

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 5, No. 42

October 16, 1986

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State of Kansas
**DEPARTMENT OF ADMINISTRATION
 EMPLOYEE AWARD BOARD**

NOTICE OF MEETING

The Employee Award Board will meet at 1:30 p.m. Thursday, October 23, in Room 132-S, State Office Building, Topeka.

DEBRA L. MILLER
 Chairperson

Doc. No. 004669

State of Kansas
**DEPARTMENT OF HUMAN RESOURCES
 PRIVATE INDUSTRY COUNCIL**

NOTICE OF MEETING

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 1:30 p.m. Thursday, October 23, at the ESSI Building, 1309 Topeka Blvd., Topeka.

CHUCK HERNANDEZ, JR.
 SDA II PIC Manager

Doc. No. 004673

State of Kansas
BOARD OF ACCOUNTANCY

NOTICE OF MEETING

The State Board of Accountancy will meet at 9 a.m. Thursday, October 23, in Room 237, 503 Kansas Avenue, Topeka. Persons interested in agenda items or in attending this meeting should contact the board office at (913) 296-2162, or Room 236 at the address above.

GLENDIA SHERMAN
 Board Secretary

Doc. No. 004670

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 KANSAS COMMISSION FOR
 THE DEAF AND HEARING IMPAIRED**

NOTICE OF MEETING

The Kansas Commission for the Deaf and Hearing Impaired will meet at 1 p.m. Saturday, October 25, in the auditorium of the Savior of the World Seminary, 126th and Parallel Parkway, Kansas City, Kansas.

The public is invited to attend. Sign language and voice interpreting will be provided. For additional information, contact the Kansas Commission for the Deaf and Hearing Impaired, 2700 W. 6th, Biddle Bldg., 1st Floor, Topeka 66606, (913) 296-2874—(Voice or TDD)

ROBERT C. HARDER
 Secretary of Social and
 Rehabilitation Services

Doc. No. 004671

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PHONE: 913/296-3489

State of Kansas

LEGISLATURE

INTERIM AGENDA

The following committee meetings have been scheduled during the period of October 20 through October 31, 1986:

Date	Room	Time	Committee	Agenda
Oct. 20	514-S	10:00 a.m.	Task Force on Higher Education—Legislative Commission on Economic Development	20th: University-business relations.
Oct. 21	514-S	9:00 a.m.		21st: Governance of post-secondary education.
Oct. 22	123-S	10:00 a.m.	State Task Force on Parimutuel	Work session.
Oct. 23	526-S	10:00 a.m.	Special Committee on Communication, Computers and Technology	Committee discussion on Proposals No. 1-4 and directions to staff.
Oct. 24	526-S	9:00 a.m.		
Oct. 23	519-S	10:00 a.m.	Special Committee on the Court System	Committee discussion on Proposal No. 5.
Oct. 24	519-S	9:00 a.m.		
Oct. 23	527-S	10:00 a.m.	Special Committee on Public Health and Welfare	Agenda to be determined.
Oct. 24	527-S	9:00 a.m.		
Oct. 23	514-S	9:00 a.m.	Task Force on Business Training—Legislative Commission on Economic Development	Consultant reports and task force deliberations.
Oct. 24	514-S	8:00 a.m.		
Oct. 27	123-S	10:00 a.m.	Special Committee on Financing of Regents' Institutions	27th: Hearings on specific questions referred to universities for response.
Oct. 28	123-S	9:00 a.m.		28th: Committee discussion and directions to staff.
Oct. 29	123-S	10:00 a.m.	Legislative Post Audit Committee	Legislative matters.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

State of Kansas

ANIMAL HEALTH DEPARTMENT**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 10 a.m. Friday, October 31, in the office of the Animal Health Department, 417 E. 4th, 4th Floor, Topeka, to consider the adoption of a proposed permanent regulation of the Kansas Animal Health Department.

All interested parties may submit in writing their views or will be given reasonable opportunity to orally present their comments at the time of the hearing in regard to the adoption of the proposed regulation.

The proposed regulation adopts "F" branding of heifers for achieving and maintaining a certain status for brucellosis eradication in the state of Kansas.

Copies of the proposed regulation and a fiscal impact statement may be obtained from the Animal Health Department at the address above.

The complete text of the proposed regulation is as follows:

9-2-34. "F" branding of heifers. (a) All sexually intact female feeder cattle, 18 months of age or younger, originating in "b" and "c" states, must be branded with the letter "F" on the left jaw or the left tail head. All female feeder cattle shall be branded at the farm of origin or first point of concentration. The letter "F" shall be at least three inches by two inches in size. All female feeder cattle moving direct to Kansas licensed feedlots shall be exempt.

(b) All spayed female cattle from "b" and "c" states shall be individually identified with a metal eartag or be branded with an open spade brand on the left jaw.

(c) Replacement female cattle from "b" and "c" states must originate from a certified brucellosis free herd or enter the state upon approval from the Kansas livestock commissioner.

(d) All livestock from "b" and "c" states moving into Kansas shall have: (1) A valid certificate of veterinary inspection; and

(2) a permit from the animal health department. (Authorized by and implementing K.S.A. 47-608; 47-610; 47-623; 47-624; 47-657; effective May 1, 1987.)

DR. A. T. KIMMELL
Livestock Commissioner

Doc. No. 004660

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
CONCERNING PROPOSED WASTEWATER
TREATMENT FACILITY**

In accordance with K.A.R. 28-16-61 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a public hearing is scheduled to address issues relative to the proposed Four Mile Creek Regional Wastewater Treatment Facility. This hearing is consequent to comments received on Public Notice No. KS-86-161/166, dated August 13, 1986.

The hearing will be held at 3 p.m. Thursday, November 20, in the basement of the Sedgwick County Courthouse, Room 7, 535 N. Main, Wichita.

Issues raised during the permit public notice are as follows:

- a. Updating the WAPORA report with respect to Four Mile Creek.
- b. Need for an environmental impact study at the proposed site.
- c. Waste content of the facility influent.
- d. Sludge disposal methods to be utilized at the facility.
- e. Effluent limitations and monitoring requirements.

All interested parties are invited to attend this hearing. Any individual, group, or agency may submit oral or written statements and data concerning the draft permit at the hearing. Additionally, according to CFR 124.12, the public comment period on this pending facility is extended until the close of the public hearing. Parties wishing to submit written comments in lieu of hearing attendance may address those comments to the department.

Interested parties may obtain relevant information and copies of the draft permit from Bethel Spotts, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Building 740, Topeka 66620, (913) 862-9360. Documents are available for inspection from 8 a.m. to 4:30 p.m. Monday through Friday.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004665

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE OF PUBLIC AUCTION
AT SITE****NOVEMBER 18, 1986, 10:30 A.M.**

The Kansas Department of Transportation will offer for sale at public auction the following land located in Osage County and described as follows:

All that part of Lot 1 and the North One-Third of Lot 3 in Block 32, in the original town of Melvern, Osage County, Kansas, except West 23 feet of said Lots.

The seller reserves the right to reject any and all bids. The terms of the sale are cash or certified check and the buyer will receive a quitclaim deed only. The seller is not responsible for accidents.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 004661

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services for installation of a heating, ventilation and air conditioning system for a partial area of the fourth floor of Wahl Hall West Research Building at the University of Kansas Medical Center, Kansas City.

This project will correct environmental and code deficiencies of the existing mechanical system and provide for properly controlled, filtered, and tempered air to research laboratory and office spaces. The modifications will consist of installing a new primary air handling unit, ductwork, supply and return adjustable diffusers, controls, plumbing utilities and electrical service connections. The Medical Center Office of Facilities Planning will serve as the project architect.

Any questions or expressions of interest should be directed to Gerald L. Imming, Director, Office of Facilities Planning, University of Kansas Medical Center, (913) 588-5329, prior to October 31, 1986.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 004672

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m. C.S.T. or C.D.T., whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, OCTOBER 27, 1986

#27346-A

Statewide—TYPEWRITER MAINTENANCE SERVICE

#67264

University of Kansas—PLAIN PAPER COPIER

#67265

Kansas Neurological Institute—MINI THERAPY TANK

#67266

Department of Transportation—ARC WELDER, various locations

#67269

Department of Transportation—ARROW LIGHT BOARDS, various locations

#67270

Department of Transportation—WATER TANKS, Salina

#67272

Winfield State Hospital and Training Center—WHEELCHAIR SCALES

TUESDAY, OCTOBER 28, 1986

#A-5704

Kansas State University—PROVIDE ELEVATOR HOISTWAY MODIFICATIONS, Anderson Hall—on campus

#27408

University of Kansas Medical Center—NITROUS OXIDE (Medical Purity)

#27412

University of Kansas Medical Center—FROZEN EGGS

#67271

Department of Transportation—CRACK ROUTER SAW, various locations

#67277

Department of Transportation—COLD ASPHALTIC CONCRETE MIX, various locations

#67278

Kansas State Industrial Reformatory—MISCELLANEOUS MEATS

#67279

State Park and Resources Authority—MOWER, TRACTOR, Cheney State Park

#67280

State Park and Resources Authority—TRASH COMPACTOR-TRUCK, Wilson State Park

#67281

Department of Social and Rehabilitation Services—ELECTRIC WHEELCHAIRS, Salina

#67282

Department of Social and Rehabilitation Services—TRAINING MANIKINS, various locations

(continued)

#67286
University of Kansas—PAD MOUNTED
TRANSFORMER
WEDNESDAY, OCTOBER 29, 1986
#A-5473
Kansas State University—FURNISH AND ERECT
EQUIPMENT STORAGE BUILDING, Chetopa
#27402
University of Kansas—BUILDING MATERIALS
#27410
Kansas State University—NURSERY
STOCK-SEEDLINGS
#67288
Department of Transportation—HARROW AND
GRAIN DRILL, various locations
#67289
Department of Transportation—SWEEPER, Salina
#67296
Kansas State University—KABSU SUPPLIES
#67297
Kansas State University—
HPLC/SPECTROPHOTOMETER
#67298
Kansas State University—CRYO EQUIPMENT
#67299
Department of Transportation—HEATED
PRESSURE WASHERS, various locations
#67300
Department of Transportation—MRA-B, C, AND F
AGGREGATE, various locations
#67306
University of Kansas—PVC PIPE, Hays
THURSDAY, OCTOBER 30, 1986
#27406
Statewide—FROZEN FOODS
#67308
Kansas Correctional Industries—MEAT
PROCESSING EQUIPMENT, Oskaloosa
#67311
Kansas State University—ELEVATOR REPAIR
#67312
Department of Social and Rehabilitation
Services—ERASER FELT
FRIDAY, OCTOBER 31, 1986
#27404
Statewide—SPICES AND MISCELLANEOUS
GROCERIES
#27405
Statewide—DECEMBER (1986) MEAT PRODUCTS
#27411
University of Kansas Medical Center—DECEMBER
(1986) MEAT PRODUCTS
#67316
Department of Administration, Division of Personnel
Services—SERVICE AWARD PINS
#67317
Department of Transportation—LUBRICATING OIL
#67318
Kansas State University—STEEL GRAIN BINS,
Hays
#67319
Department of Social and Rehabilitation
Services—ELECTRIC WHEELCHAIRS, Topeka and
Liberal
#67320
University of Kansas Medical Center—VAN

#67325
University of Kansas—VALVES AND
ACCESSORIES
#67326
State Park and Resources Authority—CUSTOM
DESIGNED BELT BUCKLES
MONDAY, NOVEMBER 24, 1986
#27380
Kansas State University—PROPERTY INSURANCE
#27390
Kansas State University—WORKERS'
COMPENSATION INSURANCE
NICHOLAS B. ROACH
Director of Purchases

Doc. No. 004668

State of Kansas
ATTORNEY GENERAL

Opinion No. 86-139

**Schools—Organization, Powers and Finances of
Boards of Education—School Security Officers. Ward
E. Loyd, Attorney for Garden City Community Col-
lege, Garden City, October 3, 1986.**

K.S.A. 72-8222 allows the board of trustees of any community junior college to employ school security officers "to aid and supplement law enforcement agencies . . ." The statute also provides that each school security officer so employed, while engaged in a protective function, "shall possess and exercise all general law enforcement powers and privileges . . ." School security officers employed under K.S.A. 72-8222 are not "law enforcement officers," and are thus not eligible for attendance at the Law Enforcement Training Academy. Rather, school security officers possess and may exercise law enforcement powers only while engaged in their protective function, as defined by both K.S.A. 72-8222 and school authorities. Further, the jurisdiction in which school security officers are authorized to exercise their "general law enforcement powers and privileges" is determined by specific limitations imposed by K.S.A. 72-8222, as well as any guidelines set forth by school authorities which fall within the aforementioned statutory jurisdictional limitations. Cited herein: K.S.A. 72-8222; 74-5602(e); 74-5605, as amended by L. 1986, ch. 301, § 1. BPA

Opinion No. 86-140

**Cities and Municipalities—Public Recreation and
Playgrounds—Taxes Levied Pursuant to Establish-
ment of Employee Benefits Contribution Fund.**

**Schools—Capital Outlay Levy, Fund and Bonds—Es-
tablishment and Maintenance of Capital Outlay
Fund. Robert G. Frey, Haskell County Counselor,
Liberal, October 3, 1986.**

K.S.A. 12-1904, as amended, authorizes a school district to establish, maintain and conduct a supervised recreation system and to levy an annual tax not to exceed one mill for such recreation system. Under K.S.A. 1985 Supp. 12-1908, as amended, if the recre-

ation commission determines that its budget should be increased to adequately meet the needs of the school district, the school board may levy an additional 1 mill for this purpose. Furthermore, if a taxing subdivision creates and establishes an employee benefits contribution fund under K.S.A. 1985 Supp. 12-16,102, the governing body of the taxing subdivision may levy an annual tax upon all taxable tangible property within the taxing subdivision in an amount determined by the governing body to be necessary for the purposes for which such employee benefits contribution fund was created. This levy is in addition to the 2 mill levy limit imposed by K.S.A. 12-1904 and K.S.A. 1985 Supp. 12-1908.

Under K.S.A. 72-8801 *et seq.*, a recreation commission is authorized, through the school board, to maintain a capital outlay fund as long as the school board adheres to the statutory guidelines for such a fund set forth in the aforementioned statutes. Cited herein: K.S.A. 1985 Supp. 12-16,102; K.S.A. 12-1904, as amended by L. 1986, ch. 80, § 2; K.S.A. 1985 Supp. 12-1908, as amended by L. 1986, ch. 80, § 4; K.S.A. 72-8801; 72-8803; 72-8804; 74-4920, as amended by L. 1986, ch. 294, § 5. BPA

Opinion No. 86-141

Waters and Watercourses—Appropriation of Water for Beneficial Use—Recordation of Certificate of Appropriation.

Personal and Real Property—Conveyances of Land—Signature of Grantor; Acknowledgment. Lynette Bennington, Stafford County Register of Deeds, St. John, October 6, 1986.

A photocopy of an original document conveying or affecting real property may be recorded with the register of deeds so long as the grantor actually signs the copy and the acknowledging officer actually signs the copy and imprints upon it his or her seal. The chief engineer of the division of water resources of the state board of agriculture is the grantor of water appropriation rights and may delegate such authority to his or her staff. In the situation presented for our opinion, the photocopy of the certificate of appropriation for beneficial use of water presented to the register of deeds for recordation is actually signed by the grantor. This document, however, may not be properly recorded until it bears the *original* signature and seal of the acknowledging officer. Cited herein: K.S.A. 1985 Supp. 53-102; 58-2209; 58-2211; K.S.A. 74-510a; 82a-701; K.S.A. 1985 Supp. 82a-714. RLN

Opinion No. 86-142

Intoxicating Liquors and Beverages—Cereal Malt Beverages—Cereal Malt Beverage Consumption on County-Owned Property. Scott R. Condray, Cheyenne County Attorney, St. Francis, October 7, 1986.

Possession, consumption and transportation of cereal malt beverages are regulated by K.S.A. 41-2701 *et seq.* Cereal malt beverages may be consumed upon public property. Likewise, cereal malt beverages may

be consumed in a county building that has been leased to an individual or organization for a private party.

If an individual or organization wishes to sell cereal malt beverages at a public function or a private party, a cereal malt beverage license must be obtained. If the public property is located within the city limits, the application for such license shall be made to the governing body of such city. In all other cases, the application for license shall be made to the board of county commissioners in the county in which such place of business is located.

The control of the consumption of cereal malt beverages is not an area of concern exclusively reserved by the state and, therefore, this opinion is subject to any stricter county ordinance which may otherwise prohibit such activities. Cited herein: K.S.A. 19-101; 19-15,177; K.S.A. 1985 Supp. 41-2701; K.S.A. 41-2702; 41-2719; 41-2720. TL

Opinion No. 86-143

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Attendance at Executive Sessions. Robert F. Bennett, Chief Legal Counsel for Unified School District No. 512, Prairie Village, October 7, 1986.

