint.

(i) "Fail-safe" means a condition in which the ignition interlock device cannot operate properly due to a problem, including improper voltage and a dead sensor. In fail-safe, the ignition interlock device will not permit the vehicle to be started.

(j) "High BrAC" means a BrAC fail result for an initial test or retest that registers an alcohol setpoint of .08 or greater.

(k) "Lockout" means an instance in which the ignition interlock device will prevent the vehicle from starting. The vehicle cannot be operated until serviced by the service provider. A lockout occurs if any of the following events occurs:

- (1) A driver incurs five or more violations between scheduled inspections with the service provider.
- (2) A driver fails to submit to calibration and inspection as required by K.A.R. 92-56-4(b)(5), and the seven-day grace period has expired.
- (3) A driver engages in circumvention or tampering.

(l) "Manufacturer" means the person, company, or corporation that produces an ignition interlock device and certifies to the division that the manufacturer's representative and the manufacturer's service providers are qualified to service and provide information on the manufacturer's state-approved ignition interlock device. To be a manufacturer, the division shall approve and certify the manufacturer's device for use in the state, and the approval and certification shall remain in effect.

(m) "Manufacturer's representative" means a single individual based in Kansas and designated by a manufacturer to act on behalf of or represent the manufacturer in matters relating to this article and K.S.A. 8-1001 et seq., and amendments thereto.

(n) "Rolling retest" means a breath test that is required after the initial engine start-up breath test and while the engine is running. This term is also known as a retest or a running retest. The device shall require the driver of the vehicle to submit to a retest within 10 minutes of starting the vehicle. A rolling retest shall continue at randomized, variable intervals ranging from 10 to 45 minutes after the previous retest for the duration of the travel.

(o) "Service provider" means an ignition interlock device technician that is authorized by a manufacturer to service a certified device on behalf of the manufacturer or the manufacturer's representative. The ignition interlock device technician shall have a written agreement or authorization from a division-approved manufacturer or its manufacturer's representative to service the manufacturer's devices within Kansas.

(p) "Services" means the installation, inspection, monitoring, calibration, maintenance, removal, replacement, and repair of division-approved ignition interlock devices within Kansas.

(q) "Tampering" means an overt, conscious attempt to physically disable, bypass, or otherwise disconnect an ignition interlock device from its power source.

(r) "Violation" means any of the following:

(1) The driver has blown a BrAC and fails the initial breath test when attempting to start the vehicle, and the driver fails a breath test within the allowable time after a subsequent retest has been requested.

(2) The driver has blown a BrAC and fails the initial breath test when attempting a required rolling retest, and the driver fails a breath test within the allowable time after a subsequent rolling retest has been requested.

(3) The driver fails to execute a valid rolling retest after a five-minute period.

(4) The driver fails to submit to a requested rolling retest by turning the vehicle off to avoid submitting to the rolling retest.

(5) The driver has blown a high BrAC during an initial breath test or rolling retest. (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended May 2, 2014.)

**92-56-2. Ignition interlock device; certification and standards.** (a) Each manufacturer of an ignition interlock device wanting to market the device in Kansas shall apply to the division of vehicles for certification of the device and submit the following information and equipment:

- (1) The name and address of the manufacturer;
- (2) the name and model number of the device;
- (3) certification that the device meets the following criteria:
  - (A) Offers safe operation of the vehicle in which installed, works reliably and accurately in an unsupervised environment, and, when in fail-safe, prevents the vehicle from starting;
  - (B) offers protection against tampering and is able to detect and be resistant to circumvention;
  - (C) allows for a free restart of the vehicle's ignition within two minutes after the ignition has been turned off without requiring another breath test if the driver has not registered a BrAC fail or is not in the process of completing a retest;
  - (D) allows for a rolling retest of a subsequent breath test after the vehicle has been in operation;
  - (E) disables the ignition system if the BrAC of the person using the device equals or exceeds the alcohol set-point of .03;
  - (F) incorporates an emergency bypass procedure;
  - (G) records each time the vehicle is started, the duration of the vehicle's operation, and any instances of tampering;
  - (H) displays to the driver all of the following:
    - (i) When the device is on;
    - (ii) when the device has enabled the ignition system; and
    - (iii) the date on which a lockout will occur; and
  - (I) alerts the driver with a five-minute warning light or tone that a rolling retest is required;
- (4) a map and list of service providers and the address where the device can be obtained, repaired, replaced, or serviced 24 hours a day by calling a toll-free phone number;
- (5) the name of any insurance carrier authorized to do business in this state that has committed to issue a liability insurance policy for the manufacturer;
- (6) the name and address of the manufacturer's representative designated by the manufacturer to manage the manufacturer's statewide operations;
- (7) not more than two ignition interlock devices for testing and review to the division upon the director's request; and
- (8) a declaration on a form prescribed by the division that requires the following:
  - (A) The manufacturer, manufacturer's representative, and the manufacturer's service providers shall cooperate with the division, law enforcement, and court staff at all times, including the inspection of the manufacturer's installation, service, repair, calibration, use, removal, or performance of each ignition interlock device;
  - (B) the manufacturer shall provide all downloaded ignition interlock device data, reports, and information related to the ignition interlock device to the division, upon the director's request, in a division-approved electronic format;
  - (C) the manufacturer shall provide the alcohol reference value and type of calibration device used to check the ignition interlock device;
  - (D) the manufacturer shall provide the division with inquiry access to the manufacturer's ignition interlock de-

vice system management software for the management of state drivers; and

(E) the manufacturer or the manufacturer's representative shall provide a map of Kansas showing the area covered by each service provider's fixed site.

(b) Each certification issued by the division shall continue in effect for three years unless either of the following occurs:

(1) The manufacturer requests in writing that the certification be discontinued.

