



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Department of Commerce

Request for Proposals

The Chief Elected Officials Board and Workforce Investment Board of Kansas Local Area V are issuing a request for proposals to provide One-Stop Operator and Adult/Dislocated Worker/Youth Program Operator services under Title I of the Workforce Investment Act. The boards are seeking providers throughout Local Workforce Investment Area V, comprised of Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Miami, Montgomery, Neosho, Wilson and Woodson counties.

To request the RFP package including all specifications, contact Michael Hoover at (620) 232-2620, by e-mail at mhoover@kansascommerce.com, or write to LWIB V, AAO, 104 S. Pine, Pittsburg, 66762

A pre-bid conference will be held at 9 a.m. January 29 in the Alliance Room, third floor, Memorial Building, 101 S. Lincoln, Chanute. A conference call option will be available for persons unable to attend the conference in person. Participation in the conference, either in person or by conference call, is required for any organization desiring to submit a proposal. Attendees are encouraged to submit questions in writing in advance of the conference to Mike Hoover at the address above.

All proposals must be received by 3 p.m. March 2 at the address above. The board welcomes all interested organizations to submit proposals.

Michael J. Hoover

Local Workforce Investment Board Area V

Doc. No. 033943

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, March 15, at The Great Overland Station, East Gallery, 701 N. Kansas Ave., Topeka, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. March 15 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. March 16 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for ac-

commodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

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

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

K.A.R. 115-4-4. This permanent regulation establishes legal equipment and taking methods for big game. The proposed amendment would allow the use of electronically illuminated nocks for arrows as legal archery equipment.

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

K.A.R. 115-4-4a. This permanent regulation establishes legal equipment and taking methods for wild turkeys. The proposed amendment would allow the use of electronically illuminated nocks for arrows as legal archery equipment.

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

K.A.R. 115-25-5. This exempt regulation establishes the season, bag limits and permits for the fall turkey season. The proposed amendment would expand the boundaries of management unit 3 to conform with unit boundary changes made for the spring turkey season.

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

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

James Harrington
Chairman

Doc. No. 033952

State of Kansas

Kansas Health Policy Authority

Public Notice

The state of Kansas Medicaid is proposing a state plan change to be effective on October 1, 2006, for inpatient reimbursement. There are no substantive changes being made to the plan, nor is there any fiscal impact due to the proposed changes. Changes being made include changing the references from SRS to KHPA, elimination of sections of the plan that are not being utilized, and making some wording changes that do not impact the rate-setting methodology.

For any comments or additional information, contact Rita Haverkamp, Kansas Health Policy Authority, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-2210, (785) 296-5107.

Marcia Nielsen, Ph.D., MPH
Executive Director

Doc. No. 033947

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

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

- 01/08/2007 10039 Off-Road Utility Pickup Trucks and Cargo Vans
- 01/09/2007 10054 Construct Challenge Course
- 01/17/2007 10043 IBM Usage Kits and Toner Cartridges
- 01/17/2007 10045 Provide Financing for the Master Lease Purchase Program for Statewide Equipment Purchases
- 01/17/2007 10046 Banking Services
- 01/22/2007 10051 Market Research
- 02/02/2007 10041 Janitorial Services

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

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

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

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

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

- 01/17/2007 A-010238 Update District 4 Paint Booth, Department of Transportation, Chanute
- 01/18/2007 A-9895 (A) Renovation to the Crew Storage Building — District #5, Department of Transportation, Hutchinson
- 01/25/2007 A-010241 Roof Replacement, State Historical Society, Topeka

Chris Howe
Director of Purchases

Doc. No. 033966

State of Kansas

Wichita State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Wichita State University Purchasing Office, Wichita, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (316) 978-3080 or fax (316) 978-3528 for additional information:

Friday, January 26, 2007
B0000175-2

ICCD Cameras

Steven W. White
Director of Purchasing

Doc. No. 033963

State of Kansas

Kansas Health Policy Authority

Request for Advisory Council Member Nominations

The Kansas Health Policy Authority board is seeking individuals to advise the board on issues of policy reform and health transformation. The board is asking for nominations for qualified individuals to serve on three advisory councils. Each council, which will include not more than 11 to 15 members, will be given specific direction from the board.

Consumer Council. The Consumer Council will provide guidance on issues relevant to consumers—specifically health care access, quality, affordability, sustainability and health promotion. It also will provide recommendations on health policies that the board is reviewing to reflect consumer concerns and questions. Members of this council will include individuals across Kansas who represent various consumer interests.

Provider Council. The Provider Council, comprised of individuals who represent various health care professional interests, will provide guidance on issues pertinent to health care providers. They will give input on health policy that impacts providers and patients, make recommendations on outreach to the provider and the medical communities, and encourage provider participation in public programs.

Purchaser Council. The Purchaser Council will represent various health and health care purchaser interests. It will be responsible for providing significant input on health policy that impacts employers, health insurers, and other purchasers of health and health care services.

All nominations for a council membership can be sent by January 17 to the Kansas Health Policy Authority, Attn: Director of Communications, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. Please include a letter of nomination and/or resume with the nominee's education background and job experience. It would be helpful if nominations include the nominee's knowledge of health and health care. Membership will be determined during the months of January and February by the KHPA board and staff. Each council will begin meeting in March.

Marcia Nielsen, Ph.D., MPH
Executive Director

Doc. No. 033938

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet at 12:30 p.m. Friday, January 5, in Topeka. For more information, call Denny Stoecklein at (620) 669-3600.

John C. Bottenberg
President

Doc. No. 033936

State of Kansas

Commission on Veterans' Affairs

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10:15 a.m. Wednesday, February 28, in Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Kansas Commission on Veterans' Affairs.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the director of the Veterans Claims Assistance Program, Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3758. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Wayne Bollig at (785) 296-7465.

These regulations are proposed for adoption on a permanent basis. Copies of the regulations and the economic impact statement may be obtained by contacting the Kansas Commission on Veterans' Affairs. A summary of the proposed regulations and their economic impact follows:

Article 6.—VETERANS CLAIMS ASSISTANCE PROGRAM AND THE SERVICE GRANT PROGRAM

K.A.R. 97-6-1. Definitions. This regulation defines the following terms: accrediting, claim, claims program officer, commission, cross-accredit, director, executive director, in-kind contribution, interested party, monetary support, one-stop service center, power of attorney, state headquarters, USDVA, VARO, veterans service organization, chartered service organization, and participating veterans' organization veterans service representative.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-2. Intent to participate; review. This regulation establishes the guidelines for sending out infor-

mation and reviewing each veterans' service organization's intent to participate in the service grant program.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-4. VSO services, staff, training, and other support. This regulation requires a minimum of one annual training each year for all VSRs participating in the grant program and certification by the KCVA.

Economic impact to state agencies, employees or the general public is minimal.

K.A.R. 97-6-5. Claims processing requirements. This regulation requires each claim to pass through the Veterans Claims Quality Assurance Program.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-6. Grant agreement requirements. This regulation outlines the requirements that must be contained in the grant agreements to which all parties must comply.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-7. Responsibilities of parties to the grant agreements. This regulation requires all parties participating in the grant process to promote the veterans claims assistance program. It requires VSRs to accept any POA designated the veteran. The regulation also requires participating VSOs to meet the reporting requirements, separately account for the uses of grant funds, and accept all claims.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-8. Duration of grants; insurance requirements. This regulation stipulates that grants shall be for one state fiscal year with payments made monthly and requires any unexpended funds shall be returned to the state of Kansas. It also outlines types and levels of insurance coverage required of veteran service organizations participating in the grant program.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-9. Format and frequency of reports. This regulation requires participating veterans service organizations to submit monthly reports.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-10. Quality assurance. This regulation establishes the quality assurance program office in the VARO's one-stop service center.

There is no significant economic impact to state agencies, employees or the general public.

K.A.R. 97-6-11. Director's duties. This regulation outlines the day-to-day duties and responsibilities of the director of the veterans claims assistance program and the service grant program.

There is no significant economic impact to state agencies, employees or the general public.

Wayne Bollig
Executive Director

Doc. No. 033955

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. January 17 and then publicly opened.

District One — Northeast

Johnson—46 KA-0320-01 — U.S. 56 from the north junction of I-35 east to Metcalf Avenue; U.S. 69 from 65th Street north to I-35, 3.1 miles, overlay. (State Funds)

Johnson—35-46 KA-0497-01 — I-35 bridge 0.5 mile northeast of the junction of I-435, bridge overlay. (State Funds)

Riley—18-81 K-9670-01 — Junction of K-18 and Wildcat Creek Road in Manhattan, 0.3 mile, grading and surfacing. (State Funds)

District Two — Northcentral

Cloud—15 C-4113-01 — County road 0.5 mile south and 0.8 mile west of Rice, 0.2 mile, grading and bridge. (Federal Funds)

Dickinson—21 C-4114-01 — County road 2.1 miles north and 1.5 miles east of Woodbine, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

District—106 KA-0807-01 — Various locations in District Two, milling. (State Funds)

Geary—70-31 KA-0531-01 — I-70 bridge at Exit 290, bridge overlay. (State Funds)

Jewell—36-45 K-9729-01 — U.S. 36 from Lincoln Street to Lebow Street in Mankato, 0.4 mile, curb and gutter. (State Funds)

District Three — Northwest

District—106 KA-0806-01 — Various locations in District Three, 53.3 miles, milling. (State Funds)

Ellis—26 C-3893-01 — Intersection of old U.S. 40 and Canterbury Drive, 0.3 mile, intersection improvement. (Federal Funds)

Ellis—26 C-3895-01 — County road 6.5 miles north and 0.6 mile east of Ellis, 0.1 mile, grading and bridge. (Federal Funds)

Logan—83-55 — KA-0539-01 — U.S. 83 bridge over Plum Creek 14 miles south of Oakley, bridge overlay. (State Funds)

Trego—70-98 KA-0537-01 — I-70 bridge at Exit 120, bridge overlay. (State Funds)

Wallace—40-100 KA-0538-01 — U.S. 40 bridge over the Union Pacific Railroad, 1 mile west of Wallace, bridge overlay. (State Funds)

District Four — Southeast

Bourbon—6 U-2070-01 — National Avenue over Mill Creek in Fort Scott, 0.1 mile, bridge construction. (Federal Funds)

Cherokee—166-11 K-9884-01 — U.S. 166, Spring River drainage bridge, 5.3 miles east of the junction of U.S. 69, bridge replacement. (Federal Funds)

District—106 KA-0808-01 — Various locations in District Four, 43.6 miles, milling. (State Funds)

Elk—25 C-4134-01 — County road 1.1 miles north of Busby, 0.1 miles, grading and bridge. (Federal Funds)

Linn—69-54 K-7892-01 — U.S. 69, 1 mile south of the new K-52 interchange north to 0.3 mile south of county route 1204, 6 miles, grading, bridge and surfacing. (Federal Funds)

District Five — Southcentral

Comanche—17 C-4035-01 — County road 4.9 miles north and 7.2 miles west of Coldwater, 0.2 mile, grading and bridge. (Federal Funds)

District—106 KA-0804-01 — Various locations in District 5 on U.S. 50, U.S. 54 and U.S. 77, 68 miles, milling. (State Funds)

Harvey—40 C-3976-01 — County road 6.5 miles east of Newton, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Pratt—76 K-9680-01 — 30th Street from U.S. 281 east to K-61 in Pratt, 2.5 miles, grading and surfacing. (State Funds)

Rice—56-80 K-9797-01 — U.S. 56 and K-14/K-96 junction in Lyons, 0.1 mile, intersection improvement. (State Funds)

Sedgwick—87 N-0336-01 — Hydraulic Avenue bridge over Chisholm Creek Tributary in Park City, grading, bridge and surfacing. (Federal Funds)

District Six — Southwest

District—106 KA-0771-01 — Various locations in District Six, 93.9 miles, milling. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 033953

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of January 3-4. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Jan. 3	519-S	10:00 a.m.	Kansas Technical College and Vocational School Commission	Continued deliberations.
Jan. 4	519-S 313-S <i>Note room change</i>	9:00 a.m.		
Jan. 4	514-S	9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of the rules and regulations proposed for adoption by: Kansas Health Policy Authority, Board of Accountancy, Dept. of Education, Dept. of Revenue, Secretary of State, and Dept. of Agriculture.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 033964

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Harper County Sheriff

Brad A. Moore, 406 S. Bluff, Anthony, 67003. Succeeds Kirk Rogers, resigned.

McPherson County Commissioner

Ron Loomis, 131 Arrowhead Road, Inman, 67546. Succeeds Dan Schroeder, resigned.

Rice County Attorney

Scott E. McPherson, 115 W. 2nd, Ellinwood, 67526. Succeeds Chris Oakley, resigned.

**Kansas Geographical Information
Systems Policy Board**

(Executive Order 06-08)

Joseph W. Arri, 8125 Meadow Lane, Leawood, 66206. Term expires September 30, 2010.

Linda M. Buttron, 19724 Osage Road, Nortonville, 66060. Term expires September 30, 2008.

Deborah P. Divine, 1748 Glen Ave., Salina, 67401. Term expires September 30, 2008.

Dr. J.M. Shawn Hutchinson, 3208 Willowood Circle, Manhattan, 66502. Term expires September 30, 2008.

Gary L. Middleton, 6543 S.E. Ratner Road, Berryton, 66409. Term expires September 30, 2008.

Richard D. Miller, 1350 Strong Ave., Lawrence, 66044.

Gregg A. Noland, P.O. Box 889, Topeka, 66601. Term expires September 30, 2010.

Murray L. Rhodes, 1201 N. 22nd St., Kansas City, KS 66102. Term expires September 30, 2010.

John F. Rogers, 525 N. Main, Wichita, 67203. Term expires September 30, 2010.

Mark Runge, P.O. Box 991, Emporia, 66801. Term expires September 30, 2008.

Dr. Thomas C. Schafer, 1304 10th St., Wamego, 66547. Term expires September 30, 2008.

Kyle Tjelmeland, 2935 N.E. Meriden Road, Topeka, 66617. Term expires September 30, 2009.

Robert Waller, 3713 Crossgate Terrace, Lawrence, 66037. Term expires September 30, 2009.

Bettyjane M. Wooding, 1312 Cherry Place, Apt. A., Great Bend, 67530. Term expires September 30, 2009.

**Board of Examiners for
Hearing Aids**

Evie P. Curtis, 8318 Reeds Lane, Overland Park, 66207. Term expires June 30, 2009. Reappointed.

Dr. Patrick V. Putzier, 2312 Melrose Lane, Salina, 67401. Term expires June 30, 2009. Succeeds Elizabeth Karlson.

**Information Network of Kansas
Board of Directors**

David L. King, 306 Bonnie Lane, Liberty, MO 64068. Term expires September 30, 2009. Succeeds Bruce Flanders.

Dan C. Yunk, 1121 Wyndham Heights, Manhattan, 66503. Term expires September 30, 2009. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 033961

State of Kansas

Attorney General

2006 Update to Guidelines for Takings of Private Property

Pursuant to K.S.A. 77-704 of the Private Property Protection Act, the following summary of decisions and pending cases constitutes the 2006 update to the Attorney General's Guidelines.

The original guidelines may be found in Vol. 14, No. 51 of the Kansas Register, published December 15, 1995. Annual updates may be found in the Kansas Register at Vol. 16, No. 1, published January 2, 1997; Vol. 16, No. 52, published December 25, 1997; Vol. 17, No. 53, published December 31, 1998; Vol. 18, No. 52, published December 30, 1999; Vol. 20, No. 1, published January 4, 2001; Vol. 21, No. 1, published January 3, 2002; Vol. 21, No. 52, published December 26, 2002; Vol. 23, No. 1, published January 1, 2004; Vol. 24, No. 1, published January 6, 2005; and Vol. 24, No. 47, published November 24, 2005.