Only the members of a public body have the right to attend closed meetings of that body. Members of the five advisory boards in Unified School District No. 512, therefore, do not have the right to attend executive sessions held by the board of education. Advisory board members may attend such executive sessions upon invitation by the board of education to provide information to the body or participate in its deliberations, but may not attend merely as observers to gather information to aid them in making recommendations. Cited herein: K.S.A. 72-8121; 72-8122; 72-8123; 72-8134; 72-8205; 75-4317; K.S.A. 1985 Supp. 75-4318; K.S.A. 75-4319. RLN

Opinion No. 86-144

Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Rules of the Road—When Passing on the Right Permitted. Colonel Bert Cantwell, Kansas Highway Patrol, Topeka, October 7, 1986.

K.S.A. 8-1517 prohibits passing another vehicle on the right where the movement involves driving off of the roadway and on to the shoulder. Based upon the information presented for our review, the statute would seem to prohibit southbound vehicles from passing on the right where K-113 is intersected by Farm Bureau Road on the east. Cited herein: K.S.A. 8-1459; 8-1517; 8-2003. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 004666

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
STATE ECONOMIC OPPORTUNITY OFFICE****NOTICE CONCERNING LOW INCOME
WEATHERIZATION ASSISTANCE PROGRAM**

In accordance with the Department of Energy regulations dated January 27, 1984, Part VI, Sections 440.14 and 440.15, the State Economic Opportunity Office, a section of Adult Services within the Department of Social and Rehabilitation Services, is accepting applications for the low income Weatherization Assistance Program for the purpose of identifying program operators for 1987 grants. Applicants may be either a public or private nonprofit organization. The Weatherization Assistance Program provides weatherization services at no cost to eligible low income, elderly and handicapped persons.

Requests for proposals will be available to interested organizations after October 15, 1986 upon receipt of written request. Written requests should be made to the State Economic Opportunity Office, Bid-
dle Building, 100 NE, 2700 S.W. 6th, Topeka 66606. Questions may be directed to Jim Spano, Weatherization Assistance Program Coordinator, (913) 296-2458.

LOIS A. MARTIN, Administrator
Quality Control/Weatherization
SRS/Adult Service Commission

Doc. No. 004654

State of Kansas

SECRETARY OF STATE**NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited August 15, 1986, for failure to file an annual report and pay the annual franchise tax as required by the Kansas General Corporation Code.

**Forfeited August 15, 1986 for failure to file the
January 31, 1986 annual report:**

Domestic for Profit

All-American Hardware, Inc., Mission, KS.
A.L.M. Advertising & Marketing, Inc.,
Overland Park, KS.
Amitogs Group Limited, Mission Hills, KS.
Annray Computer Systems, Inc., Hays, KS.
Anns Midwestern Fabrics, Inc., Topeka, KS.
A-OK Services, Inc., Eureka, KS.
Barry Land Enterprises, Inc., Overland Park, KS.
Bauer Floor Covering, Inc., Wichita, KS.
Cajen Sales Company, Inc., Olathe, KS.
Capital Recovery and Investigations, Inc.,
Wichita, KS.
Champion-Carroll, Ltd., Coffeyville, KS.
Clinkenbeard Construction Co., Inc., Topeka, KS.

Corbo Enterprises, Inc., Wichita, KS.
Dartmouth Corporation of Kansas, Inc.,
Green Bay, WI.
Design Computer Systems Inc., Overland Park, KS.
Di Blasi Enterprises, Inc., Wichita, KS.
D. W. Griffiths & Co., Inc., Topeka, KS.
Earnshaw Construction, Inc., Kansas City, KS.
El Dorado Tank Truck Service, Inc., El Dorado, KS.
Equitel Corporation, Mission, KS.
Estebo Company, Inc., Olathe, KS.
Forms Etc., Inc., Wichita, KS.
Gateway Mechanical Contractors, Inc., Atchison, KS.
Geo R. Elliott & Co., Shawnee Mission, KS.
Gold Eagle Construction, Inc., Wichita, KS.
Granny's of Kansas, Inc., Merriam, KS.
Greenberg Properties, Inc., Kansas City, MO.
Greenfuture Landscaping, Inc., Wichita, KS.
Hancock Construction Corporation, Shawnee, KS.
Harry E. Athan and Associates, Inc.,
Shawnee Mission, KS.
Health Systems, Inc., Wichita, KS.
Heritage Homes of Topeka, Inc., Topeka, KS.
Hill's Appliance Center, Inc., Emporia, KS.
The Home II, Inc., Hays, KS.
Hubbell-Smith, Inc., Wichita, KS.
Independent Oil Company, Inc., Coldwater, KS.
Jeanie's Beautiful People Places, Inc., Wichita, KS.
John Cauthorn Insurance, Inc., Wichita, KS.
J-S & Associates, Inc., Mission, KS.
Kenco, Inc., Hill City, KS.
Keystone Enterprises, Inc., Shawnee Mission, KS.
K & L Farms, Inc., Hoxie, KS.
Lehman & Sons Farms, Inc., Tribune, KS.
Lincoln Automotive Services, Inc., Olathe, KS.
Lindsey, Incorporated, Overland Park, KS.
L. Kent Clark Oil & Gas, Inc., Rumson, NJ.
Marino's Italian Ices, Inc., Overland Park, KS.
Marjorie & Joe, Inc., Hutchinson, KS.
Medical Acquisitions, Inc., Lawrence, KS.
Missouri Coating Systems, Inc., Kansas City, KS.
Mitchell L. Taubin and Associates, Inc., Lenexa, KS.
Patrick's Self-Service, Inc., Coffeyville, KS.
Peachtree, Inc., Wichita, KS.
Pioneer Petroleum, Inc., Ottawa, KS.
Poe & Associates of Kansas, Inc., Wichita, KS.
Rainbow Investments, Inc., Wichita, KS.
Realty Professionals, Inc., Wichita, KS.
Reynolds Plumbing & Heating Co., Inc., Girard, KS.
Sadee's Point, Inc., Milton, KS.
The Sandbox, Inc., Overland Park, KS.
Sentari Communications, Inc., Parsons, KS.
Sofield, Inc., Overland Park, KS.
Sportswear Plus, Inc., Wichita, KS.
Sprang Services, Inc., Olathe, KS.
Steeple Jack Service, Inc., Topeka, KS.
Tom Hymer, Inc., Salina, KS.
Ty Construction Co., Lenexa, KS.
Ulysses Standard Supply, Inc., Ulysses, KS.
Wee Corporation, Olathe, KS.
Wenz & Kennel Service Company, Inc., Hesston, KS.
The Westchester Company, Overland Park, KS.
Wichita Stamp & Seal, Inc., Wichita, KS.

Foreign for Profit

Added Dimensions, Inc., Newport News, VA.
 Bennett Development Corp., Osage Beach, MO.
 Checker Auto Parts, Inc., Phoenix, AZ.
 Concept Shoe Associates, Inc., West Plains, MO.
 Conn-Okla Producing Co., Inc., Stamford, CT.
 Ed Mollet Insurance Agency, Inc., Kansas City, MO.
 Famous Brands Inc., Lenexa, KS.
 General Nutrition Center, Inc., Pittsburgh, PA.
 Gilbert Jackson Co., Inc., Overland Park, KS.
 Harold McClain Stone Co., Leawood, KS.
 Hi-Tec Sales Company, Omaha, NE.
 Kamex Construction Corporation, Louisville, KY.
 Kelly Railroad Contractors, Inc., St. Louis, MO.
 Kline-Stiefel Company, New York, NY.
 Lochiel Exploration Inc., Calgary, Alberta, Canada.
 Lochiel (U.S.) Inc., Calgary, Alberta, Canada.
 Menefee Oil Company, Inc., Sedalia, MO.
 Newport Petroleum, Inc., Calgary, Alberta, Canada.
 Oilworld Supply Company, Houston, TX.
 Otasco, Inc., Tulsa, OK.
 Pittman & Associates, Inc., Littleton, CO.
 PMI Marketing, Inc., Overland Park, KS.
 Sananco Energy Corporation, San Antonio, TX.
 Sizes Unlimited, Inc., Wilmington, DE.
 Steep Hill Enterprises, Inc., Midwest City, OK.
 Stephen W. Brener Associates, Inc., Dover, DE.
 Tender Sender, Inc., Portland, OR.
 Tompkins Associates, Inc., Kansas City, MO.
 TSPE Liquidating Company, Kansas City, KS.
 Unique Super Markets, Inc., Shawnee Mission, KS.
 Waterford Energy, Inc., Oklahoma City, OK.
 Woolf Brothers, Inc., Kansas City, MO.

Professional Association

Jenkins, Way, Turner & Vader, Chartered,
 Kansas City, KS.
 Larry H. Ringel, D.V.M., P.A., Kansas City, KS.
 Ralph E. Bellar, M.D., Professional Association,
 Harper, KS.

Forfeited August 15, 1986 for failure to file the annual report due after May 15, 1986 extension:

Domestic for Profit

Aerotechnics, Ltd., Wichita, KS.
 Aggie Station, Inc., Manhattan, KS.
 Feeler Construction, Inc., Wichita, KS.
 Glemby International Kansas, Inc., New York, NY.
 Jackson Food Processing, Inc., Hutchinson, KS.
 Kansas Barter Network, Inc., Wichita, KS.
 Midwest Construction and Millwright, Inc.,
 Smolan, KS.
 P G S Commodities, Inc., Hugoton, KS.
 Smith Aerial Spraying, Inc., Elkhart, KS.

Foreign for Profit

Dataphase Systems, Inc., Kansas City, MO.
 Mesker-Clark, Inc., Hazelwood, MO.
 The Perkin-Elmer Corporation, Norwalk, CT.
 R. A. Marshall Imports, Inc., Kansas City, MO.

Professional Association

Hartley, Nicholson & Hartley, P.A., Paola, KS.
 Onek-Fincham-Architects-P.A., Topeka, KS.

Forfeited August 15, 1986 for failure to correct and return an annual report:

Domestic for Profit

Bojac, Inc., Englewood, KS.
 Dunbar & Son Oil Enterprises, Inc., El Dorado, KS.
 IEC, Inc., Shawnee, KS.
 Live Properties, Inc., Hutchinson, KS.

Domestic not for Profit

Derby Community Education Association, Derby, KS.
 First Southern Baptist Church of Dickinson County,
 Abilene, KS.
 Louisburg Veterans Memorial Post #7348 Inc.,
 Louisburg, KS.
 Olsburg Senior Citizens, Inc., Olsburg, KS.

Foreign for Profit

Paine Webber Real Estate Securities Inc.,
 New York, NY.
 Record Title Agency, Inc., Reno, NV.
 Rosewood Farms, Inc., Pattonsburg, MO.
 Sullivan, Bodney & Hammond, A Professional
 Corporation, Overland Park, KS.

Professional Association

Clyde N. Christey, Chartered, Topeka, KS.

Forfeited August 15, 1986 for failure to submit a certificate of good standing with the annual report:

Foreign for Profit

American Fence Company of the Midwest, Inc.,
 Phoenix, AZ.
 APS Business Forms & Supplies, Inc., Houston, TX.
 Jack Thomas Construction Co., Inc.,
 Broken Arrow, OK.

Foreign not for Profit

The International Academy of Preventive Medicine,
 Overland Park, KS.

Forfeited August 15, 1986 for failure to designate a new resident agent within 60 days of resignation of previous resident agent:

Domestic for Profit

Qualitech Computer Center of Kansas City, Inc.,
 Overland Park, KS.
 Sunburst Sprinkler Systems, Inc., Wichita, KS.

Foreign for Profit

A.S.-Tech International Corporation,
 Wilmington, DE.

JACK H. BRIER
 Secretary of State

Doc. No. 004658

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF
MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for October 30, 1986

Renoticed Application for Certificate of Convenience and Necessity:

Ken's Conoco, Inc.) Docket No. 151,517 M
3202 S. Seneca)
Wichita, KS 67217)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between points and places in Sedgwick, Harvey, McPherson, Reno, Kingman, Harper, Cowley, Butler and Sumner counties, Kansas.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

JDC, Inc., dba) Docket No. 152,480 M
Jayhawk Bookstore)
1420 Crescent Road)
Lawrence, KS 66044)

Applicant's Attorney: None

Passengers and their baggage, in charter party service,

Between all points and places in the state of Kansas.

Applications set for November 6, 1986

Application for Abandonment of Contract Carrier Permit:

J-T Transportation Co.,) Docket No. 43,029 M
Inc.)
615 N. Hydraulic)
Wichita, KS 67214) MC ID No. 107386

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Stum Garage, Inc.) Docket No. 152,479 M
419 Orange)
Rossville, KS 66533)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between points and places in the counties of Jackson, Nemaha, Brown, Doniphan, Atchison, Jefferson, Douglas, Shawnee, Riley, Marshall, Pottawatomie, Wabaunsee and Leavenworth, Kansas.

Also,

Between the above named counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Rick L. Lindsey and) Docket No. 152,481 M
Louis L. Lindsey, dba)
L & L Trucking)
Route 2)
Kingman, KS 67068)

Applicant's Attorney: None

Grain and dry fertilizer,

Between all points and places in Pratt, Reno, Barber, Kingman, Harper, Sedgwick, Sumner and Cowley counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Keim Transportation, Inc.) Docket No. 26,949 M
P.O. Box 226)
Sabetha, KS 66534) MC ID No. 100170

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry bulk commodities (except flour and cement),

Between all points and places in the state of Kansas.

General commodities (except household goods, classes A and B explosives, liquid commodities, flour, cement and hazardous commodities),

Between all points and places on and east of U.S. 281.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Zirkle Truck Line, Inc.) Docket No. 30,327 M
9021 S.W. 79th)
Auburn, KS 66402) MC ID No. 100260

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry general commodities (except household goods, classes A and B explosives and hazardous commodities),

Between points and places in Riley, Geary, Lyon, Wabaunsee, Pottawatomie, Jackson, Shawnee, Osage, Douglas, Jefferson, Leavenworth, Wyandotte and Johnson counties, Kansas.

Also,
Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Hankamer Company, Inc.,) Docket No. 139,170 M
dba)
Midwest Fly Ash Division)
2150 Kansas)
Topeka, KS 66601) MC ID No. 116599

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Dry feed and dry feed ingredients,

Between points in Lyon, Ford, Finney, Seward, Johnson, Wyandotte and Sedgwick counties, Kansas, on the one hand, and on the other, all points in Kansas.

Building and construction materials, ingredients, supplies and machinery,

Between points in Montgomery, Wilson, Sedgwick, Neosho, Allen, Johnson, Leavenworth, Wyandotte, Shawnee and McPherson counties, Kansas, on the one hand, and on the other, all points in Kansas.

Salt,

Between points in Reno, Rice and Ellsworth counties, Kansas, on the one hand, and on the other, all points in Kansas.

Grain,

Between points on and west of U.S. 281, on the one hand, and on the other, all points in Kansas.

Application for Certificate of Convenience and Necessity:

Daniel G. Thompson,) Docket No. 152,487 M
Michael E. Estes &)
Stephen L. Mayers, dba)
M-R Water Haulers)
Route 1, Box 98)
Pawnee Rock, KS 67567)

Applicant's Attorney: None

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, fresh water and salt water,

Between all points and places in Barton, Stafford, Pawnee, Edwards, Comanche, Pratt, Kiowa, Clark, Ford, Hodgeman and Barber counties, Kansas.

Application for Abandonment of Contract Carrier Permit:

Stanley L. Berven, dba) Docket No. 102,832 M
Reliable Freight)
Route 2)
Abilene, KS 67410) MC ID No. 101676

Applicant's Attorney: None

Applications set for November 13, 1986

Application for Certificate of Convenience and Necessity:

Troy L. Wayman and) Docket No. 152,484 M
Bret W. Wayman, dba)
Wayman Bros. Phillips 66)
100 S. Baltimore)
Derby, KS 67037)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Sedgwick County, Kansas.

Also,

Between all points and places in Sedgwick County, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Transfer of Certificate of Convenience and Necessity:

Larry Wilson and) Docket No. 93,902 M
Marilyn Wilson)
Route 2, Box 430)
Eudora, KS 66025) MC ID No. 101133

TO:

Wilson Transport, Inc.
Route 2, Box 430
Eudora, KS 66025

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

Liquid fertilizer,

Between Douglas, Leavenworth, Wyandotte, Jefferson and Osage counties, on the one hand, and points and places in the state of Kansas, on the other.

Liquid feed supplements and liquid feed ingredients,

Between all points and places within Wyandotte and Brown counties, including the National Molasses Company, located at or near Wolcott, Kansas.

Also,

Between all points and places with Wyandotte and Brown counties, including the National Molasses Company, located at or near Wolcott, Kansas, and points and places in Kansas.

(continued)

Dry urea,

From Lawrence, Kansas, to all points and places in the state of Kansas.

Hominy,

From the facilities of Safeway Cereal Company, at or near Bonner Springs, Kansas, to Parson, Kansas.