(2) The division informs the manufacturer and the manufacturer's representative in writing that the certification is suspended or revoked.

(c) If a manufacturer modifies a certified device, the manufacturer shall notify the division of the exact nature of the modification. A device may be required by the division to be recertified at any time. A modification shall mean a material change affecting the functionality, installation, communication, precision, or accuracy of a certified device.

(d) Each manufacturer of a certified device shall notify the division of the failure of any device to function as designed. The manufacturer and the manufacturer's representative shall provide an explanation for the failure and shall identify the actions taken by the manufacturer or the manufacturer's representative to correct the malfunctions.

(e) The manufacturer's device shall meet or exceed the model specifications for ignition interlock devices, as specified by the national highway traffic safety administration. The provisions of 78 fed. reg. 26862-26867 (2013), beginning with the text titled "B. Terms" on page 26862, are hereby adopted by reference for purposes of this subsection. If state specifications vary from the federal specifications, the state specifications shall control.

(f) Each manufacturer of a certified device shall accumulate a credit of at least two percent of the gross revenues attributed to services provided in Kansas or to out-of-state services provided to Kansas residents. Any existing credit shall be made available to drivers who are restricted to operating a vehicle with a device and who are indigent as evidenced by eligibility for the federal food stamp program. The amount of the credit available shall be limited to the amount of the existing credit balance. The manufacturer and its service providers shall notify the manufacturer's customers of the existence of this indigent program by utilizing division notices and forms.

(g) Each manufacturer of a certified device shall submit a report to the division on or before January 31 of each year with the following information for the previous calendar year's activities:

(1) The number of ignition interlock devices initially installed on vehicles for Kansas drivers who were restricted to driving only with an ignition interlock device;

(2) the number of vehicles that had devices removed due to a failure in the device, a malfunction of the device, or a defect in the device and, for each vehicle, the driver's name, the driver's license number, the specific failure or operational problem that occurred during the period installed, and the resolution of each situation;

*(continued)*

(3) the total number of devices in operation in Kansas on December 31 of the previous calendar year;

(4) the total number of devices removed;

(5) the total number of instances of circumvention;

(6) the total number of instances of tampering; and

(7) a summary of the following information:

(A) The number of indigent drivers that qualified for reduced fees;

(B) the number of drivers that applied for indigent classification and reduced fees but were denied;

(C) amounts credited to indigent drivers; and

(D) the ending credit balance.

(h) Each manufacturer and manufacturer's representative of a certified device shall make sales brochures and other informational materials available at no cost to the state's community corrections and court services officers, the district courts, magistrate courts, municipal courts, and the division for distribution to potential drivers. These brochures and informational materials may be provided through electronic means if approved by the director.

(i) Each manufacturer shall provide to the division, on or before January 31 of each year for that calendar year, documentation indicating the normal prices and fees charged to a driver that are associated with the manufacturer's Kansas installation of devices. If the documentation regarding normal prices and fees charged changes during the course of that calendar year, the manufacturer and manufacturer's representative shall provide amended documentation to the division within seven days of the change.

(j) Each manufacturer shall have a service provider with a fixed site within each state judicial district on and after January 1, 2015, unless the following conditions are met:

(1) At least two manufacturers have a service provider located in the same judicial district.

(2) The director determines that a competitive market exists for ignition interlock services in the state judicial district and the absence of a manufacturer's service provider in the state judicial district specified in paragraph (j)(1) does not create a competitive advantage for that manufacturer.

(3) The director approves the manufacturer to be absent from that state judicial district.

(k) If a driver completes six months of calibrations without the driver's device generating a lockout or high BrAC, the service provider shall extend the driver's calibration period interval from 30 days to 60 days.

(l) Each device shall be capable of uniquely identifying and recording all of the following:

(1) Each time the vehicle is attempted to be started;

(2) each time the vehicle is started;

(3) the results of all tests, retests, or failures as being a malfunction of the device or a result of the driver not meeting the requirements;

(4) the length of time the vehicle was operated; and

(5) any indication of tampering.

The features required of the manufacturer's installed device shall be enabled to capture the information required by this subsection. (Authorized by and imple-

menting K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended May 2, 2014.)

**92-56-4. Installation, inspection, and calibration standards.** (a) Each ignition interlock device installed at the direction of the division shall be done at the driver's own expense, except as allowed by K.A.R. 92-56-2.

(b) A manufacturer shall ensure that each service provider meets the following requirements:

(1) Install each device in accordance with the manufacturer's instructions. Each service provider shall, within two weeks of installation, inform the division each time a device has been installed;

(2) install each device so that the device will be deactivated if the driver has a BrAC of .03 or higher until a successful retest occurs;

(3) set each device so that if the driver fails the initial ignition interlock device test, a retest cannot be done for 15 minutes;

(4) set each device so that a rolling retest will be required of the driver of the vehicle within 10 minutes of starting the vehicle. Subsequent rolling retests shall occur as described in K.A.R. 92-56-1(n). The driver shall have five minutes to complete the retest. The free restart shall not be operative when the device is waiting for a rolling retest sample;

(5) calibrate each device at least every 30 days at the driver's own expense, except as allowed by K.A.R. 92-56-2(k), and maintain an inspection and calibration record with the following information:

(A) The name of the person performing the calibration;

(B) the date of the inspection and calibration;

(C) the method by which the calibration was performed;

(D) the name and model number of the device calibrated;

(E) a description of the vehicle in which the device is installed, including the license plate number, make, model, year, and color; and

(F) a statement by the service provider indicating whether there is any evidence of circumvention or tampering; and

(6) set each device so that a lockout will occur no later than seven days after any of the following events occurs:

(A) The 30-day calibration and service requirement has been reached;

(B) five or more violations are recorded;

(C) the emergency bypass procedure has been used;

(D) a hardware failure or evidence of tampering is recorded; or

(E) the events log has exceeded 90 percent of capacity.