The guidelines and annual updates also may be found on the Attorney General's Web site at <http://www.ksag.org/Divisions/Logic/main.htm>.

Robbins v. Wilkie, 433 F.3d 755 (10th Cir. 2006).

Plaintiff brought action against employees of the Bureau of Land Management, claiming that they attempted to extort a right-of-way across his property in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO)¹ and retaliated against him for exercising his Fifth Amendment right to exclude others from his property. The district court denied defendants motion for summary judgment on grounds of qualified immunity and the Tenth Circuit Court of Appeals affirmed "[b]ecause the right to be free from retaliation for the exercise of Fifth Amendment rights is clearly established . . ."

Discussing an individual's Fifth Amendment right to exclude others from that individual's property, the Court stated:

"The right to exclude [is] universally held to be a fundamental element of the property right.' *Kaiser Aetna v. United States*, 444 U.S. 164, 178-80, 100 S.Ct. 383, 62 L.Ed.2d 332 (1979); see also *Dolan v. City of Tigard*, 512 U.S. 374, 384, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994). The right has long been recognized as one of the main rights attaching to property. *Rakas v. Illinois*, 439 U.S. 128, 143 n. 12, 99 S.Ct. 421, 58 L.Ed.2d 387 (1978) (citing Blackstone Commentaries).

...

"A property owner's right to exclude extends to private individuals as well as the government. See *United States v. Lyons*, 992 F.2d 1029, 1031 (10th Cir. 1993) (the expectations of privacy that are the cornerstone of Fourth Amendment protection against governmental search and seizure derive in part from the right to exclude others, including government officials, from one's property)." 433 F.3d at 765.

While the Bureau had authority to take Plaintiff's property for public use, upon providing just compensation, through eminent domain, they could not attempt to extort a right-of-way thus avoiding the requirement of just com-

ensation. "If the right to exclude means anything, it must include the right to prevent the government from gaining an ownership interest in one's property outside the procedures of the Takings Clause." 433 F.3d at 766. The Court then concluded:

"Because retaliation tends to chill citizens' exercise of their Fifth Amendment right to exclude the government from private property, the Fifth Amendment prohibits such retaliation as a means of ensuring that the right is meaningful." 433 F.3d at 766.

Kau Kau Take Home No. 1 v. City of Wichita, 281 Kan. 1185 (2006).

Plaintiff brought an inverse condemnation action against the City for damages allegedly caused by the City's road contractors. Plaintiff also complained that the City's road project, in diverting the flow of traffic from his business, constituted a taking. The district court granted the City's motion for summary judgment; the Supreme Court affirmed that decision.

The Kansas Supreme Court held:

"Damage to private property caused by contractors working on a public road construction project does not support a cause of action for inverse condemnation if the damage is not necessary to complete the road construction project" 281 Kan. 1185, syl. ¶ 1.

To establish a claim for inverse condemnation, an interest in real property and a compensable taking of that must be established. A compensable taking requires not only acquiring possession of property, but also the rightful possession and control of the property. Because the property damaged in this case was not needed to complete the road construction project, any possession or control over it was not rightful and therefore the claim should be one brought as a tort action, not an inverse condemnation action.

The Court also held:

"An abutting property owner has no right to the continuation of a flow of traffic from nearby highways to the owner's property. The regulation of traffic flow does not involve a taking if it furthers the government's police power to promote the safety, peace, health, morals and general welfare of the people.

"State action resulting merely in a diminution in property value is not a taking. and

"Under the facts of this case, increasing the driving distance between a landowner's property and nearby roadways is not a compensable taking." 281 Kan. at syl. ¶¶ 3, 4, 5.

2006 Substitute for Senate Bill No. 323

Responding, in part, to the United States Supreme Court's decision in *Kelo v. City of New London, Conn.*, 545 U.S. 469, 125 S.Ct. 2655, 162 L.Ed.2d 439 (2005), several bills were introduced in the 2006 Session of the Kansas Legislature to limit government takings. The only such bill to pass was Substitute for Senate Bill No. 323. The Bill prohibits the taking of private property except for public use and limits the ability of government to take private property for the purpose of selling, leasing or otherwise transferring the property to any private entity.

This new legislation has not yet been the subject of any reported court decision or Attorney General Opinion.

Phill Kline
Attorney General

¹ We do not further discuss this claim, but rather focus on the takings issue.

Doc. No. 033941

State of Kansas

Real Estate Appraisal Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, March 1, in the lower level conference room at 1100 S.W. Wanamaker Road, Topeka, to consider the adoption of K.A.R. 117-1-1, 117-2-1, 117-2-2, 117-2-3, 117-2-4, 117-3-1, 117-3-2, 117-3-4, 117-4-1, 117-4-2, 117-4-3, 117-4-4, 117-6-1 and 117-6-2. The proposed regulation amendments are for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, 1100 S.W. Wanamaker Road, Suite 104, Topeka, 66604. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sally Pritchett at (785) 271-3373 or cheryl.magathan@kreab.ks.gov.

Copies of the regulations and the economic impact statement may be obtained by contacting the Kansas Real Estate Appraisal Board at (785) 271-3373, fax at (785) 271-3370 or e-mail at cheryl.magathan@kreab.ks.gov, or from the board's Web site at <http://www.kansas.gov/kreab> (click on Regulations & Statutes). A summary of the proposed amendments to the regulations and the economic impact follows:

117-1-1. Definitions. This regulation will set in place the definition of distance education and add an additional entity to the definition of "sponsor." The proposed regulation will be effective January 1, 2008. There will be no economic impact to the Kansas Real Estate Appraisal Board, appraisers, other state agencies or the public.

117-2-1. Licensed classification; education requirements. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property

appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be an economic impact to the Kansas Real Estate Appraisal Board and the public as follows:

Kansas Real Estate Appraisal Board: It is anticipated that there will be a decrease in the number of applications received annually (\$50 per application); however, no statistics are available on which to estimate the loss. It also is anticipated that the board will need to contract with third party education specialists for review of course materials submitted to meet the new education criteria. Again, no statistics are available on which to estimate the costs.

Public: Those unlicensed individuals seeking to secure a Kansas appraiser license will be required to meet an additional 60 hours of pre-license education at a cost of approximately \$15 per hour or a \$900 increase per applicant. There are no statistics available to determine if there will be an increase in the fees charged by appraisers for their services or what that increase percentage would be. No economic impact to appraisers and other state agencies is anticipated.

117-2-2. Licensed classification; appraisal experience requirement. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be an economic impact to appraisers and the public as follows:

Public and appraisers: In introducing a "minimum" amount of time in which experience may be accrued, it prohibits an applicant or trainee from submitting experience prior to the mandatory 12 months. It is the understanding of the board that it is common for an applicant or trainee to split any fee received with their supervisor.

There will be no economic impact to other state agencies.

117-2-3. Licensed classification; examination requirement. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will no economic impact to the board, appraisers, other state agencies or the public.

117-2-4. Licensed classification; scope of practice. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience

(continued)

and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be an economic impact to appraisers, as follows:

Appraisers: The removal of the provision that allowed this classification to appraise any other property permitted by the regulations of the applicable federal financial institutions' regulation agency, other agency or regulatory body will prohibit this classification from appraising agricultural properties, resulting in a loss to some appraisers. There are no statistics available to estimate the number of state licensed appraisers this might affect or the cost to the same.

There will be no economic impact to the board, other state agencies or the public.

117-3-1. General classification; education requirements. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be an economic impact to the Kansas Real Estate Appraisal Board, appraisers and the public, as follows:

Kansas Real Estate Appraisal Board: It is anticipated that there will be a decrease in the number of applications received annually (\$50 per application); however, no statistics are available on which to estimate the loss. It also is anticipated that the board will need to contract with third party education specialists for review of course materials submitted to meet the new education criteria. Again, no statistics are available on which to estimate the costs.

Appraisers and the public: Those unlicensed individuals, as well as licensed or residentially certified appraisers, seeking to secure a Kansas certified general classification, will be required to meet the college degree/semester credit hours requirement. At an estimated cost of \$4,000 to \$6,000 per year, this could add a total of \$24,000 to the existing costs. There also is an additional 120 hours of pre-license education at a cost of approximately \$15 per hour or a \$1,800 increase per applicant. There are no statistics available to determine if there will be an increase in the fees charged by appraisers for their services or what that increase percentage would be.

No economic impact to other state agencies is anticipated.

117-3-2. General classification; appraisal experience requirement. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be no economic impact on The Kansas Real

Estate Appraisal Board, appraisers, other state agencies or the public.

117-3-4. General classification; scope of practice. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be no economic impact on The Kansas Real Estate Appraisal Board, appraisers, other state agencies or the public.

117-4-1. Residential classification; education requirements. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be an economic impact to the Kansas Real Estate Appraisal Board, appraisers and the public, as follows:

Kansas Real Estate Appraisal Board: It is anticipated that there will be a decrease in the number of applications received annually (\$50 per application); however, no statistics are available on which to estimate the loss. It also is anticipated that the board will need to contract with third party education specialists for review of course materials submitted to meet the new education criteria. Again, no statistics are available on which to estimate the costs.

Appraisers and the public: Those unlicensed individuals, as well as licensed appraisers, seeking to secure a Kansas certified residential classification, will be required to meet the college degree/semester credit hours requirement. At an estimated cost of \$4,000 to \$6,000 per year, this could add a total of \$12,000 to the existing costs. There also is an additional 80 hours of pre-license education at a cost of approximately \$15 per hour or a \$1,200 increase per applicant. There are no statistics available to determine if there will be an increase in the fees charged by appraisers for their services or what that increase percentage would be.

No economic impact to other state agencies is anticipated.

117-4-2. Residential classification; appraisal experience requirement. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be no economic impact on The Kansas Real Estate Appraisal Board, appraisers, other state agencies or the public.

117-4-3. Residential classification; examination requirement. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be no economic impact to the board, appraisers, other state agencies or the public.

117-4-4. Residential classification; scope of practice. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be an economic impact to appraisers, as follows:

Appraisers: The removal of the provision that allowed this classification to appraise any other property permitted by the regulations of the applicable federal financial institutions' regulation agency, other agency or regulatory body will prohibit this classification from appraising agricultural properties, resulting in a loss to some appraisers. There are no statistics available to estimate the number of residential appraisers this might affect or the cost to the same.

There will be no economic impact to the Board, other state agencies or the public.

117-6-1. Continuing education; renewal requirements. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be no economic impact to the board, appraisers, other state agencies or the public.

117-6-2. Continuing education; approval of courses; requirements. This regulation will set in place the 2008 criteria changes as established by the Appraisal Standards Board, an independent board of The Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The proposed regulation will be effective January 1, 2008. There will be no economic impact to the board, appraisers, other state agencies or the public.

Sally Pritchett
Executive Director

Doc. No. 033948

(Published in the Kansas Register December 28, 2006.)

**Summary Notice of Bond Sale
City of Wichita, Kansas
\$19,915,000***

**Aggregate Principal Amount
General Obligation Bonds
Series 788 and Series 788A**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the official notice of sale dated December 19, 2006, bids will be received by the director of finance on behalf of the city of Wichita, Kansas, at the office of the Department of Finance, 12th Floor, City Hall, 455 N. Main, Wichita, KS 67202-1697, via facsimile, as set forth herein, or, in the case of electronic bids, via PARITY electronic bid submission system, until 10:30 a.m. Tuesday, January 9, 2007, for the purchase of all of the city's \$14,930,000* principal amount of General Obligation Bonds, Series 788, and all of the city's \$4,985,000* principal amount of General Obligation Bonds, Series 788A. The Series 788 Bonds and the Series 788A Bonds are herein collectively referred to as the bonds. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and each series of bonds will be awarded by the city council in the Council Chamber at City Hall at its earliest convenience following the bid opening.

No oral or auction bid for the bonds shall be considered, and no bid of less than the entire principal amount of each series of bonds, plus accrued interest to the date of delivery, will be considered. Bidders may telefax a bid to the city to the following number: (316) 858-7520. The city assumes no responsibility or liability for inaccurate bids submitted through the telefax, including garbled transmissions, or the inability of a bidder to access the telefax number prior to the indicated sale time.

Bids also may be electronically submitted through PARITY. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the notice of sale. To the extent any instructions or directions set forth in PARITY conflict with the notice of sale, the terms of the notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the transmission of a bid through PARITY. For further information about the electronic bidding services of PARITY, potential bidders may contact i-Deal, LLC, 1359 Broadway, 2nd Floor, New York, NY 10010, (212) 849-5021. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

Bond Details

The bonds will be in book entry form only. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof, will be dated February 1, 2007 (the dated date), will become due in the years as follows:

(continued)

Maturity Schedule - Series 788 Bonds

Maturing September 1	Principal Amount*
2008	\$ 725,000
2009	760,000
2010	790,000
2011	825,000
2012	860,000
2013	900,000
2014	940,000
2015	980,000
2016	1,020,000
2017	1,065,000
2018	1,110,000
2019	1,160,000
2020	1,210,000
2021	1,265,000
2022	1,320,000

Maturity Schedule - Series 788A Bonds

Maturing September 1	Principal Amount*
2008	\$155,000
2009	165,000
2010	170,000
2011	180,000
2012	185,000
2013	195,000
2014	205,000
2015	215,000
2016	225,000
2017	235,000
2018	245,000
2019	260,000
2020	270,000
2021	285,000
2022	295,000
2023	310,000
2024	325,000
2025	340,000
2026	355,000
2027	370,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the notice of sale. Interest on the bonds will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2008.

Principal Amounts Subject to Change

The city reserves the right to decrease the total principal amount of either series of bonds and the principal amount of any maturity in order to properly size a bond issue based on net bond proceeds received by the city as a result of any premium bid. Adjustments, if required, will be made proportionately to each maturity as permitted by the authorized denominations of such series of bonds. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of a series of bonds as described. If there is an adjustment in the final aggregate principal amount of a series of bonds or the schedule of principal payments as described above, any premium bid on such series of bonds will be proportionately adjusted.

Bidders wishing to obtain the final maturity schedule may contact the city by 1:30 p.m. on the sale date.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid for each series of bonds shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is submitted.

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about February 8, 2007, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations is \$3,203,395,043. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold and including temporary notes being sold by the city on the same date, is \$559,158,141. The city's General Obligation Renewal and Improvement Temporary Notes, Series 216, outstanding in the principal amount of \$54,455,000, and General Obligation Renewal Temporary Notes, Series 217 (Taxable Under Federal Law), outstanding in the principal amount of \$4,390,000, will be retired on February 8, 2007, from a portion of the proceeds of the bonds, a portion of the proceeds of the notes and other available funds of the city.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of each series of bonds will be furnished and paid for by the city and delivered to the successful bidder(s) when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679 (Catherine Gilley, Debt Coordinator), (316) 268-4143; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated December 28, 2006.

City of Wichita, Kansas
 Karen Sublett, City Clerk
 City Hall, 13th Floor
 455 N. Main
 Wichita, KS 67202-1679
 (316) 268-4529

*Subject to change.