Fertilizer and fertilizer materials,

From the facilities of Farmland Industries, Inc., at or near Lawrence, Kansas, to points in Kansas.

Also,

Between Atchison County, Kansas, on the one hand, and points in Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity to re-describe authority:

Wilson Transport, Inc.) Docket No. 93,902 M
Route 2, Box 430)
Eudora, KS 66025) MC ID No. 101133

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

Commodities in bulk, except petroleum products, other than fertilizer and fertilizer ingredients,

Between points in Kansas lying on and east of U.S. 81.

Also,

Between points in Kansas lying on and east of U.S. 81, on the one hand, and on the other, points in Kansas.

Application for Certificate of Convenience and Necessity:

Roy Sneed, dba) Docket No. 152,482 M
Sneed Grain & Trucking)
P.O. Box 56)
Chanute, KS 66720)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Hay, grain, dry feed, dry feed ingredients, dry fertilizer, seeds, livestock, fencing materials and building materials,

Between points and places in Saline, Dickinson, Morris, Wabaunsee, Shawnee, Wyandotte, Marion, Chase, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Sedgwick, Butler, Greenwood, Woodson, Allen, Bourbon, Elk, Wilson, Neosho, Crawford, Sumner, Cowley, Chautauqua, Montgomery, Labette and Cherokee counties, Kansas.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Stevenson Trucking) Docket No. 152,483 M
Company, Inc.)
Route 2, Box 272A)
Versailles, MO 65084.)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry commodities in bulk (except flour),

Between points and places in Kansas on and east of U.S. 81 and I-135.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Bob Ramshaw and Tom) Docket No. 152,486 M
Coddington, dba)
A-1 Wrecker Service)
Route 4, Box 235)
Ottawa, KS 66067)

Applicant's Attorney: John Richeson, 2nd and Main, P.O. Box 7, Ottawa, KS 66067

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between points and places in Franklin, Miami, Johnson, Wyandotte, Osage, Anderson, Shawnee, Douglas and Coffey counties, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Robert F. Newkirk, dba) Docket No. 52,485 M
Westside Trucking)
612 N. Alexander)
Hoisington, KS 67544)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Grain, dry feed, dry feed ingredients, dry fertilizer and dry fertilizer ingredients,

Between points in that portion of Kansas bounded on the west by U.S. 83, on the north by U.S. 24, on the east by U.S. 81, and on the south by U.S. 54, including points on said boundaries, on the one hand, and on the other, all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

The Big Six Transport) Docket No. 54,389 M
Co., Inc.)
Route 2, Box 66)
Galva, KS 67443) MC ID No. 100494

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Blvd., Topeka, KS 66603-3294

Livestock,

Between all points and places in Harvey, McPherson, Pawnee and Reno counties, Kansas.

Also,

Between all points and places in Harvey, McPherson, Pawnee and Reno counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Feeds, grain, hay, straw and seed,

Between all points and places in Harvey County, Kansas.

Also,

Between all points and places in Harvey County, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Processed mill feeds,

Between all points and places in Sedgwick and Harvey counties, Kansas.

Also,

Between all points and places in Sedgwick and Harvey counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Farm machinery,

Between all points and places in Sedgwick, Reno and Harvey counties, Kansas.

Also,

Between all points and places in Sedgwick, Reno and Harvey counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Building materials,

Between all points and places in Sedgwick and Harvey counties, Kansas.

Petroleum products and liquid fertilizer (except hazardous materials as defined in 49 C.F.R. § 172.101), in bulk and tank truck load lots,

Between all points and places in Saline, Reno, Sedgwick, Butler, McPherson and Barton counties, Kansas.

Also,

Between all points and places in Saline, Reno, Sedgwick, Butler, McPherson and Barton counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004667

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has issued an order which penalized the following operators for failure to renew their operator or contractor licenses as required by K.S.A. 55-155 and K.A.R. 82-3-120:

—McGown Oil Incorporated

—Rhoads, Mark

Pursuant to K.S.A. 55-164, the matter is set for hearing at 1:30 p.m. Monday, October 27, in the conference room of the Conservation Division, 200 Colorado Derby Building, 202 W. 1st, Wichita.

JAMES E. BROWNE
Assistant General Counsel

Doc. No. 004662

(Published in the KANSAS REGISTER, October 16, 1986.)

NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
CITY OF MINNEAPOLIS, KANSAS
INDUSTRIAL REVENUE BONDS
SERIES 1974

(THE EV. LUTHERAN GOOD SAMARITAN
SOCIETY PROJECT)

DATED: DECEMBER 1, 1974

Notice is hereby given that pursuant to the provisions of Section 4(c) of Ordinance No. 1283 of the city of Minneapolis, Kansas, the above mentioned term coupon bonds numbered 59, 60, 61, 62, 63, 64 and registered term bond numbered R-58 maturing on December 1, 1994 have been called for redemption and payment on December 1, 1986 at the offices of the Southwest National Bank of Wichita, Kansas, Trust Department, P.O. Box 1401, Wichita, KS 67201.

On such redemption date, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 100 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and all appertenant coupons). Interest shall cease to accrue on the bonds from and after December 1, 1986 and interest coupons maturing after December 1, 1986 shall be void.

THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS TRUSTEE FOR THE CITY
OF MINNEAPOLIS, KANSAS

By E. Gordon Johnson
Sr. Vice President and Trust Officer

Doc. No. 004657

(Published in the KANSAS REGISTER, October 16, 1986.)

**NOTICE OF REDEMPTION
CITY OF WICHITA, KANSAS
INDUSTRIAL REVENUE BONDS
SERIES IX, 1982
(JAYHAWK II, LTD)**

Notice is hereby given that pursuant to Section 4 of Ordinance No. 3788 of the city of Wichita, Kansas, passed and approved on June 1, 1982, there will be redeemed on December 1, 1986 all bonds maturing after December 1, 1986 at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On December 1, 1986, all bonds will be due and payable at the principal office of the Southwest National Bank of Wichita, Wichita, Kansas. All coupons maturing subsequent to December 1, 1986 must be attached and surrendered with said bonds. From and after December 1, 1986, interest on the aforesaid bonds will cease to accrue.

Dated September 24, 1986.

**THE SOUTHWEST NATIONAL BANK
OF WICHITA**
Trustee
P.O. 1401
Wichita, KS 67201

Doc. No. 004639

(Published in the KANSAS REGISTER, October 16, 1986.)

**NOTICE OF BOND SALE
GENERAL OBLIGATION
SEWER AND STREET BONDS
OF THE
CITY OF IOLA, KANSAS**

The city of Iola, Kansas will receive sealed bids at the office of the City Clerk, City Hall, P.O. Box 308, Iola, until 1:30 p.m. local time on October 28, 1986, for \$275,500 par value general obligation bonds of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series A, 1986 bonds will be dated November 1, 1986, and shall mature on November 1 of each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof, except bond no. 1 in the denomination of \$5,500. Interest will be payable semiannually commencing November 1, 1988 and each May 1 and November 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record

dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

The bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$ 5,500	November 1, 1988
\$10,000	November 1, 1988
\$20,000	November 1, 1989
\$25,000	November 1, 1990
\$25,000	November 1, 1991
\$30,000	November 1, 1992
\$30,000	November 1, 1993
\$30,000	November 1, 1994
\$30,000	November 1, 1995
\$35,000	November 1, 1996
\$35,000	November 1, 1997

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest rates specified in any bid shall not exceed 2.5 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2 percent above the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city and shall be addressed to V. C. Perkins, City Clerk, City Hall, P. O. Box 308, Iola, KS 66749, and shall be plainly marked "Bond Bid." All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Iola, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the city as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the best bidder. The city reserves the right to reject any and all of the bids and to waive any irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of

the bonds from their date until their respective maturities.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The bill imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of state and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the bill becomes law, would be applicable to the bonds.

The bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the bill. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the bill could jeopardize the tax-exempt status of the bonds from their date of issuance. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury of the United States concerning a delay in the effective date of certain provisions of the bill. The city has relied on the joint statement in issuance of the bonds.

On June 24, 1986, the U.S. Senate adopted an amendment in the nature of a substitute to the bill. The amendment contains a provision which would provide that the alternate minimum taxable income of an applicable corporation shall be increased by one-half of the amount by which the "adjusted net book income" of such corporation exceeds the "pre-book alternative taxable income" of such corporation. The effect of such provision may be to subject the interest on the bonds held by corporations to the alternative minimum tax provisions of the bill for taxable years commencing after December 31, 1986.

The city intends to designate the bonds as qualified tax-exempt obligations under Section 802(e) of the bill. As of now the House and Senate have adopted H.R. 3838, the Tax Reform Act of 1985. The President is expected to sign H.R. 3838 soon.

Delivery of Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and the bonds will be sold subject to the unqualified approving opinion of William P. Timmerman, bond counsel, of Wichita, Kansas. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than November 12, 1986. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affect-

ing their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before November 20, 1986, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the purchaser.

Legal Opinion

Bids will be conditioned upon the unqualified approving opinion of William P. Timmerman, bond counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the city. Said legal opinion will state in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest, will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The bonds are being issued for the purpose of constructing certain sewer and street improvements in the city of Iola, Kansas.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on said bonds. All expenses in relation to printing of CUSIP numbers on said bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the city.

Assessed Valuation

Assessed valuation for the city of Iola, Kansas, a second class city, for the year 1985 is as follows:

Equalized Assessed valuation of taxable tangible property including tangible valuation of motor vehicles	\$21,309,300
General obligation debt including this issue	\$ 573,500
Utility revenue debt	\$ 740,000
General obligation debt allowed	\$ 6,392,799
Debt that city must count	\$ 578,000

All outstanding notes will be picked up by this issue.

Additional copies of this notice of bond sale or further information may be received from William P. Timmerman, the city's bond counsel, 400 N. Woodlawn, Suite 208, Wichita, KS 67208, (316) 685-7212.

Dated October 9, 1986.

CITY OF IOLA, KANSAS
By V. C. Perkins
City Clerk

Doc. No. 004663

(Published in the KANSAS REGISTER, October 16, 1986.)

NOTICE OF BOND SALE
\$359,733.15
GENERAL OBLIGATION
INTERNAL IMPROVEMENT BONDS
OF THE
CITY OF AUGUSTA, KANSAS

Date, Time and Place of Receiving Bids

The city council, as governing body of the city of Augusta, Kansas, will receive sealed bids at the office of the City Clerk, City Hall, 6th and School Streets, Augusta, until 7:30 p.m. C.D.T. on Monday, October 20, 1986, for \$359,733.15 par value general obligation internal improvement bonds, series B, 1986, of the city, at which time the city council will meet in the city council meeting room to publicly open the bids. No oral or auction bids will be considered.

Description of Bonds

The series B, 1986 bonds will be dated as of November 1, 1986, and shall mature on November 1 in each of the years and in the amounts set forth below. The bonds shall consist of fully registered certificated bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in each year, except for one bond which shall be in the denomination of \$4,733.15. Interest on the bonds will be payable semiannually, commencing May 1, 1987, and each November 1 and May 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by mailing of check or draft of the paying agent to the registered owners thereof as their names appear on the registration books of the city maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for the registration and transfer of the bonds shall be paid by the city.

The bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$34,733.15	November 1, 1987
35,000.00	November 1, 1988
35,000.00	November 1, 1989
35,000.00	November 1, 1990
35,000.00	November 1, 1991
35,000.00	November 1, 1992
35,000.00	November 1, 1993
35,000.00	November 1, 1994
40,000.00	November 1, 1995
40,000.00	November 1, 1996

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the

bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the date on which the bonds are sold (October 13, 1986), plus 2 percent; no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city, and shall be addressed to the City Council, City Hall, 6th and School Streets, Augusta, KS 67010, Attention: Elsie E. George, City Clerk, and shall be plainly marked "Bond Bid." All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, and shall be payable to "City Treasurer, City of Augusta, Kansas." In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the city as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bonds

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the best bidder. The city reserves the right to reject any and all bids and to waive any irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities.

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and the bonds will be sold subject to the approving opinion of Winton M. Hinkle, P.A., bond counsel, of Wichita, Kansas. The number, denomination of bonds, and the names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than November 3, 1986. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds

will be made to the successful bidder on or about November 11, 1986, at any bank in the state of Kansas or in the city of Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the purchaser.

Pending Legislation Pertaining to Tax Exemption

At the date hereof, the Tax Reform Act of 1986, H.R. 3838, which presently is pending in the United States Congress, contains a number of requirements which generally are effective for all state and local obligations issued after December 31, 1985, and if the bill becomes law in its present form would be applicable to the bonds. The city will covenant to comply with the requirements of the provisions of the bill to maintain the tax-exempt status of the bonds. The opinion of bond counsel will state that under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and, assuming continued compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds could be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the bill.

The city will designate the bonds as "qualified tax-exempt obligations" as defined in Section 902(b)(3) of the Tax Reform Act of 1986 Conference Report to Accompany HR 3838, dated August 16, 1986.

Legal Opinion

Bids shall be conditioned upon the approving opinion of Winton M. Hinkle, P.A., bond counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond, and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the city. Said legal opinion will state in part that the bonds will constitute general obligations of the city, payable as to both principal and interest from the collection of special assessment taxes which have been levied against certain properties in the city, and if not so paid, then said principal and interest shall be paid from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The bonds are being issued in connection with the construction of sanitary sewer, street and waterline improvements in the Augusta Industrial Park Addition and construction of improvements to Huntington Road in Lakeside II Third Addition. The proceeds of the bonds, along with unexpended proceeds of temporary

notes previously issued for the said improvements and special assessments which have been collected in cash, will be used to pay the principal of and accrued interest on and redeem the said temporary notes and to pay certain other final costs of the improvements.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on the bonds. All expenses in relation to printing of CUSIP numbers on said bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the city.

Assessed Valuation

Assessed valuation figures for the city of Augusta, Kansas, for the year 1985, are as follows:

Assessed valuation of taxable,	
tangible property	\$14,750,000
Taxable value of motor vehicles	\$ 4,773,226
Equalized assessed tangible valuation for	
computation of bonded debt limitations ..	\$19,523,226

Bonded Indebtedness

The total outstanding bonded indebtedness of the city of Augusta, Kansas, at the date hereof, including this \$359,733.15 proposed issue of bonds, is \$3,845,383.28, representing \$3,307,733.15 of bonds and \$537,650.13 of temporary notes. \$356,371 of said temporary notes will be paid and redeemed from proceeds of the proposed bonds and certain other funds.

Official Statement

Additional copies of this notice of bond sale, copies of the city's official statement relating to the bonds, or further information may be received from the office of the City Clerk, City Hall, 6th and School Streets, Augusta, KS 67010, (316) 775-6301.

Dated October 6, 1986.

THE CITY OF AUGUSTA, KANSAS
By Elsie E. George
City Clerk

Doc. No. 004659

State of Kansas
SOCIAL AND REHABILITATION SERVICES

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, November 4, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Final suggestions concerning legislation.
- Public hearing concerning certain administrative regulations to become effective on a temporary and permanent basis (December 1, 1986/May 1, 1987). A summary of the proposed regulations is set forth below.
- Adoption of proposed temporary administrative regulations.

I. Temporary Regulations

A. Public Assistance Program.

1. 30-4-57. Job search requirements. This regulation is being amended to expand the job search reimbursement provision to include day care costs for participants.

2. 30-4-62. Community work experience program requirements. This regulation is being amended to:

- (a) Limit the maximum number of days a participant can be assigned to a project to 15 full eight-hour days; and
- (b) expand the participant reimbursement provision to include day care costs and other expenses approved by the agency.

3. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC. This regulation is being amended to:

- (a) Add the TGA program to the title of the regulation to permit the granting of the job search allowance and other applicable special needs to TGA recipients;
- (b) expand the CWEP allowance to include day care expenses and other participation expenses that are based on an agency-approved plan; and
- (c) expand the job search allowance to include day care expenses based on an agency-approved plan.

II. Permanent Regulations

An asterisk (*) indicates that the material has previously been adopted or amended by the secretary on a temporary basis.

A. General.

1. 30-2-16. Permanency planning goals for title IV-E of the federal social security act. This regulation is being amended to change the date of the federal fiscal year permanency planning goals from October 1, 1984 to October 1, 1986.*

B. Public Assistance.

1. 30-4-40. Agency responsibility to applicants and recipients. This regulation is being amended to delete reference to the agency's responsibility to certify to an employer that an individual is an ADC recipient in

order that the employer may receive an employment incentive credit pursuant to the TAX Reduction Act of 1975 since the legal basis for this provision is no longer in effect.