(c) Each driver restricted to driving a vehicle equipped with an ignition interlock device shall keep a copy of the inspection and calibration records in the vehicle at all times. The manufacturer shall retain the original record for each current driver for one year after the device is removed. The manufacturer shall notify the division within seven days after a device has been serviced due to a lockout that occurred for any of the reasons specified in paragraph (b)(6)(D).

(d) The service provider shall enable each device's anticircumvention features when installing a device and

keep the features enabled during the ignition interlock device period. Within two business days, a service provider shall notify the division of any evidence of tampering or circumvention. The evidence shall be preserved by the manufacturer or the manufacturer's representative until otherwise notified by the division.

(e) The division may conduct or have conducted independent checks on any of the approved ignition interlock devices to determine whether the devices are operating in a manner consistent with the manufacturer's specifications, manufacturer's certifications, or these regulations. The director may require the manufacturer or the manufacturer's representative to correct any abnormality found in the installation, calibration, maintenance checks, or usage records of the device. The manufacturer and the manufacturer's representative shall report in writing to the division within 30 days after receiving notification of any abnormality. In conducting these checks, the manufacturer shall install the device in a vehicle chosen by the division, and the manufacturer shall waive any costs to the division for the installation, calibration, or testing of the device.

(f) Each manufacturer shall ensure that its service providers meet all of the following requirements:

(1) Follow certified manufacturer's standards and specifications for service associated with the manufacturer's state approved ignition interlock device;

(2) have the skills, equipment, and facilities necessary to comply with all of the certification and operational requirements specified in this article;

(3) comply with any division reporting requirements; and

(4) have a fixed site to provide each driver with access to an enclosed building that is open for business and has a separate waiting area.

(g) Each manufacturer shall provide the division with written evidence of that manufacturer's statewide network of service providers within seven days of a request by the division. Written evidence shall include lease and ownership documents associated with each manufacturer's service providers in the required state judicial districts.

(h) A manufacturer, manufacturer's representative, or service provider shall not compel any driver to travel out of Kansas to receive services.

(i) A manufacturer shall not permit its service provider to install any device in that service provider's vehicle for the purpose of satisfying K.S.A. 8-1014, and amendments thereto. (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended May 2, 2014.)

**92-56-5. Revocation of certification; penalties.** (a) A certification for any ignition interlock device may be revoked for any of the following reasons:

(1) The device fails to comply with specifications or requirements provided by the division.

(2) The manufacturer, the manufacturer's representative, or the manufacturer's service provider has failed to make adequate provisions for the service of the device, as required by K.A.R. 92-56-2, K.A.R. 92-56-4, and K.A.R. 92-56-6.

(3) The manufacturer has failed to provide statewide service network coverage or 24-hour, seven-day service support, as required by K.S.A. 8-1016(a)(3) and amendments thereto and K.A.R. 92-56-2(a)(4) and (j).

(4) The manufacturer is no longer in the business of manufacturing ignition interlock devices.

(5) The manufacturer or the manufacturer's representative fails to comply with the reporting and testing requirements of K.A.R. 92-56-4.

(6) The manufacturer, the manufacturer's representative, or the manufacturer's service provider fails to comply with K.A.R. 92-56-7.

(7) The manufacturer, the manufacturer's representative, or the manufacturer's service provider fails to promote, implement, and sustain the indigent program required by K.A.R. 92-56-2(f).

(8) The manufacturer, the manufacturer's representative, or the manufacturer's service provider fails to have a fixed location in every state judicial district on and after January 1, 2015, as required by K.A.R. 92-56-2(j).

(9) The manufacturer, the manufacturer's representative, or the manufacturer's service provider compels a driver to travel out of state to receive services, in violation of K.A.R. 92-56-4(h).

(b) Each manufacturer's device certification shall be subject to suspension, revocation, nonrenewal, or cancellation if the division determines that the manufacturer or its representatives have violated any requirement in this article.

(c) In lieu of revoking a manufacturer's device certification, the director may require a manufacturer to terminate its relationship with a service provider. (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended May 2, 2014.)

**92-56-6. Service provider; relocation and replacement.** (a) Each manufacturer and manufacturer's representative shall be responsible for providing uninterrupted service of the manufacturer's installed devices if one of the manufacturer's service providers moves out of the manufacturer's judicial district or goes out of business. If a service provider is moving or going out of business, the manufacturer or the manufacturer's representative shall indicate to the division whether or not the manufacturer will replace the service provider. The manufacturer and the manufacturer's representative shall notify the division electronically or in writing of all changes in the status of any service provider and any additions, deletions, or other changes to the manufacturer's complete listing of service providers, which shall include for each service provider the name, location, phone number, contact name, and hours of operation. Notification shall occur on a quarterly basis or more frequently if required by the division.

(b) If the manufacturer or manufacturer's representative replaces a service provider, the manufacturer and manufacturer's representative shall make all reasonable efforts to obtain driver records and data from the original service provider and provide the records and data to the new service provider. If the manufacturer or manufacturer's representative does not replace the service pro-

*(continued)*

vider, the manufacturer and manufacturer's representative shall make all reasonable efforts to obtain driver records and data from the original service provider, maintain the records and data at the main business office of the manufacturer's representative, and provide the records and data to the division as required by this regulation.

(c) Each manufacturer and manufacturer's representative shall notify all affected drivers of the change of service provider or replacement of the device as soon as possible but not later than 30 days before the change of service provider or replacement will occur. (Authorized by and implementing K.S.A. 8-1016; effective May 2, 2014.)

**92-56-7. Security; tampering prohibitions; conflict of interest.** (a) Each manufacturer and each manufacturer's representative shall be responsible for ensuring that the manufacturer's service providers comply with all of the following security requirements:

(1) Only authorized employees of a service provider may observe the installation of a device.