Doc. No. 033957

State of Kansas

Juvenile Justice Authority

Notice of Rescheduled Board Meeting

The JABG State Advisory Board has rescheduled its December meeting to January 3 from 10 a.m. to noon in the Juvenile Justice Authority training room, Suite 300, Jayhawk Walk, 714 S.W. Jackson, Topeka. The JJA office is accessible to the public. Any individual with a disability may request special accommodation in order to participate in the meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Don Chronister at (785) 296-4213 or dchronister@ksja.org.

Don Chronister
Juvenile Justice Specialist

Doc. No. 033939

(Published in the Kansas Register December 28, 2006.)

**Summary Notice of Bond Sale
Unified School District No. 240
Ottawa County, Kansas (Twin Valley Schools)
\$4,995,000
General Obligation School Building Bonds
Series 2007
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated November 20, 2006, written and electronic bids will be received on behalf of the clerk of Unified School District No. 240, Ottawa County, Kansas (Twin Valley Schools) (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through *PARITY*, until 2 p.m. January 17, 2007, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated January 1, 2007, and will become due on September 1 in the years as follows:

Year	Principal Amount
2011	\$ 10,000
2012	40,000
2013	55,000
2014	380,000
2015	415,000
2016	460,000
2017	500,000
2018	535,000
2019	580,000
2020	625,000
2021	675,000
2022	720,000

The bonds will bear interest from the date thereof at

rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2008.

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$99,900 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about January 30, 2007, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is \$28,449,394. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$6,970,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the financial advisor at the address set forth below.

Written Bid and Good Faith Deposit Delivery Address:

Janice Schmidt, Clerk
Office of the Board of Education
107 N. Nelson, P.O. Box 38
Bennington, KS 67422-0038

Financial Advisor - Facsimile Bid and Good Faith Deposit Delivery Address:

George K. Baum & Company
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated November 20, 2006.

Unified School District No. 240
Ottawa County, Kansas
(Twin Valley Schools)

Doc. No. 033949

State of Kansas
Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-25-06 through 12-31-06

Table with 2 columns: Term, Rate. Rows include 1-89 days (5.24%), 3 months (4.91%), 6 months (4.98%), 1 year (4.92%), 18 months (4.79%), 2 years (4.68%).

Derl S. Treff
Director of Investments

Doc. No. 033937

(Published in the Kansas Register December 28, 2006.)

Summary Notice of Bond Sale
Unified School District No. 423
McPherson County, Kansas (Moundridge)
\$1,200,000

General Obligation School Building Bonds, Series 2007
(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated December 11, 2006, written and electronic bids will be received on behalf of the clerk of Unified School District No. 423, McPherson County, Kansas (Moundridge) (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 3 p.m. January 8, 2007, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated January 1, 2007, and will become due on September 1 in the years as follows:

Table with 2 columns: Year, Principal Amount. Rows show years from 2008 to 2017 with corresponding principal amounts ranging from \$55,000 to \$160,000.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semian-

nually on March 1 and September 1 in each year, beginning March 1, 2008.

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$24,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about January 30, 2007, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is \$45,755,204. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,095,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the financial advisor at the address set forth below.

Written Bid and Good Faith Deposit Delivery Address:

526 E. Cole, P.O. Box K
Moundridge, KS 67107
(620) 345-8611
Fax (620) 345-8617
E-mail: schmidtd@usd423.org

Financial Advisor - Facsimile Bid and Good Faith Deposit Delivery Address:

George K. Baum & Company
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated December 11, 2006.

Unified School District No. 423
McPherson County, Kansas
(Moundridge)

Doc. No. 033950

State of Kansas

Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will meet Wednesday, January 10, and Thursday, January 11, at the Holiday Inn Holidome, 605 S.W. Fairlawn, Topeka (one block south of the Fairlawn/Interstate 70 interchange). The meeting will convene at 9 a.m. both days.

Meeting information, including a site map, agenda and other materials, will be posted on the Kansas Water Office Web page at www.kwo.org not later than Wednesday, January 3. Interested parties without Web access may call the Kansas Water Office at (888) KAN-WATER or (888) 526-9283 to request meeting materials.

Anyone needing special accommodations at the meeting site is asked to contact the Kansas Water Office before the meeting.

Steve Irsik
Chairman

Doc. No. 033962

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, January 11, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 000687—Maximum Principal Amount: \$66,500. Owner/Operator: Kurt Phillips. Description: Acquisition of 70 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Kurt Phillips and is located at Section 8, Newbern Township, Dickinson County, Kansas, approximately 4 miles south of Abilene on K-15 Highway and .75 mile west on 1700 Avenue.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the KDFA at its offices

at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Stephen R. Weatherford
President

Doc. No. 033965

(Published in the Kansas Register December 28, 2006.)

**Summary Notice of Bond Sale
Unified School District No. 323
Pottawatomie County, Kansas
(Rock Creek Schools)
\$11,485,000**

General Obligation School Building Bonds, Series 2007

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated December 13, 2006, written and electronic bids will be received on behalf of the clerk of Unified School District No. 323, Pottawatomie County, Kansas (Rock Creek Schools) (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through *PARITY*, until 3 p.m. January 10, 2007, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated January 1, 2007, and will become due on September 1 in the years as follows:

Year	Principal Amount
2009	\$ 50,000
2010	225,000
2011	260,000
2012	300,000
2013	340,000
2014	380,000
2015	425,000
2016	475,000
2017	530,000
2018	580,000
2019	630,000
2020	685,000
2021	740,000
2022	800,000
2023	865,000
2024	935,000
2025	1,010,000
2026	1,085,000
2027	1,170,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2008.

(continued)

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$229,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about January 31, 2007, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is \$36,532,549. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$12,370,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

Written Bid and Good Faith Deposit Delivery Address:

Mina Grutzmacher, Clerk
201 S. Third, P.O. Box 70
Westmoreland, KS 66549
(785) 457-3732
Fax (785) 457-3701
E-mail: grutzmam@rockcreekschools.org

Financial Advisor - Facsimile Bid and Good Faith Deposit Delivery Address:

George K. Baum & Company, Financial Advisor
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated December 13, 2006.

Unified School District No. 323
Pottawatomie County, Kansas
(Rock Creek Schools)

Doc. No. 033951

State of Kansas**University of Kansas****Notice to Bidders**

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-5970 or fax (785) 864-3454 for additional information:

January 9, 2007
RFQ 51383

Roof Top Air Cooled Water Chiller

Barry K. Swanson
Associate Comptroller/
Director of Purchasing

Doc. No. 033944

State of Kansas**Department of Health
and Environment****Request for Bids**

Sealed bids for lead hazard reduction at the following properties will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

January 12, 2007
264-07-42

Project Lead Safe KCK

Property #1	4903 Yecker Kansas City, KS 66104
Property #2	26 S. Valley Kansas City, KS 66101
Property #3	733 Splitlog Kansas City, KS 66101
Property #4	2700 Stewart Kansas City, KS 66104
Property #5	239 S. Valley Kansas City, KS 66101
Property #6	1910 S. 36th Terrace Kansas City, KS 66106
Property #7	1043 Metropolitan Kansas City, KS 66106
Property #8	5100 Yecker Kansas City, KS 66104

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: http://www.unleadedks.com/contractor_info.html.

The above-referenced bid documents may be downloaded at the Web site listed above.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033960

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has reviewed an application from Waste Connections, Inc. to expand the Finney County Landfill, dba Western Plains Regional Landfill, located at 1250 S. Raceway Road approximately 3 miles southeast of Garden City. The proposed landfill expansion would connect two active areas of the landfill and add an additional 22 acres within the existing 220-acre landfill property for a total disposal area of 120.5 acres. The final elevation of the landfill is proposed to be increased from 2,940 feet above MSL (mean sea level) to 3,006 feet above MSL.

The landfill currently receives municipal solid waste and construction/demolition waste from the Finney County area and surrounding region. The proposed landfill expansion would add approximately 6.81 million yards of waste capacity and extend the period of active landfill operation by 52 years at current disposal rates. Finney County Planning and Community Development has certified that the application described herein is consistent with surrounding land use. The Finney County Commission also has certified that the application is consistent with the county's solid waste management plan. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue a permit to Waste Connections, Inc. for the proposed landfill expansion described herein. A copy of the administrative record, including the permit application, engineering drawings, draft permit and other information regarding this permit action, will be available for public review through January 27 during normal business hours at the following locations:

Kansas Department of Health and Environment
Southwest District Office
302 W. McArtor Road
Dodge City, 67801-6098
(620) 225-0569

Finney County Public Library
605 E. Walnut St.
Garden City, 67846
(620) 272-3680

Additionally, the application form is available for public viewing via the Internet at www.kdheks.gov/waste. Anyone wishing to comment on the proposed facility should submit written statements postmarked not later than January 27 to Larry Molder II, KDHE, Bureau of Waste Management, 1000 S.W. Jackson, Topeka, 66612-1366. Comments also will be accepted via facsimile to (785) 296-1592 or e-mail to lmolder@kdhe.state.ks.us, provided the comments are received by 5 p.m. January 27. Comments that are postmarked by January 27 and received within one week thereafter also will be considered. KDHE will subsequently respond to all formal comments in writing.

After consideration of all formal comments received during the public notice period, KDHE will make a final decision on whether to issue the permit modification. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033940

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Hess Services Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to operate a fiberglass tank fabrication process. Emissions of hazardous air pollutants (HAPs) were evaluated during the permit review process.

Hess Services Inc., Hays, owns and operates the stationary source located at 2670 E. 9th, Hays, at which the fiberglass tank fabrication production process is to be constructed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact David Peter, (785) 296-1104, at the KDHE central office; and to review the proposed permit only, contact Richard Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David Peter, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 29.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business January 29 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033958

(Published in the Kansas Register December 28, 2006.)

City of Independence, Kansas

Notice of Proposed DBE Program

The city of Independence has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26, for the Independence Municipal Airport. The city anticipates receiving federal financial assistance from the Department of Transportation, and, as a condition of receiving this assistance, the city will sign an assurance that it will comply with 49 CFR Part 26.

The city's project-specific goal in FY 2007 is 8.1 percent of the federal financial assistance.

The proposed DBE program is available for public inspection and comment at the Independence City Hall. The city will accept comments on the goals for 45 days from the date of this notice. Comments may be sent to Anthony Royse, City Clerk, 120 N. 6th, Independence, 67301.

Anthony Royse
City Clerk

Doc. No. 033954

State of Kansas

Board of Pharmacy

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, March 7, at the University of Kansas School of Pharmacy, Room 6056, Malott Hall, Lawrence, to consider the amendment of K.A.R. 68-20-17 of the Board of Pharmacy.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendment of K.A.R. 68-20-17. All parties may submit written comments prior to the hearing to Debra Billingsley, executive secretary of the board, Room 560, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or to pharmacy@pharmacy.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the board office at (785) 296-4056. Handicapped parking is located on the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

A summary of the proposed regulation follows:

K.A.R. 68-20-17. Order forms. This regulation identifies that each transfer of any schedule I or II controlled substance shall require the use of a Drug Enforcement Agency 222 form in accordance with controlling federal

regulations or an electronic order placed in accordance with controlling federal regulations.

Copies of the regulation and the economic impact statement may be obtained from the Board of Pharmacy at the address and phone number above or by accessing the board's Web site at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley
Executive Secretary

Doc. No. 033942

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment intends to revise the Kansas Surface Water Register in 2006. Five hundred and sixty-two stream segments and 140 lakes/wetlands have been evaluated by a use attainability analysis (UAA) to determine the appropriate use designations. A list of the UAAs conducted and the proposed designations may be found at <http://www.kdheks.gov/befs/> or may be obtained by contacting Ricquelle Landis at (785) 296-6603. This is a solicitation for preliminary comments on these proposed designations.

Preliminary comments must be submitted to Ricquelle Landis, KDHE, Bureau of Environmental Field Services, 1000 S.W. Jackson, Suite 430, Topeka, 66612-1367, by January 26. Another opportunity for public comment will be announced at the time of the formal revision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033956

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

designated permit or termination of the designated permit.

**Public Notice No. KS-AG-06-459/460
Application(s) for New or Expansion of Existing
Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Dale Springer - Main Farm 5816 County Road 3300 Independence, KS 67301	Dale Springer 5816 County Road 3300 Independence, KS 67301

Legal Description	Receiving Water
NW/4 of Section 23, T31S, R15E, Montgomery County	Verdigris River Basin
Kansas Permit No. A-VEMG-H009	Federal Permit No. KS0085448

This is an application for a permit for expansion and modification at an existing swine facility. The facility is expanding from 5,630 head (2,252 animal units) of swine weighing greater than 55 pounds and 3,252 head (325.2 animal units) of swine weighing 55 pounds or less to 6,070 head (2,428 animal units) of swine weighing greater than 55 pounds and 3,252 head (325.2 animal units) of swine weighing 55 pounds or less. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Marshall Farms LLC 3650 County Road 1900 Independence, KS 67301	Micah Marshall 3650 County Road 1900 Independence, KS 67301

Legal Description	Receiving Water
NW/4 of Section 16, T33S, R14E, Montgomery County	Verdigris River Basin
Kansas Permit No. A-VEMG-S038	

This is a permit application for an expansion of an existing swine facility. The permit application is for a maximum capacity of 1,328 head (531.2 animal units) of swine weighing greater than 55 pounds and 2,420 head (242 animal units) of swine weighing 55 pounds or less, for a total of 773.2 animal units of swine. This is an increase from the previous permitted capacity of 660 animal units. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-06-461/465
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Marshall Farms LLC Micah Marshall 3650 County Road 1900 Independence, KS 67301	NW/4 of Section 16, T33S, R14E, Montgomery County	Verdigris River Basin
Kansas Permit No. A-VEMG-S038		

This is a renewal permit with an increase in animal units for an existing facility for 1,328 head (531.2 animal units) of swine weighing more than 55 pounds and 2,420 head (242 animal units) of swine weighing 55 pounds or less, for a total of 773.2 animal units of swine. This is an increase from the previous permitted capacity of 660 animal units. No new construction is proposed.

Name and Address of Applicant	Legal Description	Receiving Water
Golden Rule Farms, Inc. Donovan Claassen 10449 N.W. 120th St. Whitewater, KS 67154	NE/4 of Section 06, T24S, R04E, Butler County	Walnut River Basin
Kansas Permit No. A-WABU-S010		

This is a renewal permit and modification for an existing swine facility with an increase in animal units. The modification is due to the re-

placement of a finisher building with a grower-finisher building and the removal of another swine building. The increase in animal units is due to a change in law or method of counting baby pigs and results in a total capacity of 2,140 head [856 animal units (a.u.)] of swine greater than 55 pounds and 1,140 head (114 a.u.) of swine less than 55 pounds, for a total of 970 a.u. This is an increase of 110 animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Cattle Care Services HC1, Box 2W Hugoton, KS 67951	NW/4 of Section 02, T33S, R37W, Stevens County	Cimarron River Basin
Kansas Permit No. A-CISV-C004	Federal Permit No. KS0096555	

This is a permit modification for an existing facility to increase the number of head of beef cattle to 2,200 head (2,200 animal units) of beef cattle weighing greater than 700 pounds and 2,300 head (1,150 animal units) of beef cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
D & L Partnership Donald L. Hazlett, General Partner 2475 Road W3 Lenora, KS 67645	SW/4 of Section 05, T05S, R23W, Norton County	Solomon River Basin
Kansas Permit No. A-SONT-B007		

This is a new permit for the expansion of an existing cattle facility from 250 head (250 animal units) to 999 head (999 animal units) of cattle each weighing more than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
John F. Christner, Jr. 1011 Elk Road Clay Center, KS 67432	SE/4 of Section 15, T09S, R01E, Clay County	Smoky Hill River Basin
Kansas Permit No. A-SHCY-M006		

This is a new permit for an existing facility required to construct a waste management lagoon for the dairy parlor. The facility also feeds 50 head (20 animal units) of pigs, 100 head (10 animal units) of piglets, 50 head (50 animal units) of cattle, 50 head (25 animal units) of calves and 2 head (4 animal units) of horses. The dairy portion is sized for milking up to 50 head. Runoff from all the feeding areas is managed in a manner that minimizes the potential for water pollution. Dairy parlor cleanup waste will be sent to a waste storage lagoon.