2. 30-4-55. Cooperation. This regulation is being amended to:

(a) Require the applicant or recipient to cooperate in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program;* and

(b) reflect other technical changes.*

3. 30-4-56. Assignment or transfer of property. This regulation is being amended July 1, 1987 to:

(a) Change the title of the regulation to "Transfer of property";

(b) exempt from consideration those transfers of property which were exempt at the time of the transfer and those transfers with an uncompensated value which, when added to the value of other nonexempt resources, does not exceed the allowable resource limits;

(c) modify the method of determining the period of ineligibility to provide that the uncompensated value of the property transferred in excess of the property's resource limit, less the difference between the value of the nonexempt resources of the applicant or recipient and the allowable nonexempt resource limit, shall be divided by \$500.00 to determine the number of months of ineligibility; and

(d) reflect other clarifications and technical changes.

4. 30-4-57. Job search requirements. This regulation is being amended to:

(a) Expand the job search reimbursement provision to include day care costs; and

(b) reflect other technical changes.

5. 30-4-62. Community work experience program requirements. This regulation is being amended to:

(a) Limit the maximum number of days a participant can be assigned to a project to 15 full eight-hour days; and

(b) expand the participant reimbursement provision to include day care costs and other expenses approved by the agency.

6. 30-4-74. Persons whose needs shall be considered with the needs of the ADC child. This regulation is being clarified to exclude certain parents and siblings from the assistance plan who are not otherwise eligible for ADC. Such parents and siblings include: SSI recipients; persons who are ineligible due to the receipt of lump sum income; persons who are ineligible due to a sanction; minor parents whose needs are met through foster care payments; and aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions.

7. 30-4-75. ADC work incentive program registration requirements. This regulation is being amended to reflect technical changes in the WIN registration procedures and requirements.

8. 30-4-78. Eligibility factors specific to the APW

program. This regulation is being amended effective July 1, 1987 to:

(a) Require that, in addition to there being apparent ADC eligibility in the month of anticipated birth, there must be apparent eligibility in any of the three preceding months;

(b) require that eligibility be determined for each month as if the child were born and living with the mother; and

(c) require that in determining payment, the needs of the unborn child shall be excluded.

9. 30-4-85a. Eligibility factors specific to the EA program. This regulation is being amended to reinstate the emergency assistance provisions for evictions and potential evictions.*

10. 30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. This regulation is being amended effective July 1, 1987 to:

(a) Adopt the ADC provision of K.A.R. 30-4-74 pertaining to those persons who must be excluded from the assistance plan for GAU purposes;

(b) expand the GAU family provision pertaining to persons who must not be voluntarily unavailable for employment to a pregnant woman and her husband and permit participation in post-secondary education or training activities during other than normal working hours; and

(c) reflect other technical changes.

11. 30-4-91. Eligibility factors specific to the transitional GA (TGA) program. This regulation is being amended to:

(a) Add a provision that limits cash assistance to a maximum of four months in a 12-month period of time;*

(b) reflect other technical changes effective May 1, 1987;

(c) adopt the GAU provision of K.A.R. 30-4-90(a)(5) pertaining to those persons who must be excluded from the assistance plan for TGA purposes. This change becomes effective July 1, 1987; and

(d) expand the TGA provision pertaining to persons who must not be voluntarily unavailable for employment to permit participation in post-secondary education or training activities during other than normal working hours. This change becomes effective July 1, 1987.

12. 30-4-101. Standard for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. This regulation is being amended to increase the basic standard by \$3.00 per person. This increase is for the purpose of being an energy supplement.*

13. 30-4-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to:

(a) Require that a resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the

applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient;*

(b) provide that the costs of obtaining an estimate or appraisal of personal property be borne by the agency;*

(c) permit the exclusion of jointly held resources with a non-legally responsible person if the applicant or recipient can demonstrate that he or she has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to acting as an agent for the other person. The change becomes effective July 1, 1987; and

(d) reflect other technical changes.

14. 30-4-111. Applicable income. This regulation is being amended to reflect a technical change.

15. 30-4-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended effective July 1, 1987 to expand the exemption pertaining to Indian judgment funds distributed or held in trust to include interest and investment income accrued on such funds while held in trust and purchases made with such funds.

16. 30-4-113. Income exempt as applicable income. This regulation is being amended to limit the income exemption pertaining to irregular, occasional, or unpredictable monetary gifts to \$30.00 per person in any calendar quarter.*

17. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC. This regulation is being amended to:

(a) Add the TGA program to the title of the regulation to permit the granting of the job search allowance and other applicable special needs to TGA recipients;

(b) expand the CWEP allowance to include day care expenses and other participation expenses that are based on an agency-approved plan; and

(c) expand the job search allowance to include day care expenses based on an agency-approved plan.

18. 30-4-122a. Special allowances for EA. This regulation is being amended to reinstate the special emergency assistance allowances for the prevention of eviction.*

19. 30-4-130. Types of payments. This regulation is being amended to reflect a technical change.

C. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement.

1. 30-5-65. Filing limitations for medical claims. This regulation is being amended to clarify that only correctly completed claims are subject to payment if they have been resubmitted within the 12-month filing limitation.

2. 30-5-70. Payment of medical expenses for eligible recipients. This regulation is being amended to:

(a) Delete the provision which provides that upon giving proper notice that prospective payment liability for any or all optional services may be terminated by the secretary upon a finding that insufficient ap-

(continued)

propriations are available to reimburse the affected providers for the rendering of such services;*

(b) clarify that payment will not be made if the service is provided by an unlicensed provider if licensure is a requirement to participate in the program as a provider; and

(c) clarify that payment will not be made to out-of-state providers of partial hospitalization programs.

3. 30-5-71. Co-pay requirements. This regulation is being amended to delete Medicare crossover claims as being exempt from co-pay requirements.*

4. 30-5-81. Scope of hospital services. This regulation is being amended to:

(a) Limit coverage of substance abuse treatment services to three treatment admissions per lifetime not to exceed 25 days each treatment period excepting EPSDT participants who are covered up to 45 days each treatment period;

(b) include the limitation of 48 hours of care for uncomplicated vaginal deliveries; and

(c) update the Code of Federal Regulation citations which have been adopted by reference.

5. 30-5-81b. The basis of reimbursement for hospital services. This regulation is being amended to include certain services specified by the secretary as an exception to the reimbursement methodology of the lesser of reasonable costs or customary charges to allow limitations based on range maximums.

6. 30-5-81d. Hospital prospective payment system review committee. This regulation is being amended to:

(a) Clarify that tie votes of the committee shall be referred to the agency for final decision; and

(b) allow any qualified alternate to vote on behalf of any absent member of the same affiliation.

7. 30-5-86. Scope of services by community mental health centers. This regulation is being amended to:

(a) Limit outpatient psychotherapy for drug and alcohol treatment to a total of 800 units per lifetime;*

(b) allow the first four hours of psychological testing associated with hospitals admissions without prior authorization; and

(c) allow services to be provided in a recipient's private residence with prior authorization.

8. 30-5-89. Scope of home health services. This regulation is being amended to delete that home health agencies be Medicare-certified and to include that they must meet the federal requirements to participate in Medicare as determined by the Kansas department of health and environment.

9. 30-5-95. Cost report requirement for pharmacy services. This regulation is being amended to delete reference to inflation adjustment as a technical change for the purpose of consistency with other pharmacy regulation changes as of May 1, 1986.

10. 30-5-100a. Reimbursement for dental services. This regulation is being amended to limit reimbursement for dental services to an amount specified by the secretary per recipient per fiscal year beginning July 1, 1987, except for participants of the EPSDT program.

11. 30-5-101. Scope of chiropractic services. This regulation is being amended to:

(a) Add that office visits for diagnosis and treatment of EPSDT program participants shall be covered up to 24 per calendar year;*

(b) add that office visits for diagnosis and treatment of non-EPSDT program participants shall be covered up to 12 per calendar year;*

(c) add that a recipient shall be limited to one practitioner's care for a given diagnosis;*

(d) add that spinal manipulations shall be limited to neuromuscular skeletal conditions;* and

(e) add that a progress report shall be submitted to the agency after the first 60 days after the date of the first visit and every 60 days thereafter. The report shall contain the history of the present illness, the diagnosis, the type or mode of treatment, the treatment program, and the prognosis.*

12. 30-5-101a. Reimbursement for chiropractic services. This regulation is being amended to provide that reimbursement for chiropractic services shall be made on the basis of reasonable charges, except no fee shall be paid in excess of the range maximum, and the range of charges shall provide the base for computations.*

13. 30-5-102. Scope of optometric and optical services. This regulation is being amended to:

(a) Add that optometric and optical services shall be covered for medicaid recipients, and that covered services include optometric examinations, grinding and edging lenses, assembling and dispensing eyeglasses, and optical materials;* and

(b) add that optometric examinations and materials shall be limited as specified by the secretary.*

14. 30-5-103. Scope of podiatric services. This regulation is being amended to:

(a) Add that podiatric services shall be covered for medicaid recipients, and that covered services include diagnosis; manual, medical, surgical or pharmaceutical treatment of those parts of the body below the ankle; and diagnosis and treatment of tendons and muscles of the lower leg as they relate to conditions of the foot;*

(b) add that surgery shall be limited to that performed on an outpatient basis;* and

(c) add that routine foot care shall not be covered.*

15. 30-5-104. Scope of psychological services. This regulation is being amended to:

(a) Clarify that psychological services shall be covered for medicaid recipients when provided by clinical psychologists who are certified by the behavioral sciences regulatory board;

(b) clarify that office visits for EPSDT program participants shall be covered up to 36 hours per calendar year;

(c) add that office visits for non-EPSDT participants shall be covered up to 24 hours per calendar year;*

(d) add that special psychological services for EPSDT program participants shall be rendered pursuant to a plan approved by the agency, shall require prior authorization, and shall be subject to a reimbursement limit established by the secretary;*

(e) add that visits to intermediate care facilities by

the psychologist shall be ordered by the recipient's physician as part of the plan of care;

(f) add that visits to intermediate care facilities for mental retardation shall be limited to psychological testing and evaluation;*

(g) add that visits to intermediate care facilities for mental health shall be limited to psychological testing, evaluation, consultation and therapy;* and

(h) make technical changes.*

16. 30-5-105. Scope of hearing services. This regulation is being amended to:

(a) Add that hearing services shall be covered for medicaid recipients;*

(b) add that a medical diagnosis shall be made by an ear specialist or by a general practitioner when an ear specialist is not easily available;*

(c) add that audiological testing shall be performed by a physician, audiologist or hearing aid dealer;*

(d) add that fitting, dispensing and follow-up shall be performed by a hearing aid dealer;* and

(e) add that a hearing aid shall not be covered if the physician states that the medical condition contraindicates the effectiveness of an aid.*

17. 30-5-106. Scope of ambulance services. This regulation is being amended to add that prior authorization is not required for non-emergency transportation for recipients confined to bed when documentation is provided.

18. 30-5-110. Scope of psychiatric partial hospitalization programs. This regulation is being amended to clarify that the services of psychiatric partial hospitalization programs shall be provided in a community mental health center or affiliated with a community mental health center unless the program was approved by the Division of Medical Programs prior to December 1, 1986.

19. 30-5-110a. Reimbursement for psychiatric partial hospitalization programs. This regulation is being amended to change the year used in submitting cost reports for rate determination purposes from on or before December 31, 1981 to within the base year as established by the secretary.

20. 30-5-112. Scope of local health department services. The secretary is promulgating a new regulation concerning scope of local health department services. The text of the proposed regulation is set forth below:

30-5-112. Scope of local health department services.

(a) Local health department services shall be covered for medicaid/medikan recipients.

(b) Covered services shall include the following:

(1) EPSDT services;

(2) family planning services;

(3) maternal and child health services;

(4) home health nursing service when home health agency services are not available to the recipient; and

(5) services to detect, diagnose and treat specific communicable diseases.

21. 30-5-112a. Reimbursement for local health department services. The secretary is promulgating a new regulation concerning reimbursement for local health department services. The text of the proposed regulation is set forth below:

30-5-112a. Reimbursement for local health department services. Reasonable fees as related to customary charges shall be paid for local health department services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations.

22. 30-5-150. Co-pay requirements for adult medikan program recipients. This regulation is being amended to:

(a) Make technical changes; and

(b) exempt the following from co-pay requirements: recipients enrolled in a health maintenance organization, services for family planning purposes, and services related to pregnancy.*

23. 30-5-151. Scope of hospital services for adult medikan program recipients. This regulation is being amended to delete the limitation to cover only diagnostic computerized axial tomography scans and ultrasonic studies.

24. 30-5-154. Scope of services by community mental health centers for adult medikan program recipients. This regulation is being amended to clarify that coverage for outpatient psychotherapy is limited to no more than 480 units as specified by the secretary.

25. 30-5-160. Scope of chiropractic services for adult medikan program recipients. This regulation is being amended to provide that chiropractic services for adult medikan recipients shall be covered up to 12 office visits per calendar year.*

26. 30-5-161. Scope of podiatric services for adult medikan program recipients. This regulation is being amended to provide that podiatric services for adult medikan recipients shall be covered up to 12 office visits per calendar year and for nonelective surgery which is performed on an outpatient basis.*

27. 30-5-162. Scope of psychological services for adult medikan program recipients. This regulation is being amended to provide that the same scope of services for adult medicaid program recipients shall be covered for adult medikan program recipients, except that psychological testing and evaluation shall be limited to six hours per three consecutive calendar years.*

28. 30-5-169. Scope of psychiatric partial hospital programs for adult medikan program recipients. This regulation is being amended to:

(a) Clarify that the limitation for psychiatric partial hospitalization is no more than 120 hours per calendar month unless prior approval for an extended program has been granted by the Division of Medical Programs; and

(b) clarify that only services provided in psychiatric partial hospitalization programs in community mental health centers or affiliated with community mental health centers will be covered unless the program was approved by the Division of Medical Programs prior to December 1, 1986.

D. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-41. Assistance planning. This regulation, along with K.A.R. 30-6-79, is being amended to require that the needs of all non-ADC siblings be in-

(continued)

cluded in determining the needs of the non-ADC child if they are living together.*

2. 30-6-53. Financial eligibility. This regulation is being amended to clarify that expenses for social services designated as medical services under the home- and community-based services (HCBS) program shall be allowable against spenddown only for persons in the HCBS program.

3. 30-6-54. Citizenship, alienage, and residence. This regulation is being amended to:

(a) Clarify the criteria used in determining residency for institutionalized individuals so that a person who becomes incapable of intent on or after age 21 shall remain a resident of the state in which the person is physically residing and any other institutionalized person shall be regarded as a resident of the state in which the person is living with the intention to remain there permanently or for an indefinite period; and

(b) reflect other clarifications and technical changes.

4. 30-6-55. Cooperation. This regulation is being amended to:

(a) Require the applicant or recipient to cooperate in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program;* and

(b) reflect other technical changes.*

5. 30-6-56. Assignment or transfer of property. This regulation is being amended effective July 1, 1987 to:

(a) Change the title of the regulation to "Transfer of property";

(b) exempt from consideration those transfers of property which were exempt at the time of the transfer and those transfers with an uncompensated value which, when added to the value of other nonexempt resources, does not exceed the allowable resource limits;

(c) modify the method of determining the period of ineligibility to provide that the uncompensated value of the property transferred in excess of the property's resource limit, less the difference between the value of the nonexempt resources of the applicant or recipient and the allowable nonexempt resource limit, shall be divided by \$500.00. However, for persons in institutional living arrangements, the divisor shall be \$1,300.00; and

(d) reflect other clarifications and technical changes.

6. 30-6-57. Job search requirements. This regulation is being amended to reflect only technical changes.

7. 30-6-65. Automatic eligibles. This regulation is being amended to:

(a) Delete the provision that provides automatic eligibility for medical assistance to persons who are ineligible for ADC due to the provisions of K.A.R. 30-4-62, 30-4-71, or 30-4-75;*

(b) provide automatic medical assistance to persons who are not receiving TGA due to the four-month time limitation provision of K.A.R. 30-4-91(b);*

(c) expand coverage of non-ADC children to in-

clude all non-ADC eligible children under the age of 18 who meet the ADC income and resource requirements;*

(d) provide automatic medical assistance to a child receiving foster care payments under title IV-E, regardless of the state making payment;

(e) provide automatic medical assistance to a child for whom an adoption assistance agreement under title IV-E is in effect even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility begins when the child is placed for adoption even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued; and

(f) provide automatic medical assistance to a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care.

8. 30-6-74. Persons whose needs are to be considered with the needs of the ADC child. This regulation is being amended to:

(a) Reinstate caretaker relatives as eligible for participation in the medical assistance program;*

(b) exclude certain parents and siblings from the assistance plan who are not otherwise eligible for ADC (clarification). Such parents and siblings include: SSI recipients; persons who are ineligible due to the receipt of lump sum income; persons who are ineligible due to a sanction; minor parents whose needs are met through foster care payments; and aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions; and

(c) reflect other technical changes.