(2) Reasonable security measures shall be taken to prevent the driver from observing the installation of a device and from obtaining access to installation materials.

(3) Service providers shall be prohibited from assisting with, in any manner, tampering or circumvention.

(4) Manufacturer's representatives and service providers shall not install or service a device on a vehicle owned or operated by the manufacturer's representative or service provider, or any of the service provider's employees, for division-required installations.

(b) Nothing in this regulation shall prohibit a manufacturer, manufacturer's representative, or service provider from installing a device in that entity's vehicles for demonstration and testing purposes. (Authorized by and implementing K.S.A. 8-1016; effective May 2, 2014.)

**92-56-8. Device removal.** Whenever a service provider removes a device, the following requirements shall apply:

(a) The only persons allowed to remove or observe the removal of the device shall be service providers or a manufacturer's representative associated with the manufacturer of that device.

(b) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to proprietary materials and to the files of drivers.

(c) Upon removal of the device, the service provider shall ensure that both of the following occur:

(1) The driver is provided with a report showing the removal of the device.

(2) The division is notified, in the form and format designated by the division.

(d) The service provider and the manufacturer shall restore the driver's vehicle to its original condition after removal of the device. (Authorized by and implementing K.S.A. 8-1016; effective May 2, 2014.)

**92-56-9. Proof of installation.** (a) If a driver is unable to provide proof of installation of the device to the division for the full restriction period required by K.S.A. 8-1014 and amendments thereto, the director shall extend

the ignition interlock device restriction period until the driver provides the division with proof that the driver has had a device installed in a vehicle for a period that is equal to or greater than the initial ignition interlock device restriction period required by K.S.A. 8-1014 and K.S.A. 8-1015(d), and amendments thereto.

(b) Any device may deviate from the breath sample requirement by accepting a breath sample of less than 1.2 liters of air if the deviation is approved in advance by the division to address valid accommodation requests under the Americans with disabilities act of 1990. Each request for accommodation shall be submitted on a form provided by the division. Each form shall require a certification by a licensed pulmonologist that the driver has a lung condition that will render the driver incapable of blowing a normal breath sample, 1.2 liters of air or more, into an ignition interlock device.

(c) If an accommodation that is requested pursuant to subsection (b) cannot be made for a driver that is a qualified individual with a disability as defined by 42 U.S.C. 12131(2), and amendments thereto, the director, upon the driver's request, may reinstate the driver's license after the initial ignition interlock device restriction period if the records maintained by the division have no indication of the occurrence of any of the following offenses during the entire initial ignition interlock device restriction period:

(1) Conviction pursuant to K.S.A. 8-1599, and amendments thereto;

(2) conviction pursuant to K.S.A. 41-727, and amendments thereto;

(3) conviction of any violation listed in K.S.A. 8-285(a), and amendments thereto;

(4) conviction of three or more moving traffic violations committed on separate occasions within a 12-month period; or

(5) revocation, suspension, cancellation, or withdrawal of the person's driving privileges due to an unrelated event.

If the driver that is requesting accommodation has any offenses during the initial ignition interlock device restriction period, the director shall not reinstate the driver's full driving privileges until the driver has no such offenses for the year before the driver's request for reinstatement of full driving privileges. This subsection shall not serve as a defense to allegations that the driver has violated K.S.A. 8-1017, and amendments thereto, during any required ignition interlock device restriction period.

(d) The director may waive the requirement for proof of ignition interlock device installation, upon a driver's request, if the director determines that all of the following conditions are met:

(1) The driver's ignition interlock device restriction period has been extended at least two years beyond the initial ignition interlock device restriction period due to the driver's failure to provide the division with proof of installation as required by subsection (a).

(2) The driver has not had an "alcohol or drug-related conviction" or "occurrence," as those terms are defined by K.S.A. 8-1013 and amendments thereto, a conviction pursuant to K.S.A. 8-1017 and amendments thereto, or a conviction of a violation of a law of another state that

would constitute a violation similar to any violation specified in K.S.A. 8-1017 and amendments thereto, during the ignition interlock device restriction period.

(3) The driver has not had any violations specified in paragraphs (c)(1) through (c)(5) during the ignition interlock device restriction period.

(4) The driver has never held a driver's license issued by the state of Kansas.

(5) The driver provides the director with clear and compelling evidence that the driver does not reside in Kansas and did not reside in Kansas during the ignition interlock device restriction period. (Authorized by K.S.A. 8-1016; implementing K.S.A. 2013 Supp. 8-1015 and K.S.A. 8-1016; effective May 2, 2014.)

Nick Jordan  
Secretary of Revenue

Doc. No. 042430

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2013 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-16-1a	Amended	V. 32, p. 408
4-16-1c	Amended	V. 32, p. 409
4-16-7a	Amended	V. 32, p. 410
4-16-306	New	V. 32, p. 410
4-17-1a	Revoked	V. 32, p. 411
4-17-1c	Revoked	V. 32, p. 411
4-17-300	Revoked	V. 32, p. 411
4-17-302		
through		
4-17-305	Revoked	V. 32, p. 411
4-28-2	Amended	V. 32, p. 349
4-28-6	Amended	V. 32, p. 499
4-28-8	Amended	V. 32, p. 349
4-28-9		
through		
4-28-16	Revoked	V. 32, p. 349
4-28-33	New	V. 32, p. 499
4-28-34	New	V. 32, p. 500