Public Notice No. KS-06-217/218

Name and Address of Applicant	Waterway	Type of Discharge
Bayer Stone, Inc. 120 N. 6th St. St. Marys, KS 66536	Cottonwood River via South Fork of the Cottonwood River	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-NE16-PO03	Federal Permit No. KS0099015	

Legal: S27, T20S, R8E, Chase County
Facility Name: Cottonwood Falls Quarry

Facility Description: The proposed action is to issue a new permit for an existing quarry for the discharge of wastewater during quarry operation. This facility is a limestone quarrying and crushing operation with some washing. Outfalls 001 and 003 consist of pit dewatering and stormwater runoff. Outfall 002 consists of treated wastewater. The proposed permit contains limits for total suspended solids and pH. The permit also includes generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
Holland Corporation, Inc. P.O. Box 14130 Lenexa, KS 66215	Cedar Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-KS52-PO10		Federal Permit No. KS0092321
Legal: W½, S16, T14S, R23E, Johnson County		
Facility Name: Olathe Quarry		

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarrying and crushing operation with no washing. This facility also has an asphalt plant on-site that operates nine months a year and does not have a discharge, since it uses dry air pollution control equipment. This site also has an active construction and demolition (C&D) landfill that does not discharge and is permitted by KDHE's Bureau of Waste Management. All contact water from the landfill is reused on-site and is not discharged. Outfall 001 consists of stormwater runoff from the asphalt production area. The water is normally reused on-site but may discharge from a settling pond after a heavy precipitation event. Outfalls 002, 003 and 004 consist of rainwater pumped from the quarry pit and stormwater runoff and is treated in a settling pond before being discharged. These outfalls usually only discharge after a heavy precipitation event. The proposed permit includes generic water-quality language to protect waters of the state. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

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

All comments regarding the draft documents or application notices received on or before January 27 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-06-459/465, KS-06-217/218) and name of the applicant/permittee when preparing comments.

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

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

Roderick L. Bremby
Secretary of Health
and Environment

State of Kansas
Kansas Health Policy Authority
Permanent Administrative
Regulations

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-88. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-89-24, May 27, 1988; amended Sept. 26, 1988; amended, T-30-10-28-88, Oct. 28, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-7-29-89, July 29, 1989; amended Nov. 24, 1989; amended Aug. 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1991; amended July 1, 1996; amended July 1, 1998; revoked Jan. 12, 2007.)

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

129-5-88. Scope of physician services. (a) Except as specified in subsection (b), the program shall cover medically necessary services recognized under Kansas law provided to program recipients by physicians who are licensed to practice medicine and surgery in the jurisdiction in which the service is provided.

(b) The following services shall be excluded from coverage under the program:

(1) Visits. The following types of visits shall be excluded:

(A) Office visits when the only service provided is an injection or some other service for which a charge is not usually made;

(B) psychotherapy services when provided concurrently by the same provider with both targeted case management services and partial hospitalization services;

(C) psychotherapy services exceeding an average of 32 hours of individual therapy or 32 hours of group therapy or any combination of these in a calendar year for each recipient, unless the recipient is a Kan Be Healthy program participant and either of these conditions is met:

(i) Psychotherapy services do not exceed 40 hours in a calendar year for each Kan Be Healthy program participant; or

(ii) psychotherapy services are being rendered pursuant to a plan approved by the agency. The provider of psychotherapy services shall obtain prior authorization for the plan. The plan shall not exceed a two-year period and shall be subject to a reimbursement limit established by the agency. Quarterly progress reports shall be submitted to the division of medical programs;

(D) inpatient hospital visits in excess of those allowable days for which the hospital is paid or would be paid if there were no spend-down requirements; and

(E) nursing home visits in excess of one each month, unless the service provider documents medical necessity.

(2) Consultations. The following types of consultations shall be excluded:

(A) Consultations for which there is no written report;

(B) inpatient hospital consultations in excess of one for each condition in a 10-day period, unless written documentation confirming medical necessity is attached to the claim; and

(C) consultations in excess of one for each condition in a 60-day period, unless written documentation confirming medical necessity is attached to the claim.

(3) Surgical procedures. The following types of surgical procedures and services shall be excluded:

(A) Procedures that are experimental, pioneering, cosmetic, or designated as noncovered;

(B) all transplant surgery, except for the following:

(i) Liver transplants, which shall be performed only at a hospital designated by the agency, unless the medical staff of that hospital recommends another location; and

(ii) corneal, heart, kidney, pancreas, and bone marrow transplants and related services;

(C) the services of a surgical assistant if the surgeon determines that an assistant is not required for a particular surgery; and

(D) elective surgery, except for sterilization operations or for Kan Be Healthy beneficiaries.

(4) Miscellaneous procedures. The following types of miscellaneous procedures shall be excluded:

(A) Diagnostic radiological and laboratory services, unless the services are medically necessary to diagnose or treat injury, illness, or disease;

(B) physical therapy, unless the following conditions are met:

(i) The therapy is performed by a physician or registered physical therapist under the direction of a physician; and

(ii) the therapy is prescribed by the attending physician;

(C) medical services of medical technicians, unless the technicians are under the direct supervision of a physician; and

(D) inpatient services that were provided on any day during a hospital stay and that are determined to not be medically necessary.

(5) Family planning services and materials.

(A) Family planning services and materials shall be excluded, unless all of the following conditions are met:

(i) The services are provided by a physician, family planning clinic, or county health department.

(ii) Written informed consent from the consumer is obtained as required by federal law and regulation.

(iii) The scope of services provided is in compliance with applicable federal and state statutes and regulations.

(B) Reverse sterilizations shall be excluded.

(6) Concurrent care shall be excluded, unless both of the following conditions are met:

(A) The patient has two or more diagnoses involving two or more systems.

(B) The special skills of two or more physicians are essential in rendering quality medical care. The occasional participation of two or more physicians in the performance of one procedure shall be recognized. Each physician involved shall submit that physician's usual charge

for only that portion of the procedure for which the physician is actually responsible.

(7) Psychological services for an individual entitled to receive these services as a part of care or treatment from a facility already being reimbursed by the program or by a third-party payor shall be excluded.

(c) The services provided by mid-level practitioners, including advanced registered nurse practitioners and physician assistants, shall be covered. (Authorized by L. 2005, Ch. 187, § 45 and K.S.A. 2005 Supp. 75-7403; implementing L. 2005, Ch. 187, § 41; effective Jan. 12, 2007.)

Marcia Nielsen, Ph.D., MPH
Executive Director

Doc. No. 033945

State of Kansas

Department of Administration Division of Personnel Services

Permanent Administrative Regulations

Article 2.—DEFINITIONS

1-2-46. Length of service. (a) "Length of service" shall mean total time worked in the classified service or unclassified service, including time spent on an appointment to a position pursuant to K.S.A. 75-2935(1)(i), and amendments thereto. Length of service shall exclude the following:

(1) Time worked as a temporary employee in accordance with the provisions of K.A.R. 1-6-25;

(2) time worked as a student employed by any board of regents institution;

(3) time worked as a resident worker in an institution of mental health as defined in K.S.A. 76-12a01 and amendments thereto or in a state veteran's home operated by the Kansas commission on veteran's affairs; and

(4) time worked as an inmate.

(b) Time spent on military leave and time off while receiving workers compensation wage replacement for loss of work time shall be considered to be time worked in the classified or unclassified service. Time on leave while receiving workers compensation wage replacement for a disability attributable to state employment before May 1, 1983, shall not be credited.

(c) Within educational institutions under the control and supervision of the state board of regents or the state board of education, time spent on leave of absence, if imposed by the educational institution based on employment customs arising from an academic or school calendar requiring less than a full calendar year of service, shall be considered to be time worked in the classified service. However, length of service based on this leave of absence shall not be transferable to other state agencies. For the purposes of layoff, employees of these institutions shall be credited only for actual time worked.

(d)(1) Length of service for computing vacation leave accrual rates and for layoff or compensation purposes shall not be recalculated using prior versions of this regulation for employees who have no break in service.

(continued)

(2) Length of service for determining vacation leave accrual rates and for layoff or compensation purposes for an individual returning to state service shall be the amount of length of service on record on December 17, 1995, or on the date the individual left state service, whichever date is later.

(e) Authorized leave without pay over 30 consecutive days shall not count toward length of service. However, authorized leave without pay for 30 consecutive days or less shall not be considered a break in service.

(f) Increased rates of vacation leave earnings based on length of service shall not be retroactive.

(g) For purposes of vacation leave accrual, layoff, and longevity bonus pay, the length of service of any person who has retired from state service shall be reduced to zero, and if the person later returns to state service, the length of service shall be calculated on the same basis as that for a new hire. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-52, Dec. 19, 1986; amended May 1, 1987; amended Dec. 27, 1993; amended Dec. 17, 1995; amended Sept. 18, 1998; amended June 5, 2005; amended Jan. 12, 2007.)

1-2-77. (Authorized by K.S.A. 75-3706; implementing K.S.A. 20-2608, K.S.A. 1997 Supp. 74-4914 and K.S.A. 75-5517; effective Sept. 18, 1998; revoked Jan. 12, 2007.)

Article 3.—WORKFORCE PLANNING AND CONTROL

1-3-5. Definitions. (a) “Affirmative action” means a deliberate and sustained effort to identify and eliminate barriers to the employment and advancement of females and minorities. The purpose of affirmative action initiatives shall be to achieve, at all levels, a state government workforce whose composition with respect to female and minority employees approximates the composition of the available, qualified state resident workforce.

(b) “Affirmative action plan” means a written, results-oriented plan detailing the steps that an appointing authority will take to achieve a workforce whose composition with respect to female and minority employees approximates the composition of the available, qualified state resident workforce.

(c) “Equal employment opportunity” means the administration of the civil service personnel system in a manner that promotes the right of all persons to work and to advance on the basis of merit and ability without regard to race, religion, color, sex, national origin or ancestry, age, disability, military or veteran status, or political affiliation, except as otherwise provided by law.

(d) “Minority,” means a group differing in race or ethnic background from the majority of the available, qualified state workforce, or a member of such a group.

(e) “Underutilization,” with respect to a workforce, means a condition in which the percentage of female or minority employees is less than the percentage of females or minorities in the available, qualified state workforce. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-2925, 75-2941, 75-3707, and 75-3746; effective Jan. 12, 2007.)

1-3-6. Equal employment opportunity; affirmative action. In a manner that is consistent with K.S.A. 75-2925 and amendments thereto, each appointing authority shall take the following steps: (a) Each appointing authority shall implement programs and policies designed to promote equal employment opportunity and shall implement an affirmative action plan to identify whether areas of underutilization exist. If areas of underutilization are identified, the appointing authority shall initiate programs designed to address the underutilization.

(b) Each appointing authority shall establish any goals and target dates necessary to effectuate agency-level and statewide affirmative action plans.

(c) Each appointing authority shall ensure that complete and accurate applicant and employment records and statistics are maintained that provide information for the evaluation and analysis of current and past employment practices with respect to affirmative action. Each appointing authority shall provide this data to the director in the manner and on the forms required by the secretary. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-2925, 75-2941, 75-3707, and 75-3746; effective Jan. 12, 2007.)

Article 9.—HOURS; LEAVES; EMPLOYEE- MANAGEMENT RELATIONS

1-9-18. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746, K.S.A. 75-2925, as amended by 1995 SB 175, § 2, and K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective May 1, 1979; amended Aug. 3, 1992; amended Dec. 17, 1995; revoked Jan. 12, 2007.)

1-9-25. Alcohol and controlled substances tests for employees in commercial driver positions. (a) (1) For purposes of this regulation, “the act” means the provisions of 49 U.S.C. app. § 2717, as amended, that apply to the alcohol and controlled substance testing of employees in commercial driver positions.

(2) This regulation shall apply to any employee in a commercial driver position who may be required to submit to an alcohol or controlled substances test in accordance with the act.

(b) Any appointing authority may ask any current employee in a commercial driver position within that agency to submit to alcohol and controlled substances tests under the provisions of the act as a condition of employment. Refusal to comply with this requirement shall be considered the equivalent of receiving a confirmed “positive” test result for referral or disciplinary actions.

(c)(1) Each employee required to submit to alcohol or controlled substances tests shall be notified of that requirement in writing. Each appointing authority shall provide to each current employee in a commercial driver position within that agency detailed materials containing the information identified in paragraph (c)(2). These materials shall be provided to each current employee before the start of alcohol and controlled substances testing by the agency and to each employee subsequently hired or transferred into a commercial driver position.

(2) The information provided to each employee in a commercial driver position shall include the following:

(A) The identity of the person designated by the appointing authority to answer drivers' questions about the materials;

(B) the categories of drivers who are subject to the provisions of the act;

(C) sufficient information about the safety-sensitive functions performed by those drivers to specify during which periods of the workday the driver is required to be in compliance with the act;

(D) specific information concerning driver conduct that is prohibited by the act;

(E) the circumstances under which a driver will be tested for alcohol or controlled substances under the act;

(F) the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

(G) the requirement that each driver submit to alcohol and controlled substances tests administered in accordance with the act;

(H) an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(I) the consequences for drivers found to have violated the act, including the requirement that the driver be removed immediately from safety-sensitive functions, and the referral, evaluation, and treatment procedures under the act;

(J) the consequences for drivers found to have an alcohol concentration exceeding permissible levels established under the act;

(K) information regarding postaccident procedures and the instructions necessary for the employee to be able to comply with the postaccident testing requirements; and

(L) information concerning the following:

(i) The effects of the use of alcohol and controlled substances on an individual's health, work, and personal life;

(ii) the signs or symptoms of an alcohol or a controlled substances problem, whether the driver's own problem or that of a coworker; and

(iii) the available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to the state employee assistance program, referral to management, or a combination of these methods.

(d) This subsection shall apply only to employees with permanent status, including employees with permanent status who are serving a probationary period due to a promotion.

(1) Except as provided by paragraph (d)(2), an employee shall not be subject to dismissal solely on the basis of a confirmed "positive" test result or the equivalent or a violation of any other provision of the act if the employee has not previously had a confirmed "positive" test result or the equivalent or any other violation of the act and the employee successfully completes an appropriate and approved alcohol and controlled substance assessment and any recommended education or treatment program. However, the employee shall be subject to dismissal in accordance with K.S.A. 75-2949f, and amendments thereto, if the employee has previously had

a confirmed "positive" test result or the equivalent or any other violation of the act or if the employee fails to successfully complete an appropriate and approved alcohol and controlled substance assessment and any recommended education and treatment program as prescribed by the substance abuse professional. This regulation shall not preclude the appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d, and amendments thereto, for other circumstances that occur in addition to a confirmed "positive" test result or another violation of the act and that are normally grounds for discipline.

(2) Each employee who takes any of the following actions shall be subject to dismissal pursuant to K.S.A. 75-2949f, and amendments thereto:

(A) Intentionally adulterates, tampers with, or substitutes a sample provided for alcohol or controlled substances testing;

(B) violates the chain-of-custody or identification procedures; or

(C) falsifies a test result.