9. 30-6-78. Medicaid (title XIX) determined eligibles—eligibility factors specific to aid to pregnant women (APW). This regulation is being amended to:

(a) Require that financial eligibility be determined for each month as if the child was born and living with the mother. This change becomes effective July 1, 1987; and

(b) provide that assistance under the APW program be continued for two calendar months following the month in which the pregnancy terminates.*

10. 30-6-79. Children under age five determined eligibles. This regulation is being amended to:

(a) Change the title of the regulation to "Non-ADC child determined eligibles";*

(b) expand coverage to include all non-ADC eligible children under the age of 18;*

(c) require that the needs of all non-ADC siblings living in the same home be included in determining the needs of the non-ADC child.*

11. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to:

(a) Increase the protected income level for one person in independent living from \$341.00 per month to \$350.00 per month;

(b) increase the protected income levels for other persons in independent living from: \$442.00 to

\$450.00 for two persons; \$450.00 to \$460.00 for three persons; and \$460.00 to \$470.00 for four persons;* and

(c) delete the special provision for children in foster family care that requires the use of the foster family care rate as the protected income level as this rate is less than the protected income level which is contrary to the approved state plan.*

12. 30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to:

(a) Require that a resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient;*

(b) permit the exclusion of jointly held resources with a non-legally responsible person if the applicant or recipient can demonstrate that he or she has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to acting as an agent for the other person. The change becomes effective July 1, 1987;

(c) provide that the costs of obtaining an estimate or appraisal of personal property be borne by the agency;*

(d) clarify the treatment of resource provisions when one or both spouses enter a care situation;*

(e) require that the combined income of both spouses be considered for six months following the month the care situation begins if both spouses are applicants or recipients and they share the same room;* and

(f) provide that a revocable or irrevocable trust, established by an applicant or recipient or their spouse, shall be considered available to the applicant or recipient up to the maximum value of the funds which may be made available under the terms of the trust in behalf of the applicant or recipient, if that applicant or recipient is a beneficiary and if the trustees are permitted to exercise any discretion with respect to distribution to the applicant or recipient.*

13. 30-6-107. Property exemption. This regulation is being amended to increase the allowable nonexempt resource level from \$1,700.00 to \$1,800.00 for one person and from \$2,550.00 to \$2,700.00 for two or more persons.

14. 30-6-108. Real property. This regulation is being amended to:

(a) Redefine the term "other real property" for SSI purposes as either real property other than a home or a home from which an applicant or recipient has been absent and does not intend to return;* and

(b) delete the requirement that a dependent relative must meet the age, blindness, or disability criteria set forth in K.A.R. 30-6-85.*

15. 30-6-109. Personal property. This regulation is being amended, for SSI purposes, to shorten the

period of time in which the proceeds from the sale of a home can be exempted from six months to three months.*

16. 30-6-111. Applicable income. This regulation is being amended effective July 1, 1987 to:

(a) Require that for non-SSI the earned income disregards be applied to all legally responsible persons in the home who are excluded from the assistance plan except for stepparents and parents of minor parents;

(b) delete the provision for non-SSI that all nonexempt unearned income and gross earnings be considered for a legally responsible person in the home who is not included in the assistance plan without the application of any income disregards; and

(c) reflect other technical changes.

17. 30-6-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended effective July 1, 1987 to expand the exemption pertaining to Indian judgment funds distributed or held in trust to include interest and investment income accrued on such funds while held in trust and purchases made with such funds.

18. 30-6-113. Income exempt as applicable income. This regulation is being amended to:

(a) Limit the income exemption pertaining to irregular, occasional, or unpredictable monetary gifts to \$30.00 per person in any calendar quarter;*

(b) add an exemption for SSI purposes to exempt the amount of the December 1983 increase in social security widow or widower benefits resulting from the changes in the actuarial reduction formula and all subsequent cost-of-living adjustments for a person who was concurrently receiving SSI and social security disabled widow or widower benefits under section 202(e) or 202(f) of the social security act provided that:*

(1) The person became ineligible for SSI due solely to the 1983 actuarial increase;*

(2) the person has continuously received social security widow or widower benefits since the 1983 actuarial increase;*

(3) the person would be currently eligible for SSI if it were not for the 1983 actuarial increase and all subsequent cost-of-living adjustments;* and

(4) the person makes application for medical assistance under this provision prior to July 1, 1987;* and

(c) for SSI, exempt reparation payments made under the Republic of Germany's federal law for compensation of nationalist socialist persecution. This change becomes effective July 1, 1987.

E. Medicaid/Medikan Program—Adult Care Homes.

1. 30-10-1a. Adult care home program definitions. This regulation is being amended to add a definition for heavy care to read as follows:

(dd) "Heavy care" means the care required by a resident that takes more time, services and supplies than the care provided an average adult care home or swing-bed hospital resident.

2. 30-10-1d. Inadequate care. This regulation is being amended to state that:

(a) When the agency determines that inadequate

(continued)

care is being provided to a recipient, payment to the adult care home for the recipient may be terminated.

(b) When the agency receives confirmation from the Kansas department of health and environment that an adult care home has not corrected deficiencies which affect significantly and adversely the health, safety, nutrition or sanitation of the adult care home residents, the provider's current rate shall be reduced to the lowest rate in the state for the level of care in which the provider participates. The reduced rate shall be in effect until the Kansas department of health and environment confirms that the deficiencies have been corrected.*

(c) Failure to correct the deficiencies within 30 days after the provider's receipt of the correction order may be cause for termination from the medicaid/medikan program.

(d) If the provider's deficiencies do not pose immediate jeopardy to resident health and safety, the agency may deny payment for new admissions.*

3. 30-10-1f. Private pay wings. The secretary is promulgating a new regulation concerning private pay wings. The text of the proposed regulation is set forth below:

30-10-1f. Private pay wings. As a prerequisite for participation in the medicaid/medikan program, an adult care home shall not develop private pay wings or segregate medicaid/medikan recipients to separate areas of the adult care home.

Similar language currently in K.A.R. 30-10-2, 30-10-3 and 30-10-4 is being deleted.

4. 30-10-2. Standards for participation; skilled nursing facility. This regulation is being amended to:

(a) Delete the language "not develop private pay wings or segregate medicaid/medikan recipients to separate areas of the adult care home";

(b) add that as a provider of skilled nursing services, each adult care home shall provide five days notice to the recipient, guardian or responsible person when the recipient is admitted to a hospital and the facility has decided not to re-admit the recipient. If five days notice cannot be given, the facility shall re-admit the recipient unless the recipient needs a level of care the facility is not certified to provide; and

(c) update the Code of Federal Regulation citations which have been adopted by reference.

5. 30-10-3. Standards for participation; intermediate care facility and intermediate care facility for mental health. This regulation is being amended to:

(a) Delete the language "not develop private pay wings or segregate medicaid/medikan recipients to separate areas of the adult care home";

(b) add that as a provider of intermediate care facility services or intermediate facility for mental health services, each adult care home shall provide five days notice to the recipient, guardian or responsible person when the recipient is admitted to a hospital and the facility has decided not to re-admit the recipient. If five days notice cannot be given, the facility shall re-admit the recipient unless the recipient needs a level of care the facility is not certified to provide; and

(c) update the Code of Federal Regulation citations which have been adopted by reference.

6. 30-10-4. Standards for participation; intermediate care facility for the mentally retarded or persons with related conditions. This regulation is being amended to:

(a) Delete the language "not develop private pay wings or segregate medicaid/medikan recipients to separate areas of the adult care home";

(b) add that as a provider of intermediate care facility services for the mentally retarded or persons with related conditions, each adult care home shall provide five days notice to the client, guardian or responsible person when the client is admitted to a hospital and the facility has decided not to re-admit the client. If five days notice cannot be given, the facility shall re-admit the client unless the client needs a level of care the facility is not certified to provide; and

(c) update the Code of Federal Regulation citations which have been adopted by reference.

7. 30-10-6. Admission procedure. This regulation is being amended to:

(a) Provide that an adult care home shall not require a private paying resident to remain in a private pay status for any period of time following such resident's becoming medicaid/medikan eligible;

(b) provide that adult care homes shall be required to advise all residents of any admission limitation policy regarding medicaid residents;

(c) update the Code of Federal Regulation citations which have been adopted by reference; and

(d) make technical changes.

8. 30-10-8. Medical review in skilled nursing facilities and independent professional review in intermediate care facilities, intermediate care facilities for the mentally retarded, and intermediate care facilities for mental health. This regulation is being amended to update the Code of Federal Regulation citations which have been adopted by reference.

9. 30-10-9. Utilization review of adult care homes. This regulation is being amended to:

(a) Change the wording from Division of Medical Programs to Adult Services; and

(b) update the Code of Federal Regulation citations which have been adopted by reference.

10. 30-10-11. Personal needs fund. This regulation is being amended to:

(a) Delete the language in section (a)(3)(D) stating that "the facility's obligation upon written authorization by the resident to hold, safeguard, and account for the resident's personal funds";

(b) provide that the facility may keep up to \$500.00 of a resident's money in a non-interest bearing account or petty cash fund;

(c) provide that the facility shall within 30 days of receipt of the money, deposit in an interest bearing account any funds in excess of \$500.00 from an individual resident;

(d) provide that the facility must guarantee the security of residents' funds when the amount in the aggregate exceeds \$1,000.00; and

(e) provide that if a resident is incapable of managing personal funds and has no representative, the facility in the case of a resident who is eligible for SSI shall notify the local office of the social security administration and request that a representative be appointed or in other situations shall refer the resident to the local agency office, or the facility shall serve as a temporary representative payee for the resident until the actual appointment of a guardian or representative payee.

11. 30-10-15b. Financial data. This regulation is being amended to provide that records and documents shall be made available in Kansas for examination by the agency.

12. 30-10-16. Heavy care. The secretary is promulgating a new regulation concerning heavy care. The text of the proposed regulation is set forth below:

30-10-16. Heavy care. (a) Additional reimbursement shall be available to adult care homes and swing-bed hospitals for medicaid/medikan recipients in need of heavy care. Failure to obtain prior authorization shall negate reimbursement for this service.

(b) Heavy care shall be considered a covered service within the scope of the program unless the request for prior authorization is denied. Reimbursement for this service shall be contingent on approval by adult services.

13. 30-10-17. Cost reports. This regulation is being amended to:

(a) Provide that the 12-month period for which a cost report must be submitted shall coincide with the fiscal year used for federal income tax or other financial reporting purposes, except that the same 12-month period shall be used by providers related through common ownership, common interests or common control;

(b) provide that a working trial balance shall be submitted with the cost report;

(c) delete the provision providing that if the provider's cost report is received on or before the 10th calendar day after the due date, the provider shall not be subject to further penalty;

(d) delete the provision providing that if the provider's cost report is received after the 10th calendar day following the due date, the provider's current rate shall be reduced by 10%, effective with the first day of the month following the due date;

(e) provide that failure to file a cost report by the due date shall cause the provider's current rate to be reduced to the lowest rate in the state for the level of care in which the provider participates, and that the reduced rate or rates shall be in effect until the effective date of the rate from the new cost report; and

(f) make technical changes.

14. 30-10-18. Rates of reimbursement. This regulation is being amended to:

(a) Provide that all private pay rate changes and the effective dates shall be reported on the uniform cost report;

(b) provide that adult services shall be notified of any private pay rate changes within 30 days of the effective date;

(c) provide that rates for out-of-state providers certified to participate in the Kansas medicaid/medikan program shall be the rate or rates approved by adult services and that out-of-state providers require prior authorization by adult services;

(d) add a new paragraph (h) to read as follows:

(h) Projected cost reports to meet survey requirements.

(1) State intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs for active treatment in excess of \$200,000.00, to meet certification requirements, shall be allowed to file a projected cost report.

(2) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs for active treatment in excess of \$125,000.00, for facilities larger than 15 beds and \$40,000.00, for facilities with 15 beds or less to meet certification requirements, shall be allowed to file a projected cost report. A one time projection shall be allowed for a 12-month period. Projected cost reports shall be processed in accordance with K.A.R. 30-10-17(f).

(3) The adjustment resulting from the projected costs of the findings of the state and federal survey shall be treated as a pass-through for the period of the projection. The pass-through shall not exceed \$55.00 per day of 16-bed or more ICF-MR facilities. The pass-through shall not exceed the lowest state ICF-MR rate for 15-bed or less ICF-MR facilities.*; and

(e) make technical changes.

15. 30-10-19. Rates; effective dates. This regulation is being amended to:

(a) Provide that if the requested information has not been received by the end of one month following the date of written notification to the provider, the provider's rate shall be reduced to the lowest rate in the state for the level of care in which the provider participates. The reduced rate shall be in effect until the effective date of the rate from the new cost report; and

(b) update the Code of Federal Regulation citations which have been adopted by reference.

16. 30-10-21. Reserve days. This regulation is being amended to provide that reimbursement shall not be made to reserve a bed in a swing bed hospital when an adult care home will be reimbursed for the same day to reserve a bed for the recipient's return from the hospital "except in those cases where the recipient is receiving a skilled level of care in the swing-bed hospital."

17. 30-10-23c. Revenues. This regulation is being amended to include "ICF-MH" after "ICF-MR," and to provide that revenues shall be reported in accordance with general accounting rules as recorded in the accounting records of the facility and as required in the detailed revenue schedule in the uniform cost report.

18. 30-10-24. Compensation of owners, spouses, related parties and administrators. This regulation is

(continued)

being amended to add the language: "the salary schedule in effect when the cost report is processed until the subsequent cost report is filed" as another alternative under section (b)(1).

19. **30-10-26. Interest expense.** This regulation is being amended to clarify that necessary and proper interest on working capital indebtedness shall be an allowable cost.

20. **30-10-28. Inpatient days.** This regulation is being amended to:

(a) Provide that the provider shall report the total number of medicaid resident days in addition to the total resident days on the uniform cost report form; and

(b) delete the term "chronically" and replace it with the term "long-term."

21. **30-10-29. Reimbursement for 24-hour nursing care.*** The secretary is promulgating a new regulation concerning reimbursement for 24-hour nursing care. The text of the proposed regulation is set forth below:

30-10-29. Reimbursement for 24-hour nursing care. Adult care homes participating in the medicaid/medikan program shall be reimbursed for providing 24-hour nursing care subject to the following limitations: (a) Adult care homes which are currently providing 24-hour nursing care, whose costs are included in such home's rate but whose costs exceed the health care cost center limitation or the total cost center limitation shall be entitled to the difference in cost between a licensed nurse and a medication aide. Facilities certified as intermediate care facilities for mental health may utilize a licensed mental health technician for the required licensed nurse.

(b) Adult care homes which are currently providing 24-hour nursing care, whose costs are included in such home's rate and which do not exceed the health care cost center limitations or the total cost center limitation shall not be entitled to any further reimbursement under this regulation.

(c) Adult care homes which are providing 24-hour nursing care but who do not have these costs included in the home's rate shall be reimbursed the difference in cost between a licensed nurse and a medication aide. Facilities certified as intermediate care facilities for mental health may utilize a licensed mental health technician for the required licensed nurse.

(d) Adult care homes shall be limited to an additional 16 hours of reimbursement per facility per day for the difference in cost between a licensed nurse and a medication aide.

(e) Twenty-four hour nursing care reimbursement shall be provided in addition to an adult care home's current medicaid/medikan rate. Facilities certified as intermediate care facilities for mental health may utilize a licensed mental health technician for the required licensed nurse.

(f) The pass-through shall not exceed 12 months.

F. Licensing of Psychiatric Hospitals and Community Mental Health Centers; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons.

1. **30-22-10. Application for state financing.** This

regulation is being revoked and the content of this regulation is being transferred to K.A.R. 30-22-30.

2. **30-22-11. Establishment of new community mental health centers.** The secretary is promulgating a new regulation concerning establishment of new community mental health centers. The text of the proposed regulation is set forth below:

30-22-11. Establishment of new community mental health centers. No new center may be established if its proposed catchment area is already being served by one or more existing centers (not licensed pursuant to K.S.A. 75-3307b(b) and amendments thereto) except as set forth in K.A.R. 30-22-14.

3. **30-22-12. Realignment of an existing catchment area.** The secretary is promulgating a new regulation concerning realignment of an existing catchment area. The text of the proposed regulation is set forth below:

30-22-12. Realignment of an existing catchment area. No center may alter its existing catchment area except as set forth in K.A.R. 30-22-14.

4. **30-22-13. Request for the establishment of a new community mental health center or the realignment of a catchment area.** The secretary is promulgating a new regulation concerning request for the establishment of a new community mental health center or the realignment of a catchment area. The text of the proposed regulation is set forth below:

30-22-13. Request for the establishment of a new community mental health center or the realignment of a catchment area. (a) A request for the establishment of a new community mental health center or the realignment of a catchment area shall be in writing and shall include the following:

(1) Written views of the affected boards of county commissioners, executive directors and boards of directors, as appropriate;

(2) public comments;

(3) written comments from other governmental agencies;

(4) rationale for the proposal;

(5) plan for providing services to the proposed new catchment area; and

(6) other items as appropriate.