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

Reg. No.	Action	Register
5-7-1	Amended	V. 33, p. 325
5-7-4	Amended	V. 33, p. 325
5-7-4b	New	V. 33, p. 326
5-16-1	Amended	V. 32, p. 566
5-16-2	Revoked	V. 32, p. 566
5-16-3	Amended	V. 32, p. 566
5-16-4	Amended	V. 32, p. 567
5-16-5	Revoked	V. 32, p. 567
5-16-6	Amended	V. 32, p. 567
5-16-7	Amended	V. 32, p. 567

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

Reg. No.	Action	Register
9-7-4	Amended	V. 32, p. 1170

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-10-2	Amended	V. 32, p. 960
10-10-5	New	V. 32, p. 960

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**

Reg. No.	Action	Register
11-12-1		
through		
11-12-7	Amended	V. 32, p. 501-503

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

Reg. No.	Action	Register
14-13-1	Amended	V. 32, p. 148
14-13-2	Amended	V. 32, p. 149
14-13-3	Revoked	V. 32, p. 150
14-13-4		
through		
14-13-10	Amended	V. 32, p. 150, 151
14-13-11	Revoked	V. 32, p. 152
14-13-13	Amended	V. 32, p. 152
14-13-15	Amended	V. 32, p. 153
14-13-16	New	V. 32, p. 407
14-13-17	New	V. 32, p. 408
14-13-18	New	V. 32, p. 408

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-8-1		
through		
16-8-7	New (T)	V. 32, p. 864-866
16-8-1		
through		
16-8-7	New	V. 32, p. 1238-1240
16-11-7	Amended (T)	V. 32, p. 916
16-11-7	Amended	V. 32, p. 1289

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

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

**AGENCY 20: CRIME VICTIMS COMPENSATION BOARD**

Reg. No.	Action	Register
20-1-1	Amended	V. 32, p. 1528
20-1-2	Revoked	V. 32, p. 1528
20-2-1	Revoked	V. 32, p. 1528
20-2-2	Amended	V. 32, p. 1528
20-2-3	Amended	V. 32, p. 1529
20-2-4	Revoked	V. 32, p. 1529
20-2-7	Amended	V. 32, p. 1529
20-2-8	Amended	V. 32, p. 1529
20-2-9	Amended	V. 32, p. 1530
20-6-1	Revoked	V. 32, p. 1530
20-15-1	Revoked	V. 32, p. 1530
20-15-2	Revoked	V. 32, p. 1530

**AGENCY 22: STATE FIRE MARSHAL**

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

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

Reg. No.	Action	Register
26-39-100	Amended (T)	V. 32, p. 867
26-39-100	Amended	V. 32, p. 1241
26-50-10	New (T)	V. 32, p. 870
26-50-10	New	V. 32, p. 1244
26-50-12	New (T)	V. 32, p. 871
26-50-12	New	V. 32, p. 1244
26-50-20	New (T)	V. 32, p. 871
26-50-20	New	V. 32, p. 1244
26-50-22	New (T)	V. 32, p. 871
26-50-22	New	V. 32, p. 1245
26-50-24	New (T)	V. 32, p. 872
26-50-24	New	V. 32, p. 1246
26-50-26	New (T)	V. 32, p. 873
26-50-26	New	V. 32, p. 1246

26-50-30	New (T)	V. 32, p. 873
26-50-30	New	V. 32, p. 1247
26-50-32	New (T)	V. 32, p. 874
26-50-32	New	V. 32, p. 1247
26-50-34	New (T)	V. 32, p. 874
26-50-34	New	V. 32, p. 1248
26-50-36	New (T)	V. 32, p. 874
26-50-36	New	V. 32, p. 1248
26-50-38	New (T)	V. 32, p. 875
26-50-38	New	V. 32, p. 1248
26-50-40	New (T)	V. 32, p. 875
26-50-40	New	V. 32, p. 1249

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

Reg. No.	Action	Register
28-1-23	New	V. 33, p. 309
28-4-550	Amended	V. 33, p. 200
28-4-552	Revoked	V. 33, p. 202
28-4-556	Revoked	V. 33, p. 202
28-4-564	Amended	V. 33, p. 202
28-4-565	Amended	V. 33, p. 203
28-4-568	Amended	V. 33, p. 203
28-4-569	Amended	V. 33, p. 204
28-4-573	Amended	V. 33, p. 204
28-4-801	Amended	V. 32, p. 1026
28-4-814	Amended	V. 32, p. 1027
28-4-816	Amended	V. 32, p. 1028
28-4-820	Amended	V. 32, p. 1029
28-4-821	Amended	V. 32, p. 1030
28-4-1250		
through		
28-4-1269	New (T)	V. 33, p. 8-24
28-4-1250		
through		
28-4-1269	New	V. 33, p. 262-278
28-29-109	Amended	V. 32, p. 938
28-29-1600		
through		
28-29-1608	New	V. 32, p. 1194-1199
28-30-2		
through		
28-30-6	Amended	V. 32, p. 522-525
28-31-260b	New	V. 32, p. 415
28-31-268	Amended	V. 32, p. 416
28-32-13	Amended	V. 32, p. 208
28-35-147a	Amended	V. 32, p. 260
28-39-164		
through		
28-39-168	Revoked (T)	V. 32, p. 876
28-39-169a	Revoked (T)	V. 32, p. 876
28-39-169b	Revoked (T)	V. 32, p. 876
28-39-169c	Revoked (T)	V. 32, p. 876

**AGENCY 30: DEPARTMENT FOR CHILDREN AND FAMILIES**

Reg. No.	Action	Register
30-6-34	Revoked (T)	V. 32, p. 1376
30-6-34	Revoked	V. 33, p. 142
30-6-35	Revoked (T)	V. 32, p. 1376
30-6-35	Revoked	V. 33, p. 142
30-6-36	Revoked (T)	V. 32, p. 1376
30-6-36	Revoked	V. 33, p. 142
30-6-39	Revoked (T)	V. 32, p. 1376
30-6-39	Revoked	V. 33, p. 142
30-6-40	Revoked (T)	V. 32, p. 1376
30-6-40	Revoked	V. 33, p. 142
30-6-41	Revoked (T)	V. 32, p. 1376
30-6-41	Revoked	V. 33, p. 142
30-6-50		
through		
30-6-56	Revoked (T)	V. 32, p. 1376
30-6-50		
through		
30-6-56	Revoked	V. 33, p. 142, 143