(3) If disciplinary action is warranted under the provisions of this regulation, the appointing authority shall afford the employee due process in accordance with K.S.A. 75-2949, and amendments thereto.

(e) An employee shall be subject to dismissal if both of the following conditions are met:

(1) At the time the employee is given written notice of an appointment for an alcohol or controlled substances test, the employee is a temporary employee, is in trainee status, or is serving a probationary period, other than an employee with permanent status who is serving a probationary period due to a promotion.

(2) The employee has a confirmed "positive" test result or the equivalent or takes any of the following actions:

(A) Adulterates, tampers with, or substitutes a sample provided for controlled substances testing;

(B) violates the chain-of-custody or identification procedures;

(C) falsifies a test result; or

(D) violates any other applicable provision of the act.

(f)(1) Each appointing authority shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substances records in that agency. Access to these records shall be restricted to the following personnel:

(A) The agency's personnel officer, the agency's appointing authority, the secretary of administration, the director, or any of their respective designees;

(B) persons in the supervisory chain of command;

(C) the agency's legal counsel; or

(D) the department of administration's legal counsel.

(2) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3746 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995; amended Sept. 18, 1998; amended October 1, 1999; amended Jan. 12, 2007.)

1-9-26. Preduty controlled substances testing for employees in positions assigned commercial driver

(continued)

functions. (a) (1) For purposes of this regulation, "the act" means the provisions of 49 U.S.C. app. § 2717, as amended, that apply to the preduty controlled substances testing of employees in positions assigned commercial driver functions.

(2) This regulation shall apply to any existing, filled position to which the appointing authority assigns duties that result in the position becoming a commercial driver position, thereby subjecting the incumbent employee to the requirements of the act, including its controlled substances testing requirements and the provisions of the act regarding release of alcohol and controlled substances test information by previous employers.

(b) Each employee who is an incumbent in a position to which commercial driver functions are assigned shall be informed of the provisions of the act and this regulation in writing and shall sign a statement agreeing to participate in the controlled substances testing before administration of the test. The appointing authority shall advise each employee required to submit to controlled substances testing under the act of the following aspects of the testing program:

- (1) The methods of controlled substances testing that may be used;
- (2) the substances that may be identified;
- (3) the consequences of a refusal to submit to a controlled substances test or of a confirmed "positive" test result; and
- (4) the reasonable efforts utilized by the state to maintain the confidentiality of results and any medical information that may be provided.

(c) If an incumbent employee fails to participate in the required controlled substances test, refuses to sign the written authorization required under subsection (b) of this regulation, or refuses to provide written authorization for release of alcohol and controlled substances test information by previous employers, the employee shall not begin performing the safety-sensitive functions. A subsequent refusal to participate in the required testing or to sign the written authorization shall be grounds for the following consequences:

(1) Discipline under K.S.A. 75-2949f, and amendments thereto, for any employee with permanent status, including an employee serving a probationary period due to a promotion from a position in which the employee had permanent status; or

(2) termination, for any temporary employee, any employee in trainee status, or any employee serving a probationary period, other than an employee with permanent status who is serving a probationary period due to a promotion.

(d) This subsection shall apply only to employees with permanent status, including employees with permanent status who are serving a probationary period due to a promotion.

(1) Except as provided by paragraph (d)(3), an incumbent employee in a position to which commercial driver functions are assigned shall not be subject to dismissal solely on the basis of a confirmed "positive" test result if the employee successfully completes an appropriate and approved alcohol and controlled substance assessment and any recommended education or treatment program,

as provided by the act. However, the employee shall be subject to dismissal in accordance with K.S.A. 75-2949f, and amendments thereto, if the employee has previously had a confirmed "positive" test result or the equivalent, if the employee committed some other violation of the act, or if the employee fails to successfully complete an appropriate and approved alcohol and controlled substance assessment and any recommended education and treatment program prescribed by the substance abuse professional. This regulation shall not preclude the appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d, and amendments thereto, for other circumstances that occur in addition to a confirmed "positive" test result or another violation of the act and that are normally grounds for discipline.

(2) The provisions of (d)(1) relating to a confirmed "positive" test shall apply if the information obtained from a prior employer under the act indicates that, within the preceding two years, both of the following have occurred:

(A) The employee violated any of the provisions of the act.

(B) The employee failed to complete the requirements for returning to work under the act, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test, or both, and completion of any rehabilitation or treatment program prescribed by the substance abuse professional.

(3) Each employee who takes any of the following actions shall be subject to dismissal pursuant to K.S.A. 75-2949f, and amendments thereto:

(A) Intentionally adulterates, tampers with, or substitutes a sample provided for alcohol or controlled substances testing;

(B) violates the chain-of-custody or identification procedures; or

(C) falsifies a test result.

(4) If disciplinary action is warranted based on the provisions of this regulation, the appointing authority shall afford the employee due process in accordance with K.S.A. 75-2949, and amendments thereto.

(e) An employee shall be subject to termination if both of the following conditions are met:

(1) At the time the employee is given notice of the assignment of commercial driver functions to the employee's position, the employee is a temporary employee, is in trainee status, or is serving a probationary period, other than an employee with permanent status who is serving a probationary period due to a promotion.

(2) One or more of the following has occurred:

(A) The employee has a confirmed "positive" test result or the equivalent.

(B) The information obtained from a prior employer under the act indicates that, within the preceding two years, both of the following occurred:

(i) The employee violated any of the provisions of the act.

(ii) The employee failed to complete the requirements for returning to work under the act, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test, or both, and com-

pletion of any rehabilitation or treatment program prescribed by the substance abuse professional.

(C) The employee takes any of the following actions:

(i) Intentionally adulterates, tampers with, or substitutes a sample provided for controlled substances testing;

(ii) violates the chain-of-custody or identification procedures;

(iii) falsifies a test result; or

(iv) violates any other applicable provision of the act.

(f)(1) Each appointing authority shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substance testing records in that agency. Access to these records shall be restricted to the following individuals:

(A) The agency's personnel officer, the agency's appointing authority, the secretary of administration, the director, or any of their respective designees;

(B) persons in the supervisory chain of command;

(C) the agency's legal counsel; or

(D) the department of administration's legal counsel.

(2) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3746 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995; amended June 20, 1997; amended Sept. 18, 1998; amended Jan. 12, 2007.)

Duane Goossen
Secretary of Administration

Doc. No. 033935

State of Kansas

Kansas Insurance Department

Permanent Administrative Regulations

Article 4.—ACCIDENT AND HEALTH INSURANCE

40-4-29a. Same; renewability of individual hospital, medical, or surgical expense policy. (a) Except as specifically authorized by K.S.A. 40-2257(b) and amendments thereto, an insurer shall not terminate an individual hospital, medical, or surgical expense policy for any insured who is eligible for Medicare if the insured wishes to continue the individual's coverage.

(b) Each insurer shall mail to its current individual medical policyholders approaching the age of 65 or Medicare eligibility explaining, in detail, the options available to them. The following notice shall be provided:

“IMPORTANT CONSUMER NOTICE

From Sandy Praeger, Commissioner of Insurance,
State of Kansas

Dear Fellow Kansan,

Under the Federal Health Insurance Portability and Accountability Act and Kansas Statutes Annotated §40-2257, persons covered under an individual hospital, medical, or surgical expense policy may continue to renew this coverage even when they become eligible for Medicare. This means you may either:

- continue your current individual coverage into the future as long as you continue to pay premiums, or
- purchase a policy specifically designed to complement Medicare benefits, known as a Medicare supplement policy, once you are eligible for Medicare, or
- continue your current individual coverage and purchase a Medicare supplement policy.

The reason I am providing you with this information is to stress the importance of the decision you need to make. Each person who becomes enrolled for benefits in Medicare Part B receives a six (6)-month open enrollment period. During this six-month period, a person who applies for a Medicare supplement policy cannot be turned down and a policy will be issued to the applicant (subject to pre-existing condition limitations for some companies) without medical underwriting.

However, if you choose to maintain your current individual hospital, medical, or surgical policy after becoming enrolled in Medicare Part B, your six-month open enrollment period still begins to run. In general, this means that if you decide to apply for a Medicare supplement policy after the six-month period has passed, an insurance company may legally require you to meet its medical underwriting standards before issuing you such a policy.

You should also know that if you maintain your current individual policy and/or purchase a Medicare supplement policy, your premiums may increase as you get older. Neither policy will provide benefits that duplicate those provided by Medicare. In addition, although your current individual hospital, medical, or surgical expense policy may provide greater benefits than those offered through a Medicare supplement policy, you will likely be charged a greater premium rate and, in the long run, probably pay more for an individual hospital, medical, or surgical expense policy than a Medicare supplement policy. This is an important point to note and you should carefully compare and consider the cost of your current coverage and the benefits it provides, to the cost of a Medicare supplement policy and the benefits it provides.

Under the Federal Health Insurance Portability and Accountability Act and Kansas Statutes Annotated 40-2257, persons covered under an individual hospital, medical, or surgical expense policy may continue to renew this coverage, even when they become eligible for Medicare, except under very limited circumstances, such as when an insurer provides advance notice it is altogether ceasing to offer individual policies.

If you have any questions about your current coverage or purchasing a Medicare supplement policy, you may contact the Consumer Assistance Division of the Kansas Insurance Department at 1-800-432-2484 and one of our representatives will be glad to assist you.

Sandy Praeger
Commissioner of Insurance”

(Authorized by K.S.A. 40-103 and 40-2257(i); implementing K.S.A. 40-2257; effective Jan. 12, 2007.)

40-4-41. Utilization review organizations; application; definitions. (a) Except as provided in K.S.A. 40-22a06(b) and amendments thereto, each organization of-

(continued)

fering utilization review services that is required to apply for a certificate pursuant to K.S.A. 40-22a01 et seq., and amendments thereto, shall comply with these regulations. The utilization review services subject to these regulations shall include the following:

(1) Prospective, concurrent, and retrospective utilization review for inpatient and outpatient care conducted by a health care provider; and

(2) utilization review activity conducted by a health care provider in connection with health benefit plans.

(b) Notwithstanding adherence to the standards prescribed by these regulations, the decision as to what treatment to prescribe for an individual patient shall remain that of the health care provider, and either the patient or the patient's representative. The final decision as to whether the prescribed treatment constitutes a covered benefit shall be the responsibility of the claims administrator or health benefit plan.

(c) As used in these regulations, these terms shall have the following meanings:

(1) "Adverse event" means an occurrence that is inconsistent with or contrary to the expected outcomes of the organization's utilization review services.

(2) "Advisory board of osteopathic specialists (ABOS)" means the American osteopathic association (AOA) certification agent organized in 1939 for the purpose of establishing and maintaining standards of osteopathic specialization and the pattern of training.

(3) "American board of medical specialties (ABMS)" means the entity that was organized originally in 1933 as the advisory board of medical specialties, collaborated in 1970 with the American medical association (AMA), and is the recognized certifying agent for establishing and maintaining standards of medical specialization and the pattern of training.

(4) "Appeal" means a formal request to reconsider a determination not to certify an admission, extension of stay, or other health care service.

(5) "Appeals consideration" means a clinical review conducted by appropriate clinical peers who were not involved in peer clinical review, when a decision not to certify a requested admission, procedure, or service has been appealed. This term is sometimes referred to as "third-level review."

(6) "Attending health care provider" means the health care provider who is selected by, or assigned to the patient and who has primary responsibility for the treatment and care of the patient as provided by the applicable licensing, registration, or certification requirements of Kansas.

(7) "Board-certified" means a label indicating that a physician has passed an examination given by a medical specialty board and has other eligibility requirements that certify the physician as a specialist in that area.

(8) "Case involving urgent care" means any request for a utilization management determination with respect to which the application of the deadlines specified in K.A.R. 40-4-41c(a)(4) for making nonurgent care determinations would result in either of the following:

(A) The possibility of seriously jeopardizing the life or health of the consumer or the ability of the consumer to regain maximum function; or

(B) in the opinion of a physician with knowledge of the consumer, the subjection of the consumer to severe pain that cannot be adequately managed without the care or treatment that is the subject of the case.

(9) "Case management" means a collaborative process that assesses, plans, implements, coordinates, monitors, and evaluates options and services to meet an individual's health needs, using communication and available resources to promote quality, cost-effective outcomes.

(10) "Certification" means a determination by a utilization review organization that an admission, extension of stay, or other health care service has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(11) "Claims administrator" means any entity that recommends or determines whether to pay claims to enrollees, health care providers or others on behalf of the health benefit plan. These payment determinations shall be made on the basis of contract provisions. Claims administrators may be insurance companies, self-insured employers, third-party administrators, or other private contractors.

(12) "Client" means a business or individual that purchases services from the organization.

(13) "Clinical decision support tools" means the protocols, guidelines, and algorithms that assist in the clinical decision-making process.

(14) "Clinical director" means a health professional who meets the following criteria:

(A) Is duly licensed or certified;

(B) is an employee of, or party to a contract with, an organization; and

(C) is responsible for clinical oversight of the utilization management program, including the credentialing of professional staff and quality assessment and improvement functions.

(15) "Clinical peer" means a physician or other health professional who holds an unrestricted license and is in the same or similar specialty as that which typically manages the medical condition, procedures, or treatment under review. As a peer in a similar specialty, the individual shall be in the same profession, which shall mean the same licensure category, as that of the ordering provider.

(16) "Clinical rationale" means a statement providing additional clarification of the clinical basis for a noncertification determination. The clinical rationale shall relate the noncertification to the patient's condition or treatment plan and shall supply a sufficient basis for a decision to pursue an appeal.

(17) "Clinical review criteria" means the written policies, screens, decision rules, medical protocols, or guidelines used by the utilization review organization as an element in the evaluation of medical necessity and appropriateness of requested admissions, procedures, and services under the auspices of the applicable health benefit plan.

(18) "Comparable data" means data about performance that is periodically compared to an historical baseline, which may be internal. This ongoing process is recorded in regular intervals, including monthly, quarterly,

or annually. External benchmarks also may be used for purposes of comparison.

(19) "Complaint" means an expression of dissatisfaction regarding the organization's products or services.

(20) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment, including outpatient procedures and services, and is sometimes called a "continued stay review."

(21) "Consumer" means an individual who is the direct or indirect recipient of the services of the organization. Depending on the context, a consumer may be identified by different names, including "member," "enrollee," "beneficiary," "patient," "injured worker," and "claimant." A consumer relationship can exist even if there is not a direct relationship between the consumer and the organization.

(22) "Contractor" means a business entity that performs delegated functions on behalf of the organization.

(23) "Delegation" means the process by which the organization permits another entity to perform functions and assume responsibilities covered under these standards on behalf of the organization, while the organization retains final authority to provide oversight to the delegate.

(24) "Discharge planning" means the process that assesses a patient's needs in order to help arrange for the necessary services and resources to effect an appropriate and timely discharge or a transfer from the current services or level of care.

(25) "Expedited appeal" means an appeal of a noncertification in a case involving urgent care.

(26) "Facility rendering service" means the institution or organization in which the requested admission, procedure, or service is provided. These facilities may include the following:

- (A) Hospitals and outpatient surgical facilities;
- (B) individual practitioner offices;
- (C) rehabilitation centers;
- (D) residential treatment centers;
- (E) skilled nursing facilities;
- (F) laboratories; and
- (G) imaging centers.

(27) "Health benefit plan" means any public or private organization's written plan that insures or pays for specific health care expenses on behalf of enrollees or covered persons.