(b) The rationale for the proposal shall include, as appropriate:

(1) How, and by whom, was the decision to create or realign the mental health center initiated;

(2) a description of the catchment area;

(3) problems with the existing structure of mental health services;

(4) how a new or realigned center will address currently existing problems; and

(5) an assessment of the mental health needs of the proposed new catchment area, including:

(A) The method of conducting the assessment;

(B) a description of the priority mental health needs of the catchment area; and

(C) which of these needs are not being met.

(c) The service plan shall include:

(1) A description of how each of the required and other planned services will be provided;

(2) a description of how unique mental health needs of the catchment area will be met;

(3) evidence of establishing a working relationship with the appropriate state hospital;

(4) plan for staffing;

(5) description of the planned structure of governance, organization, fiscal management, etc., including an organizational chart of the new or realigned center; and

(6) a long range financial plan detailing how the new or realigned center proposes to finance itself during the initial five-year period.

(d) A statement of the fiscal and service impact on all affected catchment areas.

(e) Other items as appropriate.

5. 30-22-14. Approval criteria for the establishment of a new community mental health center or the realignment of a catchment area. The secretary is promulgating a new regulation concerning approval criteria for the establishment of a new community mental health center or the realignment of a catchment area. The text of the proposed regulation is set forth below:

30-22-14. Approval criteria for the establishment of a new community mental health center or the realignment of a catchment area. The agency shall consider the following factors when reviewing a request to establish a new community mental health center or to add or subtract a county or counties from an existing community mental health center catchment area: (a) Written views of the affected boards of county commissioners, executive directors and boards of directors, as appropriate;

(b) public comments, including the results from a public forum conducted by the agency in the proposed catchment area;

(c) written comments from other governmental agencies;

(d) rationale submitted by the requesting entity;

(e) service plan submitted by the requesting entity; and

(f) other factors as appropriate.

6. 30-22-15. Governing body. The secretary is promulgating a new regulation concerning governing body. The text of the proposed regulation is set forth below:

30-22-15. Governing body. A mental health center shall have a governing body which shall exercise general direction; establish policies concerning operation; and function as the ultimate authority for the overall operation of the program. (a) If the mental health center is established by a board or boards of county commissioners, that board or boards shall establish a governing body, representative of the area it serves.

(b) If the mental health center is a private, nonprofit organization, it shall be incorporated in accordance with Kansas statute.

(c) The names and addresses of the governing body as well as the names and addresses of the officers and, in the case of corporations, any other directors,

owners, principal stockholders or controlling persons, if existent, shall be disclosed.

(d) The governing body shall hold meetings quarterly, or more often if necessary. Minutes of the meetings shall be kept which document relevant activities of the meetings.

(e) The governing body shall establish by-laws of other policies and procedures which govern the operation of the organization and which conform to legal requirements and which clearly set out the responsibilities, authorities and roles of the members of the governing body and the organization of the mental health center.

(f) If the mental health center is a governmental organization, or is run by a hospital, there shall be a description of the administrative framework of the governmental agency or hospital within which it operates. The lines of authority within the governmental agency or hospital in relation to the governing body of the mental health center shall be described.

(g) If the mental health center is a private corporation, it shall have on file articles of incorporation, current as to any amendments or other changes, and duly registered with the secretary of state and county register of deeds. In accordance with K.S.A. 19-4007, the private corporation shall also have on file written contract with the board of county commissioners of the county or counties it serves which address the provision of mental health services to the citizens of the county or counties. The by-laws or other organizational policies and procedures shall include but not be limited to the following:

(1) Definition of the powers and duties of the governing body, its officers and any committees and a definition of authority and responsibilities delegated to employed staff;

(2) criteria for membership, types of membership, how members are elected or appointed, the length of term, membership requirement, the method of filling vacancies, officers, and committee chairpersons;

(3) frequency of meetings, quorum requirements; and

(4) objectives of the organization.

(h) The duties or responsibilities of the governing body shall include but not be limited to the following:

(1) Provide overall direction and ultimate authority to the community mental health center;

(2) hire, evaluate and dismiss the center chief executive officer (center director);

(3) approve the center's annual budget;

(4) formulate or approve of policies regarding the operation of the community mental health center;

(5) develop or approve of short range and long range program and financial plans including goals and objectives of the community mental health center; and

(6) discharge other duties as required by K.S.A. 19-4001 et seq.

(i) The governing body shall report, at least annually, to the board or boards of county commissioners of the county or counties it serves and to the secretary of social and rehabilitation services.

(continued)

7. 30-22-16. Personnel management. The secretary is promulgating a new regulation concerning personnel management. The text of the proposed regulation is set forth below:

30-22-16. Personnel management. The ultimate administrative authority shall be the chief executive officer, appointed by the governing body, who shall be responsible to that governing body as defined in the by-laws or regulative policies and procedures of the center. (a) The medical responsibility for each patient of the mental health center shall be vested in a physician. If the physician is not a psychiatrist, there shall be psychiatric consultation made available to such physician as well as to other center staff on a continuing and regularly scheduled basis.

(b) The mental health center shall ensure that adequate numbers of qualified personnel are provided to support a high quality of care. The clinical staff shall include professionals in psychiatry, psychology, social work and other specialties as needed and appropriate.

(1) In lieu of direct employment, the mental health center may contract for the services of those professionals.

(2) All members of the clinical staff, including contracted personnel, shall be fully qualified according to the standards set by SRS medical services or shall be supervised by clinical staff members who are fully qualified.

(3) These staff shall abide by the ethical standards of their professions.

(c) The mental health center shall provide time for training or continuing education to maintain the professional status of clinical and administrative staff.

(d) Volunteers who are to have direct client contact, shall be screened, trained and supervised by the director of the program to which they are assigned or other designated staff.

8. 30-22-17. Personnel policies and procedures. The secretary is promulgating a new regulation concerning personnel policies and procedures. The text of the proposed regulation is set forth below:

30-22-17. Personnel policies and procedures. (a) Written personnel policies affecting all staff, consultants performing staff functions, and volunteers of the center shall be developed and maintained governing the following:

(1) Recruitment, selection, promotion and termination of staff;

(2) wage, hours and salary administration;

(3) employee benefits;

(4) employee leave;

(5) job performance appraisal;

(6) employee grievances;

(7) disciplinary systems; and

(8) suspension and termination mechanisms.

(b) The personnel policies and procedures, including all changes, shall be made available to all staff of the center.

(c) An affirmative action plan shall be developed and implemented by the center.

(d) Personnel files shall be maintained on all center

personnel and on consultants and volunteers rendering psychotherapy services.

(1) The files shall only contain that information directly relevant to the individual's job.

(2) The files shall be kept in a secure and locked place with access only to the individual and administrative staff.

(e) Written job descriptions for each established position, employee, consultant performing staff functions or volunteer rendering psychotherapy shall be developed, maintained and revised when changes occur.

(1) The job description for each position shall minimally contain:

(A) Specific statements regarding the duties and responsibilities;

(B) minimum level of education, training and work experience required to fulfill the duties and responsibilities;

(C) position title and authority to whom the employee, consultant or volunteer is immediately responsible;

(D) supervisory responsibilities, if any;

(E) department, service or unit to which the position is assigned;

(F) location of the job; and

(G) any other information pertinent to the job.

(2) The job description shall be available, on request, to all staff members.

(3) Newly hired employees shall be given a copy of the job description of the position for which they were hired.

(f) A written appraisal of the job performance of every staff member shall be conducted at least annually.

(1) Written procedures regarding the performance appraisal shall be available on request of all staff.

(2) The performance appraisal shall be relevant to the job performed and the job description.

(3) A copy of the written performance appraisal, countersigned by the staff member, shall be maintained in the personnel file and a copy of the performance appraisal shall be given to the individual.

(4) The performance appraisal shall address the correction of any weakness or deficiency in job performance.

9. 30-22-18. Consultants. The secretary is promulgating a new regulation concerning consultants. The text of the proposed regulation is set forth below:

30-22-18. Consultants. Agreements for consulting services shall be in writing and signed by the parties. Such agreements shall set forth performance expectations and review procedures if the consultant shall be performing routine or clinical staff functions.

10. 30-22-19. Required services. The secretary is promulgating a new regulation concerning required services. The text of the proposed regulation is set forth below:

30-22-19. Required services. (a) Except as set forth in subsection (b) below, a prerequisite for licensure at a community mental health center is that the center shall provide at least the following services to adults,

children, families and the elderly regardless of ability to pay:

(1) Outpatient services. Such services shall minimally include:

- (A) Evaluation;
- (B) diagnosis;
- (C) referral/liaison;
- (D) individual, group and family therapies; and
- (E) prescription and monitoring of psychotropic medications.

(2) Emergency services. Such services shall minimally include:

(A) A procedure whereby patients and other community residents can secure assistance for mental health emergencies 24 hours a day, seven days a week. Such procedures shall be communicated clearly in the center's written description of its overall program of services;

(B) ongoing consultation and training to community resource people who routinely respond to psychiatric emergencies;

(C) a system for documented follow-up of persons seen for psychiatric emergency contact; and

(D) an arrangement for medical back-up in support of psychiatric emergency intervention.

(3) Screening services. Such services shall minimally include evaluation, within 24 hours, to determine the need for inpatient care for persons referred for that purpose. Such evaluations shall:

- (A) Consider the least restrictive alternative;
- (B) include a procedure for referral to state hospitals or other psychiatric inpatient units serving their area; and

(C) include an ongoing program and case oriented consultation with courts, law enforcement officials, physicians and other helping persons and agencies regarding potential voluntary and involuntary admission to state hospitals, ensuring that community alternatives are used when appropriate.

(4) Aftercare services. Such services shall minimally include:

(A) Systematic contact with service area residents during their stay at, or after their discharge from a state hospital;

(B) provision or promotion of programs that provide socialization opportunities for chronically mentally ill, including those discharged from state hospitals; and

(C) provision for prescribing and monitoring of psychotropic medications required by aftercare patients.

(5) Consultation and education services are provided to the citizens, professionals, and agencies within the center's catchment area.

(b) Centers licensed pursuant to K.S.A. 75-3307b(b) and amendments thereto shall be exempt from the provisions of this regulation.

11. 30-22-20. Inpatient services. The secretary is promulgating a new regulation concerning inpatient services. The text of the proposed regulation is set forth below:

30-22-20. Inpatient services. If a community mental health center provides inpatient services, such ser-

vices shall be provided in a humane manner, according to acceptable clinical standards of practice. The inpatient services shall, when applicable, be certified by the state department of social and rehabilitation services, the state department of health and environment or the licensing authority of the state in which the inpatient facility is located.

12. 30-22-21. Alcohol and drug abuse services. The secretary is promulgating a new regulation concerning alcohol and drug abuse services. The text of the proposed regulation is set forth below:

30-22-21. Alcohol and drug abuse services. If a center provides specialized alcohol and drug abuse services, such services shall: (a) Be provided in a humane manner, according to acceptable clinical standards of practice; and

(b) be certified by SRS alcohol and drug abuse services.

13. 30-22-22. Partial hospitalization. The secretary is promulgating a new regulation concerning partial hospitalization. The text of the proposed regulation is set forth below:

30-22-22. Partial hospitalization. If a center provides partial hospitalization services, the program shall be designed according to the following guidelines. (a) A partial hospitalization program shall be goal oriented to effectively address psychological, psychopharmacologic, interpersonal, daily living and environmental support system issues to help clients achieve their highest level of autonomous and independent community functioning.

(b) The treatment team shall include a physician who is a psychiatrist or who is skilled in the treatment of mental disease; a program director who can be a Kansas certified Ph.D. psychologist, a masters level social worker, a registered psychiatric nurse or a physician; a treatment manager who is a member of the center staff and who has regular program contact with the client and responsibility for implementation of the treatment plan.

(c) Services included within the scope of a partial hospitalization program shall at least include nursing services, adjunctive evaluation and assessment services, medication services, 24-hour crisis intervention, case management/outreach, daily living and self-care skills therapy, vocational oriented services, transportation services or coordination, and community integration or re-integration services. Additional services may be included if approved by the agency. The content of an individual program will vary according to the specific needs of the client.

(d) A case record shall be maintained for each individual in the program which shall minimally include:

- (1) Diagnosis and prognosis;
- (2) an intake evaluation; completed prior to admission including a review of the clients' current health and psychosocial status which reflects a demonstrable need for treatment;
- (3) a treatment plan which shall be written within 14 days of admission and shall minimally include:

(A) Measureable goals and objectives related to more autonomous community functioning;

(continued)

(B) services to be provided to assist the client to meet established goals; and

(C) documentation of reviews of the treatment plan, by the treatment team, at intervals of no more than 90 days reflecting modifications of the plan as needed;

(4) progress notes, at least twice per month related to the treatment plan; and

(5) utilization review documentation completed within 90 days of intake and prior to each 90 days of treatment thereafter.

14. 30-22-23. Clinical records. The secretary is promulgating a new regulation concerning clinical records. The text of the proposed regulation is set forth below:

30-22-23. Clinical records. Centers shall maintain an identifiable current clinical/medical record on each active patient. (a) The record shall include but not be limited to:

- (1) Initial assessment;
- (2) treatment plan including client goals and objectives and services to be rendered;
- (3) prescribed drug profile;
- (4) client information form; and
- (5) notes documenting service rendered and client progress achieved.

(b) Clinical records shall be kept in locked cabinets or other secured location.

15. 30-22-24. Community relations. The secretary is promulgating a new regulation concerning community relations. The text of the proposed regulation is set forth below:

30-22-24. Community relations. (a) A center shall establish and maintain cooperative relationships with service agencies such as the local SRS area office, public health department, hospitals, substance abuse programs, area education agencies, and law enforcement agencies.

(b) A center shall demonstrate coordination and follow-up of clinical referrals between center and other agencies or practitioners.

(c) A center shall have either an informal or formal mechanism to assess the mental health needs of the community and insure relevancy of established center services.

(d) A center shall provide a mechanism whereas community and consumers may give feedback to the center about the services and community needs.

16. 30-22-25. Quality review. The secretary is promulgating a new regulation concerning quality review. The text of the proposed regulation is set forth below:

30-22-25. Quality review. A community mental health center shall develop its own written quality review plan designed to objectively and systematically monitor and evaluate the quality and appropriateness of treatment, pursue opportunities to improve treatment, and resolve identified problems. The written plan shall minimally include: (a) A plan for utilization review;

(b) standards for staff credentialing and professional development;

(c) a client/staff/community complaint procedure;

- (d) ethical standards and standards of practice;
- (e) other standards related to quality review; and
- (f) a plan for inclusion of data from external evaluation sources.

17. 30-22-26. Clients' rights. The secretary is promulgating a new regulation concerning clients' rights. The text of the proposed regulation is set forth below:

30-22-26. Clients' rights. A center shall establish written policies which shall be available to those receiving services describing clients' legal rights relating to services rendered and all rules and regulations governing their conduct while clients of the center. Such policies shall minimally include: (a) Access to service;

- (b) confidentiality;
- (c) right to refuse treatment;
- (d) knowledge or awareness of treatment and treatment procedures including medication and their side effects; and
- (e) method for handling clients complaints and grievance.

18. 30-22-27. Accessibility. The secretary is promulgating a new regulation concerning accessibility. The text of the proposed regulation is set forth below:

30-22-27. Accessibility. A center shall be visible and accessible to the catchment area. (a) Visibility shall minimally include:

- (1) Visible signs identifying the facility;
- (2) direction-giving information posted within the facility, if service provided in multi-purpose facility;
- (3) the name, address and telephone number of the center is on all center stationery;
- (4) a brochure describing the center and its services, available to residents of the mental health service area; and
- (5) a listing in major telephone directories in the mental health service area.

(b) Accessibility shall minimally include:

- (1) Adequate parking for the consumers;
- (2) services available at times other than the usual eight-five weekday hours;
- (3) arrangements to provide adequate accommodations to meet the needs of consumers, particularly the special needs of handicapped, children and elderly; and
- (4) services available without undue delay.

(A) Upon initial contact with the center, the consumer will be screened to determine the severity of their problem and appropriate intervention required.

(B) Consumers in crisis shall be seen without delay by an appropriate professional.

(C) Centers shall institute appropriate procedures to avoid waiting periods of greater than two weeks.

19. 30-22-28. Confidentiality. The secretary is promulgating a new regulation concerning confidentiality. The text of the proposed regulation is set forth below:

30-22-28. Confidentiality. (a) Centers shall have written policy which complies with all appropriate

state and federal laws concerning confidentiality of patient information.

(b) Centers shall have a signed release of information form that meets the requirements of such laws.

20. 30-22-29. Research utilizing human subjects. The secretary is promulgating a new regulation concerning research utilizing human subjects. The text of the proposed regulation is set forth below:

30-22-29. Research utilizing human subjects. (a) Prior to conducting research using human subjects, a center shall:

(1) Develop procedural guidelines for the conduct of such research;

(2) establish a committee to review and approve any proposed research; and

(3) obtain the written consent of the proposed subjects.

(b) Results of any research shall be shared with appropriate staff.