(continued)

30-6-60	Revoked (T)	V. 32, p. 1376
30-6-60	Revoked	V. 33, p. 143
30-6-63	Revoked (T)	V. 32, p. 1377
30-6-63	Revoked	V. 33, p. 143
30-6-65	Revoked (T)	V. 32, p. 1377
30-6-65	Revoked	V. 33, p. 143
30-6-70	Revoked (T)	V. 32, p. 1377
30-6-70	Revoked	V. 33, p. 143
30-6-78	Revoked (T)	V. 32, p. 1377
30-6-78	Revoked	V. 33, p. 143
30-6-80	Revoked (T)	V. 32, p. 1377
30-6-80	Revoked	V. 33, p. 143
30-6-81	Revoked (T)	V. 32, p. 1377
30-6-81	Revoked	V. 33, p. 143
30-6-82	Revoked (T)	V. 32, p. 1377
30-6-82	Revoked	V. 33, p. 143

30-6-85	through	
30-6-89	Revoked (T)	V. 32, p. 1377
30-6-85	through	
30-6-89	Revoked	V. 33, p. 143
30-6-91	Revoked (T)	V. 32, p. 1377
30-6-91	Revoked	V. 33, p. 143
30-6-94	Revoked (T)	V. 32, p. 1377
30-6-94	Revoked	V. 33, p. 143
30-6-95	Revoked (T)	V. 32, p. 1377
30-6-95	Revoked	V. 33, p. 143
30-6-103	Revoked (T)	V. 32, p. 1377
30-6-103	Revoked	V. 33, p. 144

30-6-106	through	
30-6-113	Revoked (T)	V. 32, p. 1378, 1379
30-6-106	through	
30-6-113	Revoked	V. 33, p. 144, 145
30-6-120	Revoked (T)	V. 32, p. 1379
30-6-120	Revoked	V. 33, p. 145
30-6-140	Revoked (T)	V. 32, p. 1379
30-6-140	Revoked	V. 33, p. 145
30-6-150	Revoked (T)	V. 32, p. 1379
30-6-150	Revoked	V. 33, p. 145
30-14-1	Revoked (T)	V. 32, p. 1379
30-14-1	Revoked	V. 33, p. 145
30-14-2	Revoked (T)	V. 32, p. 1379
30-14-2	Revoked	V. 33, p. 145
30-14-3	Revoked (T)	V. 32, p. 1379
30-14-3	Revoked	V. 33, p. 145
30-14-20	Revoked (T)	V. 32, p. 1379
30-14-20	Revoked	V. 33, p. 145
30-14-21	Revoked (T)	V. 32, p. 1379
30-14-21	Revoked	V. 33, p. 145

30-14-23	through	
30-14-26	Revoked (T)	V. 32, p. 1379
30-14-23	through	
30-14-26	Revoked	V. 33, p. 145
30-14-28	through	
30-14-31	Revoked (T)	V. 32, p. 1379
30-14-28	through	
30-14-31	Revoked	V. 33, p. 145
30-14-50	Revoked (T)	V. 32, p. 1380
30-14-50	Revoked	V. 33, p. 145

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-20	Amended	V. 32, p. 183
40-1-28	Amended	V. 33, p. 68
40-1-37	Amended	V. 33, p. 68
40-1-48	Amended	V. 33, p. 68
40-2-14a	Amended	V. 32, p. 183
40-3-59	New	V. 33, p. 68
40-16-1	New	V. 33, p. 69
40-16-2	New	V. 33, p. 69

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

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

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

Reg. No.	Action	Register
51-9-7	Amended	V. 32, p. 1299
51-9-15	Revoked	V. 32, p. 836
51-9-17	Amended	V. 32, p. 88

**AGENCY 54: STATE LIBRARY OF KANSAS**

Reg. No.	Action	Register
54-4-1	New	V. 33, p. 225

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-8-101	Amended	V. 32, p. 1216
60-9-105	Amended	V. 32, p. 411
60-9-106	Amended	V. 32, p. 412
60-9-107	Amended	V. 32, p. 413
60-12-106	Amended	V. 32, p. 414
60-16-102	Amended	V. 32, p. 1216

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-8-3	Amended	V. 32, p. 1488
66-8-6	Amended	V. 32, p. 1488
66-9-7	Amended	V. 32, p. 1488
66-10-1	Amended	V. 32, p. 1489
66-10-3	Amended	V. 32, p. 1489
66-10-9	Amended	V. 32, p. 1489
66-10-13	Amended	V. 32, p. 1489
66-10-14	Amended	V. 32, p. 1490
66-11-1	Amended	V. 32, p. 1490
66-11-2	Revoked	V. 32, p. 1490
66-14-1	Amended	V. 32, p. 1490

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-27	Amended	V. 33, p. 108
69-3-29	New	V. 33, p. 108
69-11-1	Amended	V. 33, p. 108
69-11-2	Amended	V. 33, p. 108
69-12-5	Amended	V. 33, p. 108
69-15-3	Amended	V. 33, p. 108
69-15-4	Amended	V. 33, p. 109
69-15-5	Amended	V. 33, p. 109
69-15-7	Amended	V. 33, p. 109
69-15-12	through	
69-15-15	Amended	V. 33, p. 109-111
69-15-17	Amended	V. 33, p. 111