(A) "Health benefit plan" shall include the following:

- (i) Any individual, group, or blanket policy of accident and sickness, medical, or surgical expense coverage; and
- (ii) any provision of a policy, contract, plan, or agreement for medical service, including any contract of a health maintenance organization, nonprofit medical and hospital service corporation, or municipal group-funded sickness and accident pool.

(B) "Health benefit plan" shall not include any of the following:

- (i) A policy or certificate covering only credit;
- (ii) a policy or certificate covering only disability income;
- (iii) coverage issued as a supplement to liability insurance;

(iv) insurance arising out of a workers compensation or similar law;

(v) automobile medical payment insurance;

(vi) insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy;

(vii) medicare; or

(viii) medicaid.

(28) "Health care provider" shall have the meaning ascribed by K.S.A. 40-22a03(d) and amendments thereto and shall include institutional providers and professional providers.

(29) "Health professional" means an individual who meets the following criteria:

(A) Has undergone formal training in a health care field;

(B) holds an associate or higher degree in a health care field or holds a state license or state certificate in a health care field; and

(C) has professional experience in providing direct patient care.

(30) "Initial clinical review" means the clinical review conducted by appropriate licensed or certified health professionals. Initial clinical review staff may approve requests for admissions, procedures, and services that meet clinical review criteria, but shall refer requests that do not meet clinical review criteria to peer clinical review for certification or noncertification. The term is sometimes referred to as "first-level review."

(31) "License" means a license or permit, or its equivalent, to practice medicine or a health profession that is issued by any state or jurisdiction of the United States and is required for the performance of job functions.

(32) "Medical director" means a doctor of medicine or doctor of osteopathic medicine who meets the following criteria:

(A) Is duly licensed to practice medicine;

(B) is an employee of, or a party to a contract with, a utilization review organization; and

(C) has responsibility for clinical oversight of the utilization review organization's utilization review, credentialing, quality management, and other clinical functions.

(33) "Noncertification" means a determination by an organization that an admission, extension of stay, or other health care service has been reviewed and, based on the information provided, does not meet the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the terms of the applicable health benefit plan.

(34) "Nonclinical administrative staff" means staff who do not meet the definition of "health professional."

(35) "Ordering provider" means the specific physician or other provider who prescribed the health care service being reviewed.

(36) "Organization" means a business entity that seeks accreditation under these utilization review regulations. This term shall include utilization review organizations. This term may include a program or department within a larger organization and may be geographically limited.

(continued)

(37) "Patient" means the enrollee, covered person, or consumer who requests certification or for whom a request for certification has been filed. The term "patient" may include an agent or representative authorized to act on the patient's behalf.

(38) "Peer clinical review" means a clinical review conducted by appropriate health professionals when a request for an admission, procedure, or service was not approved during the initial clinical review. This term is sometimes referred to as "second-level review."

(39) "Peer-to-peer conversation" means a request by telephone for additional review of a utilization management determination not to certify that is performed by the peer reviewer who reviewed the original decision, based on the submission of additional information or a peer-to-peer decision.

(40) "Prereview screening" means automated or semi-automated screening of requests for authorization.

(A) Prereview screening may include the following:

(i) Collecting structured clinical data, including the diagnosis, diagnosis codes, procedures, and procedure codes;

(ii) asking scripted clinical questions;

(iii) accepting responses to scripted clinical questions; and

(iv) taking specific action, which may include certification and assignment of length of stay explicitly linked to each of the possible responses.

(B) Prereview screening shall not include the following:

(i) Applying clinical judgment or interpretation;

(ii) accepting unstructured clinical data;

(iii) deviating from a script;

(iv) engaging in unscripted clinical dialogue;

(v) asking clinical follow-up questions; and

(vi) issuing noncertifications.

(41) "Principal reason" or "principal reasons" means a clinical or nonclinical statement describing the reason or reasons for the noncertification determination. "Lack of medical necessity" shall not be deemed sufficient to meet this definition.

(42) "Professional competency" means the ability to perform assigned professional responsibilities.

(43) "Prospective review" means the utilization management conducted before a patient's admission, stay, or other service or course of treatment and is sometimes called "precertification review" or "prior authorization."

(44) "Quality improvement project" means an organization-wide initiative to measure and improve the service or care provided by the organization.

(45) "Quality management program" means a systematic, data-driven effort to measure and improve consumer and client services or health care services.

(46) "Retrospective review" means a review conducted after services, including outpatient procedures and services, have been provided.

(47) "Review of service request" means the review of information submitted to the utilization review organization for health care services that neither require medical necessity certification nor result in a noncertification decision.

(48) "Second opinion" means the requirement of some health plans to obtain an opinion about the medical necessity and appropriateness of specified proposed services by a practitioner other than the one originally making the recommendation.

(49) "Staff" means the organization's employees, including full-time employees, part-time employees, and consultants.

(50) "Standard appeal" means an appeal of a noncertification that is not an expedited appeal. In most cases, a standard appeal shall not pertain to cases involving urgent care. However, a standard appeal may also include a secondary appeal of an expedited appeal.

(51) "Statistically valid information" means information based on statistical principles and techniques.

(52) "Structured clinical data" means clinical information that is precise and permits exact matching against explicit medical terms, diagnoses, or procedure codes, or other explicit medical terms, diagnoses, or procedure codes, or other explicit choices, without the need for interpretation.

(53) "Utilization management (UM)" shall have the same meaning as that ascribed to "utilization review (UR)," which is defined in K.S.A. 40-22a03(b) and amendments thereto.

(54) "Utilization review (UR)" shall have the meaning ascribed by K.S.A. 40-22a03(b) and amendments thereto.

(55) "Utilization review organization" shall have the meaning ascribed by K.S.A. 40-22a03(c) and amendments thereto.

(56) "Written notification" means a document, including an electronic document, that specifies the terms of a relationship between the organization and client, consumer, or contractor. This term may include a contract and any attachments or addenda. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended June 22, 2001; amended Jan. 12, 2007.)

40-4-41b. Utilization review organizations; requirements for collecting information. When conducting routine prospective, concurrent, and retrospective utilization reviews, each utilization review organization shall comply with the following requirements:

(a) Each utilization review organization shall collect only the information necessary to certify the admission, procedure or treatment, length of stay, and frequency or duration of services. Utilization review organizations shall not perform any of the following:

(1) Routinely require health care providers to supply numerically codified diagnoses or procedures to be considered for certification. Utilization review organizations may ask for this coding since, if it is known, its inclusion in the data collected increases the effectiveness of the communication;

(2) routinely request copies of clinical records on all patients reviewed. During prospective and concurrent review, copies of clinical records shall be required only when a difficulty develops in certifying the necessity or appropriateness of the admission or extension of stay, or the frequency or duration of service. In those cases, only

the necessary or pertinent sections of the record shall be required; or

(3) request a review of all records on all patients. This shall not preclude a request for copies of relevant clinical records retrospectively for clinical review for a number of purposes, including auditing the services provided, quality assurance, evaluation of compliance with the terms of the health benefit plan or utilization review provisions. With the exception of reviewing records associated with an appeal or with an investigation of data discrepancies and unless otherwise provided for by contract or law, health care providers shall be entitled to reimbursement for the reasonable direct costs of duplicating requested records.

(b) Each utilization review organization shall accept required or requested information when submitted on claim forms as authorized by K.S.A. 40-2253, and amendments thereto, and K.A.R. 40-4-40.

(c) Each utilization review organization shall limit its data requirements to the following elements unless otherwise prescribed in these regulations:

(1) Patient information, which shall include the patient's name, address, telephone number, date of birth, gender, social security number or patient identification number, the name of the carrier or plan, including the plan type, and plan identification number;

(2) enrollee information, which shall include the enrollee's name, address, telephone number, social security number or employee identification number, relation to patient, employer, health benefit plan, group number or plan identification number, and other types of coverage available, including workers compensation, auto, Medicare (formerly known as champus), Medicare, and other coverage;

(3) health care provider information, which shall include the provider's name, address, telephone number, degree, specialty or certification status, and tax identification or other identification number;

(4) diagnosis or treatment information, which shall include the primary diagnosis, secondary diagnosis, tertiary diagnosis, multiaxial diagnosis, proposed or provided procedures or treatments, surgical assistant requirement, anesthesia requirement, admission or service dates, the procedure date, and the proposed length of stay;

(5) clinical information sufficient to support the appropriateness and level of service proposed or provided, and the name of a contact person for detailed clinical information;

(6) facility information, which shall include the following:

(A) The type of facility, including an inpatient or outpatient facility, special unit, skilled nursing facility, rehabilitation facility, office, or clinic;

(B) the licensing or certification status of the facility, including any applicable diagnostic-related group exempt status; and

(C) the facility's name, address, telephone number, and tax identification number or other identification number;

(7) concurrent or continued stay review information, which shall include the following:

(A) The number of additional days, services, or procedures proposed;

(B) a description of the reasons for the extension, including clinical information sufficient to support the appropriateness and level of service proposed;

(C) information regarding the continued or changed diagnoses; and

(D) discharge planning;

(8) information on admissions to facilities other than medical care facilities, which shall include a history of the present illness, the patient treatment plan and goals, the prognosis, staff qualifications, and 24-hour availability of appropriate staff;

(9) additional information for specific review functions, which may include discharge planning or catastrophic case management or, if applicable, second opinion information sufficient to support benefit plan requirements; and

(10) other additional information when there is a significant lack of agreement between the utilization review organization and health care provider regarding the appropriateness of certification. "Significant lack of agreement" shall mean that the utilization review organization meets the following conditions:

(A) Has tentatively determined, through its professional staff, that a service cannot be certified;

(B) Has referred the case to a peer clinical reviewer for review; and

(C) for prospective and concurrent review, has talked to or attempted to talk to the health care provider for further information.

(d) Each utilization review organization shall share all clinical and demographic information on individual patients among its various divisions to avoid duplicate requests for information from enrollees or providers.

(e) For prospective review and concurrent review, each utilization review organization shall base its review determinations solely on the medical information obtained by the utilization review organization at the time of the review determination.

(f) For retrospective review, each utilization review organization shall base its review determinations solely on the medical information available to the attending health care provider or ordering provider at the time the medical care was provided.

(g) Each utilization review organization shall reverse its certification determination only if information provided to the utilization review organization is materially different from that which was reasonably available at the time of the original determination.

(h) Each utilization review organization shall accept information from any reasonably reliable source that will assist in the certification process. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended June 22, 2001; amended Jan. 12, 2007.)

40-4-41c. Utilization review organizations; written procedures. Each utilization review organization shall maintain the following written procedures: (a) Writ-

(continued)

ten procedures to ensure that reviews and second opinions are conducted in a timely manner shall be maintained as follows:

(1) Collection of the necessary information may necessitate a discussion with the health care provider or, based on the requirements of the health benefit plan, may involve a completed second opinion review.

(2) Each utilization review organization may review ongoing inpatient stays, but shall not routinely conduct a daily review of all these stays. The frequency of the review for extension of the initial determination may vary, based on the severity or complexity of the patient's condition or on necessary treatment and discharge planning activity.

(3) Each utilization review organization shall issue a determination for prospective review according to either of the following deadlines:

(A) Within 72 hours of the request for a utilization management decision if the case involves urgent care, excluding intermediate Saturdays, Sundays, and legal holidays; or

(B) within 15 days, as computed in K.S.A. 60-206 and amendments thereto, of the request for a utilization management determination involving nonurgent care. This period may be extended once by the utilization review organization for up to 15 days if the extension is necessary due to matters beyond the control of the utilization review organization and the patient is notified before the expiration of the initial 15-day period of the circumstances requiring the extension of time and the date by which the utilization review organization expects to render a determination. If the patient fails to submit the information necessary to decide the case, the notice of extension shall specifically describe the required information, and the patient shall be given at least 45 days from the receipt of notice to respond to the plan's request for information. This time limit shall be computed as required in K.S.A. 60-206(a) and amendments thereto.

(4) Each utilization review organization shall issue a determination for retrospective review within 30 days of the request for a utilization management determination. This period may be extended once by the utilization review organization for up to 15 days if the extension is necessary due to matters beyond the control of the utilization review organization and the patient is notified before the expiration of the initial 15-day period of the circumstances requiring the extension of time and the date by which the utilization review organization expects to render a determination. If the patient fails to submit the information necessary to decide the case, the notice of extension shall specifically describe the required information, and the patient shall be given at least 45 days from the receipt of notice to respond to the plan's request for information. This time limit shall be computed as required in K.S.A. 60-206(a) and amendments thereto.

(5) For each concurrent review, the utilization review organization shall adhere to the following time frames, which shall be computed as required in K.S.A. 60-206(a) and amendments thereto:

(A) For reductions or terminations in a previously approved course of treatment, determinations are issued far enough in advance of the reduction or termination to al-

low for an appeal of the determination to be completed; and

(B) for requests to extend a current course of treatment, determinations are issued according to either of the following time frames:

(i) Within 24 hours of the request for a utilization management determination, if it is a case involving urgent care and the request for extension was received at least 24 hours before the expiration of the currently certified period or treatments; or

(ii) within 72 hours of the request for a utilization management determination, if it is a case involving urgent care and the request for extension was received less than 24 hours, excluding intermediate Saturdays, Sundays, and legal holidays, before the expiration of the currently certified period or treatments.

(b) Each utilization review organization shall maintain written procedures for providing notification of determinations regarding all forms of certification in accordance with the following:

(1) When an initial determination is made to certify, the utilization review organization shall notify the attending health care provider or other ordering provider, facility rendering service, and enrollee or patient promptly in writing, by telephone, or by electronic transmission.

(2) The utilization review organization shall transmit each determination to certify an extended stay or additional services resulting from a concurrent review to the attending health care provider or other ordering provider and the facility rendering services by telephone, by electronic transmission, or in writing. The determination shall be transmitted within one working day of receipt of all information necessary to complete the review process.

(3) If a utilization review organization transmits written confirmation of certification for continued hospitalization or services, that notification shall include, when possible, the number of extended days or the next review date, the new total number of days or services approved, and the date of admission or onset of services.

(4) When a prospective or concurrent review determination is made not to certify an admission or extension of an inpatient stay, course of treatment, or other service requiring a review determination, the decision shall be made by a peer clinical reviewer only after at least two bona fide attempts have been made to contact and consult with the attending health care provider.

(A) If the attending health care provider cannot be contacted in a timely manner, the utilization review organization shall send written notification to the attending health care provider or ordering provider and the enrollee or patient within one working day following the determination. Each notification shall be accompanied by the most appropriate telephone number necessary to facilitate an expedited appeal.

(i) The utilization review organization shall provide within one business day of receipt of the request the opportunity for the attending health care provider or other ordering provider to discuss the noncertification decision with a clinical peer reviewer, if the original peer reviewer cannot be available within one business day.

(ii) If a reconsideration or peer-to-peer conversation does not resolve a difference of opinion, the utilization

review organization shall, at the time of the conversation, inform the attending health care provider or other ordering provider of the right to initiate an expedited appeal or standard appeal and the procedure to do so.

(B) The written notification shall include the principal reasons for the determination and procedures to initiate an appeal of the determination. A determination not to certify may be based on a lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

(C) Each of the letters to the provider, other ordering provider, patient, and facility shall include tracking information including a reference number and a statement that the clinical rationale used in making the noncertification decision shall be provided in writing upon request.

(D) Upon request, the utilization review organization shall provide the clinical rationale in writing to the provider, patient, or facility rendering service.