21. 30-22-30. Application for state financing of community mental health centers. The content of this regulation was set forth in K.A.R. 30-22-10 prior to May 1, 1987. The text of the proposed regulation is set forth below:

30-22-30. Application for state financing of community mental health centers. (a) Community mental health centers may apply for state financing under K.S.A. 65-4401 through 65-4408 by submitting an annual budget request to the secretary of social and rehabilitation services.

(b) Budget requests shall be submitted to the secretary by July 1 of each year unless a delay is granted in writing.

(c) Budgets shall be submitted on forms and according to instructions prescribed by the secretary.

(d) "Income for capital expenditures subtracted from total income to compute income eligible for state financing" means income used for:

(1) Fixed equipment or structures when the income used is in excess of \$5,000.00; or

(2) movable equipment when the income used is in excess of \$15,000.00.

(e) If the value of donated equipment or structures exceeds the criteria in subparagraphs (1) and (2) of paragraph (d) the value of the donated equipment or structure shall be considered to be income for capital expenditures. Income for capital expenditures which is excludable because of source shall be excluded under source of income and not as capital expenditures.

(f) Governmental third party payments shall be subtracted from total income prior to computing income eligible for state financing.

(g) The amount of salary paid to professional personnel listed below, which is above the top step for the comparable state salary as determined by the secretary, plus monetary employee benefits, shall be subtracted before computing income eligible for state financing.

(1) Each social service worker whose primary duties consist of direct client services;

(2) each social service worker who is an administrative department head;

(3) each psychologist whose primary duties consist of direct client service;

(4) each psychologist who is an administrative department head;

(5) each psychologist whose primary duties consist of research or training;

(6) each registered nurse whose primary duties consist of direct client service;

(7) each registered nurse who is an administrative section head;

(8) each registered nurse who is an administrative department head;

(9) each physician whose primary duties consist of direct client service;

(10) each physician who is a department head;

(11) each psychiatrist whose primary duties consist of direct client service;

(12) each psychiatrist who is a department or section administrator;

(13) each assistant facility administrator who is not a physician;

(14) each assistant facility administrator who is a physician;

(15) each facility administrator who is not a physician; and

(16) each facility administrator who is a physician.

(h) When an existing program is adequately serving a geographic area, or a major portion of it, a duplicate program shall not be requested in the budget of another center. Reasonable efforts shall be made to make the existing service available to all citizens in the area through contractual agreement with the provider of the existing service, if necessary.

(i) As soon as state appropriation bills are signed into law, the amount available for each center that has submitted a budget shall be determined by the secretary. The amount shall be based on the audited eligible income reported for the second preceding fiscal year ending December 31, or on the estimated eligible income in the budget application submitted by centers which had submitted a budget for the first time during the preceding budget cycle. The audits used for this purpose shall be those conducted by auditors of the department of social and rehabilitation services. The amounts so determined shall be paid to the centers in four payments on July 1, October 1, January 1 and April 1.

(j) Each center shall submit a quarterly report within 30 working days after the end of each calendar quarter. The report shall be on forms and in such detail as prescribed by the secretary and shall show income, deletions from income to determine eligible income, and expenditures.

(k) Each center shall file a copy of its annual audit report that has been certified by an independent auditor.

(l) The secretary shall verify the amount of income, eligible income and disbursements reported on the quarterly reports during the fiscal year (January 1 through December 31) with audits conducted by au-

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ditors of the department of social and rehabilitation services. Verification audits shall be conducted annually and shall be completed not later than the August 31 following the preceding fiscal year ending December 31, or as soon thereafter as is reasonable.

(m) The actual eligible income reported on quarterly reports and audit reports, as verified by social and rehabilitation services auditors, shall become the basis for reallocating the payments described in paragraph (i). Underpayments or overpayments shall be adjusted as follows:

(1) Underpayments, overpayments or payments exceeding the maximum allowed by statute because of payments made on January 1 or April 1, or resulting from audit reports or corrections to prior quarterly reports, shall be subtracted from or added to the payment made on October 1.

(2) Underpayments, overpayments or payments exceeding the maximum allowed by statute occurring because of payments made on July 1 or October 1, or resulting from audit reports or corrections to prior quarterly reports, shall be subtracted from the payment made on April 1 or paid to the centers by March 1.

(n) The secretary may withdraw funds from any program which is not being substantially administered according to the annual budget.

(o) The secretary may withhold payments from a center or facility for one or more of the following reasons:

- (1) Failure to submit required reports;
- (2) unreasonable delay in the submission of required reports; or
- (3) other good cause.

22. 30-22-31. Definitions. The secretary is promulgating a new regulation concerning definitions related to the financing of community mental retardation facilities. The text of the proposed regulation is set forth below:

30-22-31. Definitions. The following definitions apply to K.A.R. 30-22-32. (a) "Community mental retardation facility" means a local service provider organized according to K.S.A. 19-4001 to 19-4015, and licensed according to K.S.A. 75-3307b and approved by the secretary.

(b) "Base facility" means a community mental retardation facility that received state financial aid in state fiscal year 1986 under K.S.A. 1985 Supp. 65-4401 et. seq., and is recognized by the secretary as the lead facility in their designated catchment area.

(c) "Affiliate facility" means a local service provider licensed according to K.S.A. 75-3307b, was recognized as an affiliate facility by the secretary in fiscal year 1986 under K.S.A. 1985 Supp. 65-4401 et. seq., and contracted with a base agency in order to coordinate with and avoid duplication of services within a base facility's catchment area.

(d) "State hold harmless level" means the amount appropriated for state fiscal year 1986 under the provisions of K.S.A. 1985 Supp. 65-4401 et. seq., and is comprised of the aggregate of each eligible facility's hold harmless level.

(e) "Facility's hold harmless level" means the amount a facility earned in state fiscal year 1986 under the provisions of K.S.A. 1985 Supp. 65-4401 et. seq.

(f) "Part day" means any adult day activity or vocational programming service that requires at least 1.5 but no more than 3.0 hours of direct contact between a facility's staff and its client.

(g) "Full day" means any adult day activity or vocational programming service that requires in excess of 3.0 hours of direct contact between a facility's staff and its client.

(h) "Individual habilitation plan (IHP)" means a plan, in written form, which describes a specific strategy for treatment/rehabilitation developed and agreed upon by team members and the client or a legal representative and which includes information regarding assessment, goals and objectives, time lines, program strategies and interventions, monitoring, review and documentation procedures.

(i) "Per diem rate" means an amount per program unit that shall be paid to community mental retardation facilities for serving mentally retarded, or otherwise developmentally disabled clients.

(j) "Program unit" means a unique program provided by a community retardation facility to a client as recommended in the client's individual habilitation plan (IHP). No more than one unit can be generated by a particular program for any one client on a given day, regardless of the level of disability of the client and the length or intensity of the program provided.

(k) "Adult day care" means services to elderly or disabled adults to prevent institutionalization or re-institutionalization; to allow individuals to remain in their own home or the least restrictive environment; to protect against abuse, neglect, and exploitation; and to enable family members to obtain or remain in employment.

(l) "Adult life skills training" means services that provide training in life skills, personal social adjustment and work attitude and skills exploration to improve, maintain functions, or reduce regression of disabled individuals with very limited personal, social, and pre-vocational skills.

(m) "Work activity" means services that provide long-term work instruction and supervision to assist disabled individuals demonstrating pre-vocational skills in maximizing vocational abilities.

(n) "Vocation evaluation" means services that assess the extent of disability, vocational abilities and interests, work related capabilities, potential and the need for employability development services and provide information to the referring agency which can influence the types of programs and services that might be provided to individuals with unknown service needs or unknown vocational potential.

(o) "Work adjustment" means services that assist disabled persons who demonstrate basic work skills to develop or refine critical work behaviors within a short period of time, which shall improve their prospect of obtaining employment.

(p) "Occupational skills training" means services that assist disabled persons who demonstrate a poten-

tial to benefit from skill training to acquire occupational skills needed to perform jobs in competitive employment.

(q) "Supported employment" means services that provide competitive community employment with emphasis on structural job placement or on-the-job training for as long as is necessary and provides follow-up services that assure continued employment.

(r) "Group living" means services that improve life skills, personal and social adjustment of disabled individuals needing daily, but non-medical supervision and support to enable them to become more self-sufficient in the community.

(s) "Semi-independent living" means services that enable disabled individuals requiring less than daily supervision or training to remain and function in the community with minimal supervision or training.

(t) "Independent living (agency operated)" means services that enable disabled individuals to increase personal self-determination through the provision of direct services or through advocacy and referral to other community services.

23. 30-22-32. Application for state financing of community mental retardation facilities. The secretary is promulgating a new regulation concerning application for state financing of community mental retardation facilities. The text of the proposed regulation is set forth below:

30-22-32. Application for state financing of community mental retardation facilities. Base facilities may apply for state financing under L. 1986, Ch. 245, New Secs. 1 to 5, inclusive, by submitting an annual grant application to the secretary of social and rehabilitation services (SRS). Applications shall be based upon the number of program units generated by eligible clients served by the facility in the previous calendar year at per diem rates established by the secretary pursuant to subsection (g). (a) Client eligibility. A client shall be eligible and shall generate program units for a facility if the client meets the following conditions:

(1) Is mentally retarded, or otherwise developmentally disabled;

(2) is 18 years of age or older;

(3) except for those individuals under age 21 who are in day programming, the individual shall have completed the prescribed courses as outlined by the department of education or the local education agencies (LEA), and if the individual habilitation plan indicates a need for ongoing courses shall be enrolled in such prescribed courses by the community mental retardation facility;

(4) has an individual habilitation plan (IHP) acceptable by the SRS area office; and

(5) is not being supported in whole or in part by a special grant from SRS to support clients transferred from a state hospital or training center or private ICF/MR.

(b) Program eligibility. The following programs as defined in K.A.R. 30-22-31 shall be eligible for generating state financing when provided to an eligible client:

(1) Adult day care;

(2) adult life skills training;

(3) work activity;

(4) vocational evaluation;

(5) work adjustment;

(6) occupational skills training;

(7) supported employment;

(8) group living;

(9) semi-independent living; and

(10) independent living (agency operated).

Facilities shall be restricted to programs (1) through (10) in computing program units, but shall not be restricted to programs (1) through (10) in expending the grant funds they receive.

(c) Counting program units. For the purpose of establishing the number of program units, there are established four client groupings with associated programs:

(1) Adult day activity or vocational programming (part-day):

(A) Adult day care;

(B) adult life skills training;

(C) work activity;

(D) vocational evaluation;

(E) work adjustment;

(F) occupational skills training; and

(G) supported employment.

(2) Adult day activity or vocational programming (full-day):

(A) Adult day care;

(B) adult life skills;

(C) work activity;

(D) vocational evaluation;

(E) work adjustment;

(F) occupational skills training; and

(G) supported employment.

(3) Group living and support programming:

(A) Group living; and

(B) semi-independent living.

(4) Independent living (agency operated).

(d) Facility eligibility. To be eligible for a grant award, a community mental retardation facility shall meet the following criteria:

(1) Be organized according to K.S.A. 19-4001 to 19-4015;

(2) be licensed according to K.S.A. 75-3307b; and

(3) be approved by the secretary.

(e) Base and affiliate facilities. Community facilities for the mentally retarded shall be classified as base or affiliate facilities as defined in K.A.R. 30-22-31. In order to avoid duplication, each base and affiliate facility shall cooperate by means of an affiliate agreement. The agreement, in the form of a contract, shall be subject to the approval of the secretary before any state grants shall be awarded. New base and affiliate facilities not recognized by the secretary during fiscal year 1986 under K.S.A. 1985 Supp. 65-4401 et. seq. may also be determined eligible if they avoid duplication of services and meet all the criteria in subsection (d) for base facilities, or paragraphs (1) and (2) in subsection (d) for affiliate facilities.

(f) Appeal procedures. In matters of dispute be-

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tween a base and affiliate facility arising from the establishment, or attempts at establishment, of an affiliate agreement, the secretary shall establish a review board comprised of one representative from each of the following: an SRS area office in the affiliate or base facility catchment area, mental health and retardation services (MHRS), and a base or affiliate facility not a party to the dispute nor already affiliated with the base facility. The review board shall be chaired by the representative of the SRS area office, and the board shall report to the secretary its recommendations. The secretary may accept or modify the board's recommendation.

(g) Per diem rate calculation. A separate per diem rate for each of the four client groups shall be calculated based upon the projected cost to serve both current clients and those on community waiting lists. The projected cost shall be based upon the most recent available audited cost as calculated by the SRS audit division, inflated by the actual and projected cost of living adjustments (COLA) for the time period between the end of the audited year and the beginning of the grant year after excluding all current and projected resources other than any funding under L. 1986, Ch. 245, New Secs. 1 to 5, inclusive. This adjusted figure shall be divided by the sum of the program units as reported by the facilities in accordance with subsection (c) and the projected program units associated with the clients on the waiting list submitted as required by subsection (k). The resulting calculations shall constitute the per diem rates for the state fiscal year.

(h) Grant applications. Grant applications shall be submitted to the secretary by May 15 of each year unless a delay is approved in writing. Applications shall be submitted on forms and according to instructions prescribed by the secretary.

(i) Appropriation of state funds and proration of grant awards. The secretary shall determine the amount available for each facility that has submitted an application, subject to appropriation limitations. In the event that sufficient moneys to pay to all community mental retardation facilities the full amount of grant payments determined by subsection (h) have not been appropriated or are not available, the entire amount available for grant payments shall be prorated by the secretary among all the community mental retardation facilities applying for such grant payments in proportion to the amount each such community mental retardation facility would have received if sufficient moneys had been appropriated and available thereof, subject to the provisions of subsection (j). The amounts so determined shall be paid to the centers in four payments on July 1, October 1, January 1, and April 1.

(j) Hold harmless distribution. There are established two mechanisms for distributing the state appropriation subject to the hold harmless levels defined in K.A.R. 30-22-31.

(1) If in the event an appropriation meets or exceeds the state's hold harmless level, but the grant for a facility as determined by subsection (i) is less than the facility's hold harmless level, then the grant award

for that facility shall be increased to meet the facility's hold harmless level.

(2) If in the event the appropriation is less than the state's hold harmless level, then each facility shall receive a grant award that is prorated based upon the percentage that each facility's hold harmless level comprises the state's hold harmless level.

(k) Quarterly reports. Each facility shall submit a quarterly report within 30 working days after the end of each quarter. The report shall be on forms and in such detail as prescribed by the secretary and shall describe by program their income, expenditures, clients and program units, and shall include the number and names of clients on their waiting lists.

(l) Annual audit reports. Each center shall file a copy of its annual audit report certified by an independent auditor.

(m) Audits. The secretary shall verify the amount of income, expenditures, and program units reported on the quarterly reports during the calendar year (January 1 through December 31) with audits conducted by auditors of the department of social and rehabilitation services. Verification audits shall be conducted annually and completed not later than the August 31 following the preceding calendar year ending December 31 or as soon thereafter as is reasonable.

(n) Underpayments or overpayments. Underpayments or overpayments resulting from audit reports or corrections to prior quarterly reports, shall be subtracted from or added to the payments made on October 1 and April 1.

(o) Withdrawal of funds. The secretary may withdraw funds from any facility that does not maintain eligibility as described in subsection (d), or is not being substantially administered according to the grant application, including providing fewer than the number of program units upon which their grant was awarded. In the event a facility provides fewer than 95% of the number of program units in their grant award, the secretary shall calculate the amount to be withheld according to the per diem rate multiplied by the number of program units short of the grant award, subject to proration as described in subsection (i). The secretary shall take into consideration the effect of paragraph (5) of subsection (a) in determining if a withdrawal of funds is required, and shall not withdraw funds associated with clients ineligible under paragraph (5) of subsection (a). If in the event the appropriation was prorated as described in subsection (i), any withdrawn funds shall be prorated to the other facilities according to the method described in subsection (i), and shall be distributed in the April 1 payment.

(p) Withholding of payments. The secretary may withhold payments from a facility for one or more of the following reasons:

- (1) Failure to submit required reports;
- (2) unreasonable delay in the submission of required reports; or
- (3) failure to enter into an affiliate agreement with a facility in order to avoid duplication as described in subsection (e).

G. Licensing of Non-Medical Community Based Agencies Providing Services to Handicapped Adults.

1. **30-41-1. Definitions.** This regulation is being amended to delete definitions for license, licensing regulations, licensing specialist, and licensing review.

2. **30-41-2. Licensing procedures.** This regulation is being amended to:

(a) Delete the statements on department procedures for processing license applications;

(b) indicate that each provisional license shall become a regular license at the end of a period of 180 days if the department agrees, in writing, that the previously noted deficiencies have been corrected;

(c) change the requirement for residential facilities with eight or more residents from being licensed to being approved by the department of health and environment under the food service and lodging act; and

(d) specify that a license shall not be issued for a period of more than one year.

3. **30-41-5. Terms of license.** This regulation is being amended to:

(a) Require day program and group living programs to keep a copy of the regulations on the premises;

(b) specify that a license can be suspended or revoked if the provisions of K.A.R. 30-2-15 are not complied with;

(c) delete the statements on department procedures for notifying and reviewing evidence from an agency whose license has been revoked or suspended; and

(d) reflect technical changes.