**AGENCY 71: KANSAS DENTAL BOARD**

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

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74-2-7	Amended	V. 33, p. 242
74-4-9	Amended	V. 33, p. 242
74-5-2	Amended	V. 33, p. 243
74-5-101	Amended	V. 33, p. 244
74-5-202	Amended	V. 33, p. 244
74-5-406	Amended	V. 33, p. 244
74-5-407	Amended	V. 33, p. 245
74-6-2	Amended	V. 33, p. 245
74-11-6	Amended	V. 33, p. 245
74-11-7	Amended	V. 33, p. 246
74-11-15	Revoked	V. 33, p. 246

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

Reg. No.	Action	Register
81-14-9	Amended	V. 32, p. 1235
81-14-11	New	V. 32, p. 1238

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-135a	Amended	V. 32, p. 940
82-3-602	Amended	V. 32, p. 940
82-3-603	Amended	V. 32, p. 940
82-3-604	Amended	V. 32, p. 941
82-3-607	Amended	V. 32, p. 942
82-3-608	New	V. 32, p. 942
82-3-1300	through	
82-3-1307	New	V. 32, p. 942, 943
82-3-1400	New	V. 32, p. 1354
82-3-1401	New	V. 32, p. 1355
82-3-1402	New	V. 32, p. 1355
82-4-1	Amended	V. 32, p. 1077
82-4-3a	through	
82-4-3d	Amended	V. 32, p. 1079-1099

82-4-3f	through	
82-4-30	Amended	V. 32, p. 1100-1119
82-4-6d	Amended	V. 32, p. 1119
82-4-8a	Amended	V. 32, p. 1121
82-4-20	Amended	V. 32, p. 1121
82-4-27	Amended	V. 32, p. 1122
82-4-29	Amended	V. 32, p. 1122
82-4-39	Amended	V. 32, p. 1122
82-4-48a	Amended	V. 32, p. 1122

**AGENCY 91: DEPARTMENT OF EDUCATION**

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

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Reg. No.	Action	Register
92-51-21	Amended	V. 32, p. 1325

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

Reg. No.	Action	Register
93-6-2	Amended	V. 32, p. 1454
93-6-3	Amended	V. 32, p. 1454
93-6-6	Amended	V. 32, p. 1455

**AGENCY 98: KANSAS WATER OFFICE**

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98-2-1	Amended	V. 32, p. 996
98-2-2	Amended	V. 32, p. 996
98-2-3	through	
98-2-20	Revoked	V. 32, p. 996
98-4-1	through	
98-4-5	Amended	V. 32, p. 996-998
98-4-6	Revoked	V. 32, p. 998
98-4-7	Revoked	V. 32, p. 998
98-4-8	Amended	V. 32, p. 998
98-4-9	Revoked	V. 32, p. 999
98-4-10	Revoked	V. 32, p. 999
98-5-1	Revoked	V. 32, p. 999
98-5-2	through	
98-5-8	Amended	V. 32, p. 999-1001
98-5-9	New	V. 32, p. 1001
98-6-1	Revoked	V. 32, p. 1002
98-6-3	Amended	V. 32, p. 1002
98-6-4	Amended	V. 32, p. 1003
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98-7-4	New	V. 32, p. 1003, 1004
98-7-6	New	V. 32, p. 1005
98-8-1	New	V. 32, p. 1005
98-8-2	New	V. 32, p. 1006
98-8-3	New	V. 32, p. 1006

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

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-7-3	Amended (T)	V. 32, p. 916
102-7-3	Amended	V. 32, p. 1356

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

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109-1-1a	Revoked	V. 32, p. 229
109-2-2	Amended	V. 32, p. 1512
109-2-5	Amended	V. 32, p. 612
109-5-3	Amended	V. 32, p. 230
109-5-5	Amended	V. 32, p. 231
109-5-5	Amended	V. 32, p. 231
109-11-1	Revoked	V. 32, p. 231
109-11-3	Revoked	V. 32, p. 231
109-11-4	Revoked	V. 32, p. 231
109-11-5	Revoked	V. 32, p. 231

109-11-6	Revoked	V. 32, p. 231
109-15-1	Amended	V. 32, p. 231
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109-16-1	New	V. 33, p. 8

**AGENCY 110: DEPARTMENT OF COMMERCE**

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110-6-1a	Revoked	V. 32, p. 1049
110-6-2 through 110-6-7	Revoked	V. 32, p. 1049, 1050
110-6-8 through 110-6-12	New	V. 32, p. 1050-1053
110-12-1 through 110-12-6	Revoked	V. 32, p. 854

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009 through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. A list of regulations filed from December 22, 2011 through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. The following regulations were filed after December 15, 2013:

Reg. No.	Action	Register
111-2-314	New	V. 33, p. 59
111-4-3295 through 111-4-3305	New	V. 33, p. 35-44
111-4-3306 through 111-4-3310	New	V. 33, p. 60-64
111-9-199 through 111-9-203	New	V. 33, p. 45-47
111-17-9	Amended	V. 33, p. 48
111-17-10	Amended	V. 33, p. 48
111-17-12	New	V. 33, p. 65
111-501-6	Amended	V. 33, p. 65
111-501-101	Amended	V. 33, p. 67

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

Reg. No.	Action	Register
115-2-1	Amended	V. 32, p. 1299
115-2-3	Amended	V. 33, p. 90
115-4-4	Amended	V. 32, p. 319
115-4-4a	Amended	V. 32, p. 320
115-4-11	Amended	V. 32, p. 483
115-4-15	Amended	V. 33, p. 90
115-5-1	Amended	V. 32, p. 854
115-5-2	Amended	V. 32, p. 855
115-6-1	Amended	V. 32, p. 855
115-7-10	Amended	V. 32, p. 1300
115-8-1	Amended	V. 32, p. 856
115-8-2	Amended	V. 32, p. 856
115-8-23	Amended	V. 32, p. 857