(5) When a retrospective determination is made not to certify an admission, stay, or other service, the decision shall be made only by a peer clinical reviewer. The utilization review organization shall provide written notification of the determination to the attending health care provider or other ordering provider, patient, and hospital or facility rendering services. The written notification shall include the principal reasons for the determination and the procedures to initiate a standard appeal of the determination. The notification shall include a statement that the clinical rationale used in making the determination will be provided in writing upon request. A determination not to certify may be based on a lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

(c) Each utilization review organization shall maintain written procedures to address the failure or inability of a health care provider, patient, or other representative to provide the necessary information for review. If the patient or provider will not release the necessary, clinically relevant information to the utilization review organization, the utilization review organization may administratively deny certification in accordance with its own policy or that of the health benefit plan. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended May 16, 1997; amended June 22, 2001; amended Jan. 12, 2007.)

40-4-41d. Utilization review organizations; appeal procedures. Each utilization review organization shall have in place a formal process to consider appeals of a determination not to certify an admission, procedure, service, or extension of stay. The appeal process shall include the availability of a standard appeal for nonurgent cases and an expedited appeal for cases involving urgent care. The right to appeal shall be available to the patient or enrollee, the representative of the patient or enrollee, and the attending health care provider, other ordering provider, or facility rendering service on behalf of the patient. Hospitals or other health care providers may assist in an appeal. The procedures for appeals shall include, at a minimum, the following: (a) Each utilization review organization shall allow the patient, provider, or

facility rendering services at least 180 days, excluding intermediate Saturdays, Sundays, and legal holidays, after receipt of a notice of noncertification to initiate the appeal process by telephone or written notification.

(b) Each utilization review organization shall provide the patient, provider, or facility rendering the service with the opportunity to submit written comments, documents, records, or other information relating to the case.

(c) Each utilization review organization and the individuals considering the appeal shall take into account all documents, records, and other information submitted by the patient, provider, or facility rendering service relating to the case without regard to whether the information was submitted or considered in the initial consideration of the case.

(d) Each utilization review organization shall keep a record of each appeal that includes the names of the patient, provider, and facility that rendered the service, copies of all correspondence regarding the appeal, the dates of appeal reviews, documentation of actions taken, final resolutions, and minutes or transcripts of appeal proceedings, if any.

(e) Each utilization review organization shall provide an expedited appeal process for cases involving urgent care.

(1) If an initial determination not to certify a health care service is made before or during an ongoing service requiring review and the attending health care provider or other ordering provider believes that the determination warrants immediate appeal, the attending health care provider or other ordering provider shall have an opportunity to appeal that determination over the telephone or via facsimile, on an expedited basis.

(2) Each utilization review organization shall provide reasonable access to a peer clinical reviewer by telephone or in person to discuss the determination with the attending health care provider or other ordering providers. The peer clinical reviewer shall be available for these appeals during normal business hours.

(3) The peer clinical reviewer shall have immediate access to the material that formed the basis for the original determination when discussing an appeal.

(4) The utilization review organization shall not be required to provide a peer clinical reviewer other than the peer clinical reviewer who made the original decision if the attending health care provider or other ordering provider only needs to supply additional or new information that will justify the need for the health care service or treatment.

(5) Health care providers and utilization review organizations shall attempt to share the maximum amount of information by telephone, facsimile, or other means to resolve the expedited appeal satisfactorily.

(6) The utilization review organization shall notify the attending health care provider or the ordering provider of its decision regarding the expedited appeal by telephone when the decision is made and shall notify either the attending health care provider or other ordering provider and the enrollee in writing within one working day.

(7) Expedited appeals that do not resolve a difference of opinion may be resubmitted through the standard appeal process.

(continued)

(8) Noncertifications made on a retrospective basis may be appealed only through the standard appeal process.

(9) Each expedited appeal shall be completed as soon as possible, and no later than 72 hours after the initiation of the appeal process, excluding intermediate Saturdays, Sundays, and legal holidays. Completion of the appeal shall include the provision of written notification of the appeal decision issued.

(10) The written notification of each adverse appeal determination shall include the principal reasons for the determination, the clinical rationale used in making the appeal decision, and information about additional appeal mechanisms available, if any.

(f) Each utilization review organization shall establish procedures for standard appeals to be made either in writing or by telephone.

(1) Each utilization review organization shall notify in writing the enrollee or patient, attending health care provider or other ordering provider, and claims administrator of its determination on the appeal as soon as practical, but never later than 30 days after the initiation of the appeal process.

(2) The documentation required by the utilization review organization may include copies of part or all of the clinical record or a written statement from the attending health care provider or other ordering provider.

(3) Before upholding the original decision not to certify for clinical reasons, a peer clinical reviewer who did not make the original noncertification determination shall review the documentation.

(4) Written notification of each adverse appeal determination shall be provided to each attending health care provider or other ordering provider and shall include the principal reasons for the determination and information about additional appeal mechanisms available, if any.

(5) Each attending health care provider or other ordering provider who unsuccessfully appeals a determination not to certify shall be provided the clinical basis for that determination in writing, upon request.

(6) In cases involving physician-directed services in which an appeal to reverse a determination not to certify for medical reasons is unsuccessful, the utilization review organization shall ensure that a peer clinical reviewer, in the same or a similar medical specialty as that of the attending health care provider or other ordering provider, is reasonably available to review the case as mutually deemed appropriate.

(7) In cases involving other than physician-directed services in which an appeal to reverse a determination not to certify for clinical reasons is unsuccessful, the utilization review organization shall ensure that a peer clinical reviewer, in the same or similar profession as that of the attending health care provider or other ordering provider, is reasonably available to review the case as mutually deemed appropriate.

(8) Each utilization review organization shall forward, by written notification, a certification or a determination not to certify to the enrollee or patient, attending health care provider or other ordering provider, and claims administrator for the health benefit plan.

(9) The utilization review organization shall conduct appeals considerations by requiring health professionals

who serve as clinical peers and who consider appeals to meet the following conditions:

(A) Hold a current active, unrestricted license to practice medicine or a health profession;

(B) for services provided by a physician, medical doctor, or doctor of osteopathic medicine, be board-certified by either of the following:

(i) A specialty board approved by the American board of medical specialties, for doctors of medicine; or

(ii) the advisory board of osteopathic specialists from the major areas of clinical services, for doctors of osteopathic medicine;

(C) for services provided by a nonmedical doctor or doctor of osteopathic medicine, be in the same profession and in a similar specialty as that which typically manages the medical condition, procedure, or treatment mutually deemed appropriate;

(D) be oriented to the principles and procedures of utilization review and peer review; and

(E) be neither the individual who made the original noncertification nor the subordinate of that individual. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended June 22, 2001; amended Jan. 12, 2007.)

40-4-41e. Utilization review organizations; staff requirements. Each utilization review organization shall have utilization review staff who are properly trained, qualified, supervised, and supported by written, clinically substantiated criteria and review procedures. (a)(1) For data collection, intake screening, and scripted clinical screening, the use of nonclinical administrative staff shall be limited to the following:

(A) The performance of "review of service requests" for completeness;

(B) the collection and transfer of nonclinical data;

(C) the acquisition of structured clinical data; and

(D) any scripted clinical screening that does not require evaluation or interpretation of clinical information.

(2) Nonclinical administrative staff performing the functions listed in paragraphs (a)(1)(A) through (D) shall meet the following conditions:

(A) Be qualified and trained to perform "review of service requests";

(B) be supported by explicit instructions and scripts;

(C) be trained in the principles and procedures of the collection and transfer of nonclinical data, the acquisition of structured clinical data, scripted clinical screening, and the maintenance of confidentiality of patient-specific information;

(D) through an established process, promptly transfer a telephone call for review of services to an initial clinical reviewer if the review cannot be completed based on a formal script; and

(E) be monitored by a licensed health professional while performing an administrative review.

(b) The utilization review organization, when conducting an initial clinical review, shall perform the following:

(1) Refer review of services that do not meet initial review criteria to peer clinical review;

(2) restrict the performance of the initial clinical review to individuals who meet both of the following requirements:

(A) Are health professionals; and

(B) possess a current and valid professional license or certificate in the state or states in which they work. If the state in which they work does not require professional licensure, each of the individuals shall possess a current and valid professional license or certificate in another state or shall be certified by the national accrediting body appropriate to each individual's profession;

(3) require initial clinical reviewers to be trained in the principles and procedures of utilization review; and

(4) require initial clinical reviewers to be supported by a doctor of osteopathic medicine or a clinical director who has an unrestricted license to practice medicine.

(c)(1) The utilization review organization shall conduct peer clinical reviews for all cases in which a clinical determination to certify cannot be made by initial clinical review. Peer clinical reviews shall be conducted by health professionals who meet the following criteria:

(A) Directly support the utilization review activity;

(B) are oriented in the principles and procedures of utilization management and peer review;

(C) are qualified to render a clinical opinion about the medical condition, procedures, and treatment under review; and

(D) meet one of the following criteria:

(i) Hold a current, unrestricted license in the same licensure category as that of the attending health care provider or other ordering provider; or

(ii) for standard appeals, are in active practice.

(2) The utilization review organization shall have a medical director or clinical director with professional postresidency experience in direct patient care who meets one of the following criteria:

(A) Holds an unrestricted license to practice medicine; or

(B) has a clinical specialty appropriate to the type of single service utilization management conducted. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended June 22, 2001; amended Jan. 12, 2007.)

40-4-41f. Utilization review organizations; review requirements. (a) Each utilization review organization shall use written, clinically substantiated criteria, as needed, for the purpose of determining or screening the appropriateness of the certification.

(1) The criteria shall be periodically evaluated and updated and shall be made available to the attending health care provider or other ordering provider upon request.

(2) Professionally accepted review criteria shall be used for concurrent reviews and shall be periodically evaluated and updated.

(3) If copyright laws prohibit the copying of criteria for health care providers, the utilization review organization shall identify the type of criteria being utilized so that the health care provider can purchase the criteria directly from the source.

(4) Clinical protocols, as well as other relevant review processes used in a health benefit plan's concurrent re-

view program, shall be established with appropriate involvement from health care provider panels consisting of health care providers contracting with the utilization review organization.

(b) Each utilization review organization shall use one or more health care provider consultants, including, as needed and available, one or more specialists who are board-certified and working toward certification in a specialty approved by the American board of medical specialists or the American board of osteopathy from the major areas of clinical services.

(c) Each utilization review organization shall use one or more peer clinical reviewers who meet the following criteria:

(1) Have an understanding of clinical practice;

(2) are familiar with current treatment guidelines;

(3) are able to access expert clinical opinions when necessary; and

(4) take into consideration any local specific issues as described by the attending health care provider.

(d) Each utilization review organization shall provide a formal program for orientation and training of utilization review staff and professional consultants.

(e) Each utilization review organization shall maintain written documentation of an active quality management program that promotes objective and systematic monitoring and evaluation of utilization review processes and services.

(f) Each utilization review organization shall, as part of its quality management program, include a written plan addressing the following:

(1) Scope and objectives;

(2) program organization;

(3) monitoring and oversight mechanisms; and

(4) evaluation and organizational improvement of clinical review activities.

(g) Each utilization review organization shall, as part of its UR quality review program, provide written documentation that verifies the ongoing monitoring for compliance with this regulation, including the following:

(1) Objectives and approaches utilized in the monitoring and evaluation of clinical review activities, including the systematic evaluation of complaints for patterns or trends;

(2) the implementation of action plans to improve or correct identified problems; and

(3) the mechanisms to communicate the results of the action plans to utilization review staff.

(h) Each utilization review organization shall have a mechanism to ensure that the utilization management process, including the decision making of staff and reviewers, is not influenced by conflicts of interest. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended June 22, 2001; amended Jan. 12, 2007.)

40-4-41i. Utilization review organizations; program qualifications. (a) Each utilization review organization shall utilize explicit clinical review criteria or scripts for scripted clinical screening that meet the following criteria:

(continued)

(1) Are developed with involvement from appropriate, actively practicing physicians and other providers with current knowledge relevant to the criteria or scripts under review;

(2) are based on sound clinical principles and processes;

(3) are evaluated at least annually and are updated, if necessary;

(4) if used in a review that leads to a noncertification decision for a specific case under review, are disclosed to the physician, provider, and patient upon request; and

(5) are approved by the medical director or clinical director.

(b) Each utilization review organization shall implement and document a structured professional staff review program that demonstrates a formal program of orientation and training for all clinical reviewers.

(c) Each utilization review organization shall establish written clinical qualifications and a process for periodic performance evaluation for all clinical reviewers, both staff and consultant. This periodic performance evaluation shall include a review of the case files of each member of the utilization management staff.

(d) Each utilization review organization shall conduct a periodic formal program for training, as well as ongoing monitoring and evaluation of the performance of non-clinical administrative staff involved in all levels of the review process. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04, effective June 22, 2001; amended Jan. 12, 2007.)

40-4-41j. Utilization review organizations; written procedures to maintain confidentiality. (a) Each utilization review organization shall have written policies and procedures for ensuring that patient-specific information obtained during the utilization management process meets the following criteria:

(1) Be limited to only that information necessary for utilization management, quality management, discharge planning, case management, and claims payment;

(2) be shared with only those entities who have authority to receive this information;

(3) be kept confidential in accordance with applicable law; and

(4) be shared only with those individuals who need access to this information in order to conduct utilization management and related processes.

(b) If provider-specific data is to be released to the public, each utilization management organization shall have policies and procedures for exercising due care in compiling and releasing this data. These policies and procedures shall address the following:

(1) How data are obtained using valid methodology and verified for accuracy;

(2) how the subjects of these disclosures are informed of the disclosures;

(3) how potential users of the information are informed about the uses and limitations of the data; and

(4) how the release of the data complies with applicable confidentiality laws and regulations. (Authorized by K.S.A. 40-103, 40-22a04, and 40-22a11; implementing K.S.A. 40-22a04 and 40-22a09; effective June 22, 2001; amended Jan. 12, 2007.)

Article 7.—AGENTS

40-7-1. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-239, 40-245, 40-214; effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-79-25, Oct. 19, 1978; amended May 1, 1979; amended May 1, 1986; revoked Jan. 12, 2007.)

40-7-24. Agencies; agents; employees. Each business entity holding an agency license shall have at least one licensed agent in its employ, except any business entity offering only credit life or credit health insurance products or auto rental products. (Authorized by K.S.A. 40-103, K.S.A. 2005 Supp. 40-4916; implementing K.S.A. 2005 Supp. 40-4904(b)(8) and (10); effective April 16, 1990; amended Jan. 12, 2007.)