4. **30-41-6c. Disaster policies.** This regulation is being amended to reflect technical changes.

5. **30-41-6d. Health policies.** This regulation is being amended to:

(a) Require that outdated or discontinued medication shall be discarded in the presence of the supervisor; and

(b) require facilities to follow proper techniques of asepsis and isolation for clients with infections and contagious diseases.

6. **30-41-6h. Client policies.** This regulation is being amended to reflect technical changes.

7. **30-41-7b. Buildings, general.** This regulation is being amended to:

(a) Require facilities to adhere to any plan of correction submitted to the state fire marshal;

(b) indicate that the state fire marshal shall approve fire protection equipment as adequate; and

(c) reflect technical changes.

8. **30-41-7d. Adult residential sleeping facilities.** This regulation is being amended to:

(a) Require that bedroom windows be operable without a tool; and

(b) reflect technical changes.

9. **30-41-7g. Food service.** This regulation is being amended to change the requirement for community day programs which prepare and serve food from obtaining a license to obtaining approval from the department of health and environment under the food service and lodging act.

H. Licensing of Non-Medical Resident Care Facilities.

1. **30-42-6. Definitions.*** The secretary is promulgating a new regulation concerning definitions. The text of the proposed regulation is set forth below:

30-42-6. Definitions. (a) "Applicant" means any facility which applies for a license issued by the department to provide residential care.

(b) "Department" means the Kansas state department of social and rehabilitation services.

(c) "Facility" means any private person, group, association or corporation, or any community or local government department undertaking to provide residential care within the meaning of these regulations.

(d) "Handicapped" means a physical, mental, or emotional impairment which limits one or more major life activities.

(e) "Mental or emotional abuse" means any method of inflicting or causing mental injury or causing deterioration of the individual. Mental or emotional abuse includes failure to maintain reasonable care or treatment to such an extent that the individual's emotional well-being is in danger.

(f) "Secretary" means the secretary of the department of social and rehabilitation services.

(g) "Staff" means employees of the facility who spend a majority of their work time in the supervision of residents.

2. **30-42-7. Licensing procedures.*** The secretary is promulgating a new regulation concerning licensing procedures. The text of the proposed regulation is set forth below:

30-42-7. Licensing procedures. (a) Each facility shall apply for a license on application forms provided by the department.

(b) Each application for renewal of a license shall be submitted by the licensed facility to the department at least 60 days before expiration of the license. This provision may be waived by the department upon a showing of good cause by the facility.

(c) At the discretion of the department, a provisional license may be issued to any facility that is substantially in compliance with the licensing regulations, if the facility presents evidence that any deficiency is temporary and if efforts to correct the deficiency are agreed to or are in progress. Each provisional license shall become a regular license at the end of a period of 180 days if the department agrees, in writing, that the previously noted deficiencies have been corrected. If the deficiencies have not been corrected, the provisional license shall automatically lapse at the end of the 180-day period.

(d) Each license issued shall specify and shall be valid only for the facility and the operator named on the license. The new application shall be required for each change of operator. A facility which changes operators may continue to provide the same care which it was licensed to provide under its last prior operator for the period of time that is required for the facility to pursue all administrative avenues available under these regulations for obtaining licensure under the facility's new operator.

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(e) The license shall be issued for a specified period of time not to exceed one year.

(f) The department, upon request, may waive any specific licensing standard for good cause if such waiver does not affect the health, safety or welfare of a facility's residents.

3. 30-42-8. Capacity.* The secretary is promulgating a new regulation concerning capacity. The text of the proposed regulation is set forth below:

30-42-8. Capacity. Each license shall specify the maximum number of residents who may be served at any one time in the facility. That maximum number shall not be less than five nor more than 40.

4. 30-42-9. Suspension or revocation of license.* The secretary is promulgating a new regulation concerning suspension or revocation of license. The text of the proposed regulation is set forth below:

30-42-9. Suspension or revocation of license. (a) The license of any facility shall be suspended or revoked according to the provisions of this subsection (a) whenever:

(1) The department finds that the facility has failed to comply with the provisions of K.A.R. 30-2-15 or of any licensing regulations set forth in this article and there is reason to believe that the facility will be in further non-compliance; or

(2) the department finds that the facility is in continuing non-compliance with K.A.R. 30-2-15 or of any licensing regulations set forth in this article.

(b) Procedures for the suspension or revocation of a license.

(1) Subject to the provisions of paragraph (2) of this subsection, when the department finds that a licensed facility is not in compliance with the provisions of any licensing regulations set forth in this article, the department shall informally advise the facility's operator or chief officer in person or by telephone of a finding of non-compliance. This informal communication shall be confirmed in writing within five working days of the informal advice. The written confirmation of the advice shall:

(A) Specify in detail the noted items of non-compliance;

(B) inform the facility of the action required to correct the non-compliance;

(C) inform the facility that failure to provide evidence that the non-compliance has been corrected will result in suspension or revocation of the facility's license;

(D) inform the facility of the time period within which the item of non-compliance can be corrected without temporary or permanent loss of license. This time period shall not be less than 45 days from the date of written confirmation; and

(E) inform the facility of the name and address of the person within the department to whom evidence must be provided demonstrating that the item of non-compliance has been corrected.

(2) The department shall immediately suspend the license of any facility whose non-compliance with these regulations is of a nature so serious that such non-compliance will constitute an immediate threat to

the health, safety or welfare of the facility's residents. The department shall immediately initiate an action to revoke such a license according to these regulations.

(3) Whenever a facility has failed to satisfy the department that an item of non-compliance has been corrected as provided in paragraph (1) of this subsection, or whenever the department has suspended a facility's license under paragraph (2) of this subsection, action shall be commenced to revoke the facility's license. Prior to revocation of a facility's license, the department shall send to the facility a written notification of the proposed revocation and the reasons therefor. The notice shall state whether the facility's license has been suspended pending further proceedings. If the decision is to revoke the facility's license as herein provided, the department shall issue a written order of revocation setting forth the effective date of such revocation and the basic underlying facts supporting the order.

5. 30-42-10. Prerequisites for license.* The secretary is promulgating a new regulation concerning prerequisites for license. The text of the proposed regulation is set forth below:

30-42-10. Prerequisites for license. (a) Any applicant for licensure shall be at least 18 years of age at the time of application.

(b) Each facility for eight or more persons shall be approved by the Kansas department of health and environment as meeting the standards for a lodging establishment under the food service and lodging act.

(c) Each facility shall meet the legal requirement of the community for zoning, fire protection, water supply and sewage disposal.

(d) Each facility shall obtain and retain on file a fire life safety code report issued within the previous 12 months by the state fire marshal, or persons designated in K.S.A. 31-137 and amendments thereto. Deficiencies noted on the report shall be the subject of an acceptable plan of correction submitted to the state fire marshal within the time-frame established by the state fire marshal. The facility shall adhere to the plan of correction as well as the date, if any, by which the correction is to be made.

(e) Each facility shall provide and maintain fire protection equipment. This equipment shall be approved as adequate by the state fire marshal.

(f) Each facility shall employ at least one staff person certified in the administration of first-aid. All other staff shall receive training in the administration of first-aid within 30 days of employment and every two years thereafter. The date of that training shall be recorded for each staff person and retained on file.

(g) Each facility shall provide adequate care of residents and shall not exceed a maximum ratio of 20 residents to one staff person.

(h) Each facility shall allow residents the right of privacy and the right to see relatives, friends and participate in regular community activities.

(i) Corporal punishments, restraints or punitive measures shall not be used by any facility.

(j) Each facility shall develop a current, written grievance procedure for residents.

(k) Each facility shall see that arrangements are made for emergency and regular medical care for residents.

(l) Each facility shall allow the secretary and authorized representatives of the secretary access to the home, grounds, residents and to records related to residents.

(m) Facility personnel shall not accept permanent guardianship or conservatorship of residents. However, guardianship or conservatorship of blood relatives shall be permitted.

(n) Each facility shall maintain official policies and make them available for review by the department, staff, residents, and guardians and relatives of residents. The official policies of each facility shall contain statements regarding the provisions of subsections (g), (h), (i), (j) and (k) set forth above.

6. 30-42-11. Admission and discharge policies.* The secretary is promulgating a new regulation concerning admission and discharge policies. The text of the proposed regulation is set forth below:

30-42-11. Admission and discharge policies. (a) Each facility shall have on file and shall provide to the department an admissions policy. At a minimum, the admissions policy shall indicate the types of residents the facility will accept indicating:

- (1) Age range;
- (2) sex;
- (3) type of disability; and
- (4) the types of residents the facility will not accept.

(b) The facility shall make an inventory of each resident's major personal items within 24 hours of the resident's admission to the facility. Documentation of the inventory shall be retained on file.

(c) Prior to or within 24 hours of admission, the facility shall obtain and retain on file a document signed by the resident and guardian, if any, verifying that they have received in writing the phone number which they may call at any time to complain about exploitation, neglect, or abuse, including mental or emotional abuse.

(d) The facility shall be responsible for encouraging residents to seek and utilize available services when needed.

(e) The facility shall agree to refer a resident to other appropriate residential facilities as soon as it determines that the needs of a resident can no longer be met by the facility.

(f) The resident shall not be involuntarily transferred or discharged from the facility except:

- (1) For medical or behavioral reasons which render the facility an inappropriate placement;
- (2) for the welfare of the resident or others; or
- (3) for non-payment of the rates and charges imposed by the facility.

(g) Except in emergencies, the resident and legal guardian, if any, shall be given written notice at least seven days in advance of a transfer or discharge of the resident.

7. 30-42-12. Disaster policies.* The secretary is promulgating a new regulation concerning disaster policies. The text of the proposed regulation is set forth below:

30-42-12. Disaster policies. The facility shall, in consultation with the fire inspector or other appropriate resources, develop a written disaster plan to provide for the care and safety of residents and employees in emergencies and in occurrences of serious illness or injury. The residents and employees shall be informed of the disaster plan and the plan, including an exit diagram, shall be posted. Evacuation drills shall be conducted each quarter and the date and the length of time for evacuation shall be recorded. A telephone shall be located on the premises and readily available. Emergency numbers shall be posted by each phone.

8. 30-42-13. Health policies.* The secretary is promulgating a new regulation concerning health policies. The text of the proposed regulation is set forth below:

30-42-13. Health policies. (a) The facility may assist with the taking of medication when the medication is in a labeled bottle dispensed by a pharmacist which clearly shows a physician's orders and when the resident requires assistance because of tremor, visual impairment, or similar health conditions. The facility may assist the residents with such physical activities as eating, bathing, dressing, help with brace or walker, and transferring from wheelchairs when such assistance is needed on a temporary or intermittent basis.

(b) Each facility shall provide a sanitary environment and shall follow proper techniques of asepsis and isolation for residents with infections and contagious diseases.

(c) All outdated or discontinued medication shall be discarded in the presence of the supervisor.

(d) Each employee infected with a disease in a communicable form or having communicable skin lesions shall be restricted from work until the disease is no longer communicable.

9. 30-42-14. Financial policies.* The secretary is promulgating a new regulation concerning financial policies. The text of the proposed regulation is set forth below:

30-42-14. Financial policies. The personal money of each resident shall be kept in the resident's individual account. The individual account shall be separate from the funds of the facility, owner, operator, employees, and other residents.

10. 30-42-15. Adult residential sleeping quarters.* The secretary is promulgating a new regulation concerning adult residential sleeping quarters. The text of the proposed regulation is set forth below:

30-42-15. Adult residential sleeping quarters. (a) Sleeping quarters shall have a minimum of 70 square feet per person of free floor space in single rooms and an average of not less than 55 square feet per person in rooms accommodating more than one person.

(b) Rooms used as sleeping quarters shall have windows that are operable without a tool.

11. 30-42-16. Environmental standards.* The secretary is promulgating a new regulation concerning environmental standards. The text of the proposed regulation is set forth below:

(continued)

30-42-16. Environmental standards. (a) Each facility shall comply with the standards set forth below. The department may consider, but need not accept, written statements of compliance with environmental requirements from other authorized licensing agencies or groups.

(b) The building shall be clean, in good state of repair, and free from accumulated dirt or trash and vermin infestation.

(c) Aisles, hallways, stairways, and main routes of travel shall be maintained free of obstacles and stored materials.

(d) Furniture shall be clean and in good state of repair.

(e) Rooms shall be well-ventilated, adequately lighted, and appropriately heated or cooled.

(f) Each resident shall have a separate bed with a level, flat mattress in good condition, and sufficient and clean bedding.

(g) Bathroom fixtures shall be accessible, clean, and in good state of repair.

(h) Kitchenware and tableware shall be clean and in good condition.

(i) Meals and snacks, when provided, shall be appropriate to the nutritional needs of the residents. Menus shall be posted and shall follow the basic food group requirements.

(j) The outside area shall be free of physical hazards and be free of accumulated garbage and trash.

I. Youth Services. (Medically neglected infants).

1. 30-45-10. Definitions.* The secretary is promulgating a new regulation concerning definitions. The text of the proposed regulation is set forth below:

30-45-10. Definitions. (a) "Medical neglect" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(b) "Withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by failing to provide treatment, which in the treating physician's reasonable medical judgment, is most likely to ameliorate or correct all life-threatening conditions, except when the treatment would be futile in terms of survival of the infant and the treatment itself under such circumstances would be inhumane. In all circumstances "withholding of medically indicated treatment" shall always include the failure to provide appropriate nutrition, hydration or medication.

(c) "Reasonable medical judgment" means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(d) "Infant" means an infant less than one year of age. The reference to less than one year of age shall not be construed to imply that treatment should be changed or discontinued when an infant reaches one year of age. The standards set forth in subsection (b) of this regulation should be consulted thoroughly in the evaluation of any issue of medical neglect involving an infant older than one year of age who has been

continuously hospitalized since birth, whose birth was extremely premature, or who has a long-term disability.

(e) "Designated hospital liaison" means the individual designated by the hospital administrator as the person to be contacted by agency personnel upon a report of medically indicated treatment being withheld from a disabled infant. Names of liaisons shall be furnished to the agency annually by each hospital.

(f) "Hospital medical ethics review committee" means the group established by the hospital to review medical treatment and make recommendations to the appropriate medical personnel involved in the case.

2. 30-45-11. Reports of medically neglected infants.* The secretary is promulgating a new regulation concerning reports of medically neglected infants. The text of the proposed regulation is set forth below:

30-45-11. Reports of medically neglected infants. (a) Reports of medical neglect of a disabled infant shall be made to the local social and rehabilitation services office. Receipt of the report and subsequent initiation of an investigation will follow the emergency procedures established under the Kansas code for care of children. Upon receiving notification of withholding of medically indicated treatment from a disabled infant, an agency social worker shall:

(1) Contact the designated hospital liaison at the facility where the infant is located;

(2) contact the hospital medical ethics review committee at the facility housing the infant to obtain the committee's findings or the perinatal medical council if no hospital medical ethics review committee exists; and

(3) include as a part of the investigative report, information from and reports to the designated hospital liaison and the hospital medical ethics review committee or the perinatal medical council if no hospital medical ethics review committee exists.

(b) Subsequent to the initial investigation of a report of medical neglect of a disabled infant, the agency personnel shall follow the procedures established under the Kansas code for care of children and all due process rights contained therein shall apply.

3. 30-45-12. Responsible reporters.* The secretary is promulgating a new regulation concerning responsible reporters. The text of the proposed regulation is set forth below:

30-45-12. Responsible reporters. (a) Physicians, nurses, hospital administrators, and others listed in K.S.A. 1985 Supp. 38-1522 shall be required to report cases of medical neglect of disabled infants.

(b) Reports to social and rehabilitation services of medical neglect of disabled infants can be initiated by any concerned citizen. The reporter will remain anonymous unless the reporter agrees to the use of the reporter's identity by the agency. The reporter is not liable to prosecution for reports made in good faith pursuant to K.S.A. 1985 Supp. 38-1525 and 38-1526.

4. 30-45-13. Records.* The secretary is promulgating a new regulation concerning records. The text of the proposed regulation is set forth below:

30-45-13. Records. (a) Records of medical neglect

cases involving disabled infants shall be handled according to established agency procedures.

(b) Cumulative data regarding medical neglect cases shall be available to the medical community on an annual basis. The agency shall also make non-confidential information regarding medical neglect cases available to the public.

5. 30-45-14. Public information.* The secretary is promulgating a new regulation concerning public information. The text of the proposed regulation is set forth below:

30-45-14. Public information. The agency shall annually inform the medical community of the need to report cases of alleged medical neglect of disabled infants pursuant to these regulations.

A copy of the proposed regulations and fiscal impact statements may be obtained prior to November 4, 1986 by contacting Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior

to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, at the address above.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary and permanent regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit oral presentation to three minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and State Office Building), Wichita and Winfield.

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

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