115-9-8	Amended	V. 32, p. 89
115-14-14	Amended	V. 32, p. 90
115-16-5	Amended	V. 32, p. 857
115-18-7	Amended	V. 32, p. 320
115-40-1 through 115-40-6	New	V. 32, p. 858, 859

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

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

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

Reg. No.	Action	Register
128-1-1	Amended	V. 32, p. 1455
128-2-1	Amended	V. 32, p. 1456
128-2-3a	New	V. 32, p. 1457
128-2-6 through 128-2-9	Amended	V. 32, p. 1457, 1458
128-2-12	Amended	V. 32, p. 1458
128-2-13	Amended	V. 32, p. 1458
128-3-1	Amended	V. 32, p. 1459
128-4-2 through 128-4-9	Amended	V. 32, p. 1460-1465
128-5-1	Amended	V. 32, p. 1466
128-5-2	Amended	V. 32, p. 1466
128-5-3	New	V. 32, p. 1467
128-6-1	Amended	V. 32, p. 1467
128-6-6	New	V. 32, p. 1472
128-6-7	New	V. 32, p. 1472

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

Reg. No.	Action	Register
129-1-1	New (T)	V. 32, p. 1380
129-1-1	New	V. 33, p. 146
129-2-1	New (T)	V. 32, p. 1380
129-2-1	New	V. 33, p. 146
129-2-2	New	V. 33, p. 146
129-6-30	New (T)	V. 32, p. 1380
129-6-30	New	V. 33, p. 146
129-6-34	New (T)	V. 32, p. 1380
129-6-34	New	V. 33, p. 146
129-6-35	New (T)	V. 32, p. 1382
129-6-35	New	V. 33, p. 148
129-6-36	New (T)	V. 32, p. 1382
129-6-36	New	V. 33, p. 148
129-6-38	Revoked (T)	V. 32, p. 1382
129-6-38	Revoked	V. 33, p. 148
129-6-39	New (T)	V. 32, p. 1382
129-6-39	New	V. 33, p. 148
129-6-41	New (T)	V. 32, p. 1382
129-6-41	New	V. 33, p. 149
129-6-42	New (T)	V. 32, p. 1383
129-6-42	New	V. 33, p. 149
129-6-50 through 129-6-57	New (T)	V. 32, p. 1383-1388
129-6-50 through 129-6-57	New	V. 33, p. 149-154
129-6-60	New (T)	V. 32, p. 1390
129-6-60	New	V. 33, p. 156
129-6-63	New (T)	V. 32, p. 1391
129-6-63	New	V. 33, p. 157
129-6-65	New (T)	V. 32, p. 1391
129-6-65	New	V. 33, p. 157

129-6-70 through 129-6-74	New (T)	V. 32, p. 1391, 1392
129-6-70 through 129-6-74	New	V. 33, p. 157, 158
129-6-77	Revoked (T)	V. 32, p. 1393
129-6-77	Revoked	V. 33, p. 159
129-6-80 through 129-6-89	New (T)	V. 32, p. 1393-1395
129-6-80 through 129-6-89	New	V. 33, p. 159-161
129-6-91	New (T)	V. 32, p. 1395
129-6-91	New	V. 33, p. 161
129-6-94 through 129-6-97	New (T)	V. 32, p. 1395, 1396
129-6-94 through 129-6-97	New	V. 33, p. 161, 162
129-6-103	New (T)	V. 32, p. 1396
129-6-103	New	V. 33, p. 162
129-6-106 through 129-6-113	New (T)	V. 32, p. 1397-1405
129-6-113	New	V. 33, p. 163-171
129-6-120	New (T)	V. 32, p. 1407
129-6-120	New	V. 33, p. 172
129-6-140	New (T)	V. 32, p. 1407
129-6-140	New	V. 33, p. 173
129-6-150	New (T)	V. 32, p. 1407
129-6-150	New	V. 33, p. 173
129-6-151	Amended (T)	V. 32, p. 1408
129-6-151	Amended	V. 33, p. 173
129-6-152	Amended (T)	V. 32, p. 1408
129-6-152	Amended	V. 33, p. 174
129-6-153	New (T)	V. 32, p. 1408
129-6-153	New	V. 33, p. 174
129-10-31	Amended	V. 32, p. 1488
129-14-2	New (T)	V. 32, p. 1409
129-14-2	New	V. 33, p. 174
129-14-3	New (T)	V. 32, p. 1409
129-14-3	New	V. 33, p. 175
129-14-20	New (T)	V. 32, p. 1409
129-14-20	New	V. 33, p. 175
129-14-21	New (T)	V. 32, p. 1410
129-14-21	New	V. 33, p. 175
129-14-22	Revoked (T)	V. 32, p. 1410
129-14-22	Revoked	V. 33, p. 175
129-14-23	New (T)	V. 32, p. 1410
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129-14-25	New	V. 33, p. 176
129-14-26	New (T)	V. 32, p. 1411
129-14-26	New	V. 33, p. 176
129-14-27	Amended (T)	V. 32, p. 1411
129-14-27	Amended	V. 33, p. 177
129-14-28	New (T)	V. 32, p. 1412
128-14-28	New	V. 33, p. 177
129-14-30 through 129-14-37	New (T)	V. 32, p. 1412-1414
129-14-30 through 129-14-37	New	V. 33, p. 178-180
129-14-40	New (T)	V. 32, p. 1414
129-14-40	New	V. 33, p. 180
129-14-50	New (T)	V. 32, p. 1415
129-14-50	New	V. 33, p. 180
129-14-51	Amended (T)	V. 32, p. 1415
129-14-51	Amended	V. 33, p. 180
129-14-52	Amended (T)	V. 32, p. 1415
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