Sandy Praeger
Commissioner of Insurance

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INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2005 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-1-1	Amended	V. 24, p. 848
1-2-9	Amended	V. 24, p. 849
1-2-25	Amended	V. 24, p. 849
1-2-25a	New	V. 24, p. 849
1-2-30	Revoked	V. 24, p. 849
1-2-31	Amended	V. 24, p. 849
1-2-43a	New	V. 24, p. 849
1-2-44	Amended	V. 24, p. 849

1-2-46	Amended	V. 24, p. 849
1-2-74	Amended	V. 24, p. 850
1-2-84a	Revoked	V. 24, p. 850
1-2-84b	Revoked	V. 24, p. 850
1-2-97	Amended	V. 24, p. 850
1-3-2	Revoked	V. 24, p. 850
1-4-2	Amended	V. 24, p. 850
1-4-3	Amended	V. 24, p. 850
1-4-5	Amended	V. 24, p. 850
1-4-7	Amended	V. 24, p. 850
1-4-8	Amended	V. 24, p. 851
1-5-8	Amended	V. 25, p. 1305
1-5-9	Amended	V. 24, p. 852
1-5-14	Amended	V. 24, p. 852
1-5-15	Amended	V. 24, p. 852
1-5-19c	Amended	V. 24, p. 853
1-5-20	Amended	V. 24, p. 853
1-5-24	Amended	V. 24, p. 853
1-5-30	Amended	V. 24, p. 855
1-6-2	Amended	V. 25, p. 1306
1-6-8	Amended	V. 24, p. 855
1-6-22a	Amended	V. 25, p. 1306
1-6-27	Amended	V. 24, p. 856
1-6-29	Amended	V. 24, p. 856
1-6-32	Amended	V. 24, p. 857
1-7-3	Amended	V. 24, p. 858
1-7-10	Amended	V. 24, p. 858

1-7-11	Amended	V. 24, p. 858
1-7-12	Amended	V. 24, p. 859
1-8-2	Amended	V. 24, p. 859
1-8-3	Amended	V. 24, p. 859
1-8-4	Amended	V. 24, p. 859
1-8-5	Revoked	V. 24, p. 860
1-8-6	Amended	V. 24, p. 860
1-9-1	Amended	V. 24, p. 860
1-9-2	Amended	V. 24, p. 860
1-9-7b	Amended	V. 25, p. 1307
1-9-13	Amended	V. 24, p. 861
1-9-14	Amended	V. 24, p. 861
1-9-19	Amended	V. 24, p. 861
1-9-19a	Amended	V. 24, p. 862
1-9-20	Amended	V. 24, p. 863
1-9-23	Amended	V. 24, p. 863
1-9-27	Revoked	V. 24, p. 865
1-10-6	Revoked	V. 24, p. 865
1-10-7	Revoked	V. 24, p. 865
1-10-10	Revoked	V. 24, p. 865
1-10-11	Revoked	V. 24, p. 865
1-11-1	Amended	V. 24, p. 865
1-11-3	Revoked	V. 24, p. 865
1-12-1	Amended	V. 24, p. 865
1-12-2	Amended	V. 24, p. 865
1-13-1a	Amended	V. 24, p. 866
1-13-1b	New	V. 24, p. 866

1-14-8 Amended V. 24, p. 866
 1-14-11 Amended V. 24, p. 868

AGENCY 3: KANSAS STATE TREASURER

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3-4-1 through 3-4-7	New (T)	V. 25, p. 984, 985
3-4-1 through 3-4-7	New	V. 25, p. 1446, 1447

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-7-213	Amended	V. 25, p. 1142
4-7-216	Revoked	V. 25, p. 1142
4-7-510	Amended	V. 25, p. 1142
4-7-530	Amended	V. 25, p. 1142
4-7-716	Amended	V. 25, p. 1142
4-7-717	Amended	V. 25, p. 1142
4-8-14a	Amended (T)	V. 25, p. 379
4-8-27	Amended (T)	V. 25, p. 380
4-8-33	Amended (T)	V. 25, p. 380
4-8-34	Amended (T)	V. 25, p. 380
4-8-42	Amended (T)	V. 25, p. 380
4-11-15	New (T)	V. 25, p. 1632
4-15-7	Amended	V. 24, p. 550
4-15-8	Amended	V. 24, p. 550
4-16-1a	Amended	V. 25, p. 1143
4-16-1c	Amended	V. 25, p. 1143
4-16-3a	Amended	V. 25, p. 1143
4-16-250	Revoked	V. 25, p. 1145
4-16-251	Revoked	V. 25, p. 1145
4-16-252	Revoked	V. 25, p. 1145
4-16-260	Revoked	V. 25, p. 1145
4-17-1a	Amended	V. 25, p. 1145
4-17-1c	Amended	V. 25, p. 1145
4-17-5a	Revoked	V. 25, p. 1145
4-28-1 through 4-28-7	New	V. 24, p. 145, 146

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-16-1	Amended	V. 24, p. 1850
5-16-5	Amended	V. 24, p. 1850
5-24-10	Amended	V. 25, p. 1692

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-17-22	Amended (T)	V. 25, p. 1305
7-34-2	New (T)	V. 24, p. 42
7-34-2	New	V. 24, p. 332
7-41-1	Amended	V. 24, p. 1244
7-41-14 through 7-41-33	New	V. 24, p. 1245-1249
7-42-1 through 7-42-5	New	V. 24, p. 1469, 1470
7-43-1 through 7-43-6	New	V. 24, p. 1829, 1830

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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9-2-32	Amended (T)	V. 24, p. 272
9-2-32	Amended	V. 24, p. 919
9-11-10	Amended (T)	V. 24, p. 272
9-11-10	Amended	V. 24, p. 919
9-18-1	Amended (T)	V. 24, p. 1144
9-18-1	Amended	V. 24, p. 1372
9-32-1 through 9-32-8	New (T)	V. 25, p. 46-48
9-32-1 through 9-32-8	New	V. 25, p. 375-378

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	Amended	V. 24, p. 962

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-3-1 through 11-3-10	Amended	V. 25, p. 250, 251
11-3-11	New	V. 25, p. 252
11-3-12	New	V. 25, p. 252
11-4-1 through 11-4-4	Amended	V. 25, p. 1268, 1269
11-4-6 through 11-4-14	Amended	V. 25, p. 1269, 1270
11-4-15	New	V. 25, p. 1270
11-4-16	New	V. 25, p. 1270
11-11-1 through 11-11-7	Revoked	V. 24, p. 1798

AGENCY 14: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
14-14-12	Revoked	V. 24, p. 798

AGENCY 16: ATTORNEY GENERAL

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16-1-7	Amended	V. 24, p. 95
16-4-2	New	V. 24, p. 95
16-4-3	New	V. 24, p. 95
16-4-4	New	V. 24, p. 96
16-6-1	Amended	V. 24, p. 96
16-10-1	New (T)	V. 24, p. 1176
16-10-2	New (T)	V. 24, p. 1176
16-10-3	New (T)	V. 24, p. 1176
16-10-1	New	V. 24, p. 1690
16-10-2	New	V. 24, p. 1690
16-10-3	New	V. 24, p. 1691
16-11-1 through 16-11-6	New (T)	V. 25, p. 980-982, 1019
16-11-1 through 16-11-7	New	V. 25, p. 1598-1600
16-11-8	New	V. 25, p. 1772

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-8-2	Amended	V. 25, p. 274
22-8-3	Amended	V. 25, p. 275
22-8-5	Amended	V. 25, p. 275
22-8-8 through 22-8-14	New	V. 25, p. 276, 277
22-8-17	New	V. 25, p. 277

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-39-144	New	V. 24, p. 1629
26-39-243	New	V. 24, p. 1631
26-39-278	New	V. 24, p. 1632
26-39-427	New	V. 24, p. 1632
26-39-438 through 26-39-441	New	V. 24, p. 1243

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 25, p. 413
28-1-26	Amended	V. 25, p. 866
28-4-501	Amended (T)	V. 25, p. 985, 1019
28-4-501	Amended	V. 25, p. 1402
28-4-510	Amended (T)	V. 25, p. 986, 1019
28-4-510	Amended	V. 25, p. 1403
28-4-514	New (T)	V. 25, p. 987, 1019
28-4-514	New	V. 25, p. 1403
28-4-1400	New (T)	V. 24, p. 1142
28-4-1400	New	V. 24, p. 1531

28-16-28g	Amended	V. 25, p. 1205
28-16-58	Amended	V. 24, p. 52
28-16-160 through 28-16-174	New	V. 24, p. 754-764
28-17-1	Amended	V. 24, p. 178
28-17-6	Amended	V. 24, p. 179
28-17-20	Amended	V. 24, p. 179
28-17-22	New	V. 24, p. 181
28-19-22	Revoked	V. 24, p. 1437
28-19-350	Amended	V. 25, p. 845
28-19-517	Amended	V. 24, p. 1437
28-19-542	Amended	V. 24, p. 1438
28-19-546	Amended	V. 24, p. 1438
28-19-561	Amended	V. 24, p. 1438
28-19-562	Amended	V. 24, p. 1439
28-19-563	Amended	V. 24, p. 1440
28-19-575 through 28-19-578	Revoked	V. 24, p. 1440
28-30-200 through 28-30-207	New	V. 24, p. 1470-1474
28-35-135	Revoked	V. 24, p. 1830
28-35-135a through 28-35-135i	New	V. 24, p. 1830
28-35-135k through 28-35-135y	Revoked	V. 24, p. 1830
28-35-136	New	V. 24, p. 1830
28-35-148	Amended	V. 24, p. 1830
28-35-154	Amended	V. 24, p. 1830
28-35-160	Amended	V. 24, p. 1830
28-35-162	Amended	V. 24, p. 1830
28-35-167	New	V. 24, p. 1830
28-35-168	New	V. 24, p. 1830
28-35-169	New	V. 24, p. 1830
28-35-175a	Amended	V. 24, p. 1830
28-35-176a	Amended	V. 24, p. 1830
28-35-177a	Amended	V. 24, p. 1830
28-35-178a	Amended	V. 24, p. 1830
28-35-178b	Amended	V. 25, p. 256
28-35-178j	New	V. 24, p. 1830
28-35-180a	Amended	V. 24, p. 1830
28-35-180b	New	V. 24, p. 1830
28-35-181e	Amended	V. 24, p. 1830
28-35-181g	Amended	V. 24, p. 1830
28-35-181h	Amended	V. 24, p. 1830
28-35-181i	Amended	V. 24, p. 1830
28-35-181m	Amended	V. 24, p. 1830
28-35-181s	New	V. 24, p. 1830
28-35-184a	Amended	V. 24, p. 1830
28-35-184b	Amended	V. 24, p. 1830
28-35-185a	Amended	V. 24, p. 1830
28-35-193b	Revoked	V. 24, p. 1830
28-35-195a	Amended	V. 24, p. 1830
28-35-199a	Revoked	V. 24, p. 1830
28-35-204	New	V. 24, p. 1830
28-35-205	New	V. 24, p. 1830
28-35-205a	New	V. 24, p. 1830
28-35-205b	New	V. 24, p. 1830
28-35-206	New	V. 24, p. 1830
28-35-211c	New	V. 24, p. 1831
28-35-211d	Amended	V. 24, p. 1831
28-35-212a	Amended	V. 24, p. 1831
28-35-212b	Amended	V. 24, p. 1831
28-35-212d	Amended	V. 24, p. 1831
28-35-212e	Amended	V. 24, p. 1831
28-35-213b	Amended	V. 24, p. 1831
28-35-216a	Amended	V. 24, p. 1831
28-35-217a	Amended	V. 24, p. 1831
28-35-219a	Amended	V. 24, p. 1831
28-35-220a	Amended	V. 24, p. 1831
28-35-222a	Amended	V. 24, p. 1831
28-35-223a	Amended	V. 24, p. 1831
28-35-224a	Amended	V. 24, p. 1831
28-35-227d	Amended	V. 24, p. 1831
28-35-227f	Amended	V. 24, p. 1831
28-35-227g	Amended	V. 24, p. 1831
28-35-227h	Amended	V. 24, p. 1831
28-35-227j	Amended	V. 24, p. 1831
28-35-228a	Amended	V. 24, p. 1831

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28-35-230a	Amended	V. 24, p. 1831
28-35-230b	Revoked	V. 24, p. 1831
28-35-230d	Amended	V. 24, p. 1831
28-35-231a	Amended	V. 24, p. 1831
28-35-231b	New	V. 24, p. 1831
28-35-231c	New	V. 24, p. 1831
28-35-241	Amended	V. 24, p. 1831
28-35-242	Amended	V. 24, p. 1831
28-35-242a	New	V. 24, p. 1831
28-35-242b	New	V. 24, p. 1831
28-35-243	Revoked	V. 24, p. 1831
28-35-243a	New	V. 24, p. 1831
28-35-244	Revoked	V. 24, p. 1831
28-35-244a	New	V. 24, p. 1831
28-35-247	Revoked	V. 24, p. 1831
28-35-247a	New	V. 24, p. 1831
28-35-248a	New	V. 24, p. 1831
28-35-249	Revoked	V. 24, p. 1831
28-35-250a	Revoked	V. 24, p. 1831
28-35-251	Amended	V. 24, p. 1831
28-35-252	Revoked	V. 24, p. 1831
28-35-253	Revoked	V. 24, p. 1831
28-35-254	Revoked	V. 24, p. 1831
28-35-255	Amended	V. 24, p. 1831
28-35-256	New	V. 25, p. 116
28-35-261	Revoked	V. 24, p. 1831
28-35-262	Revoked	V. 24, p. 1831
28-35-263	Revoked	V. 24, p. 1831
28-35-264	New	V. 24, p. 1831
28-35-274	Amended	V. 24, p. 1831
28-35-276	Amended	V. 24, p. 1831
28-35-277	Revoked	V. 24, p. 1831
28-35-277a	New	V. 24, p. 1831
28-35-278	Amended	V. 24, p. 1831
28-35-279	Amended	V. 24, p. 1831
28-35-280	Amended	V. 24, p. 1831
28-35-281	Amended	V. 24, p. 1831
28-35-282	Amended	V. 24, p. 1831
28-35-282a	New	V. 24, p. 1831
28-35-282b	New	V. 24, p. 1831
28-35-282c	New	V. 24, p. 1831
28-35-282d	New	V. 24, p. 1831
28-35-283	Amended	V. 24, p. 1831
28-35-284	Amended	V. 24, p. 1831
28-35-285	Amended	V. 24, p. 1831
28-35-287	Amended	V. 24, p. 1831
28-35-288	Amended	V. 24, p. 1831
28-35-289	Amended	V. 24, p. 1831
28-35-290	Amended	V. 24, p. 1831
28-35-291	Amended	V. 24, p. 1831
28-35-292	New	V. 24, p. 1831
28-35-293	New	V. 24, p. 1831
28-35-298	Amended	V. 24, p. 1831
28-35-299	Amended	V. 24, p. 1831
28-35-308	Amended	V. 24, p. 1831
28-35-312	Revoked	V. 24, p. 1831
28-35-314	Amended	V. 24, p. 1831
28-35-316	Amended	V. 25, p. 116
28-35-318	Amended	V. 24, p. 1831
28-35-319	Amended	V. 24, p. 1831
28-35-333	Amended	V. 24, p. 1831
28-35-342	Amended	V. 24, p. 1831
28-35-343	Amended	V. 24, p. 1831
28-35-345	Amended	V. 24, p. 1831
28-35-346	Amended	V. 24, p. 1831
28-35-349	Amended	V. 24, p. 1831
28-35-350	Amended	V. 24, p. 1831
28-35-351	Amended	V. 24, p. 1831
28-35-352	Amended	V. 24, p. 1831
28-35-353	Amended	V. 24, p. 1831
28-35-354	Amended	V. 24, p. 1831
28-35-355	Amended	V. 24, p. 1831
28-35-357	Amended	V. 24, p. 1831
28-35-359	Amended	V. 24, p. 1831
28-35-359a	New	V. 24, p. 1831
28-35-360	Amended	V. 24, p. 1831
28-35-375	New	V. 24, p. 1832
28-35-400	through	
28-35-411	New	V. 24, p. 1832
28-35-450	New	V. 24, p. 1832
28-35-500	through	
28-35-505	New	V. 24, p. 1832
28-36-1	Revoked	V. 24, p. 146

28-36-32	Revoked	V. 24, p. 146
28-36-60	Revoked	V. 24, p. 146
28-36-120	Revoked	V. 24, p. 146
28-51-100	Amended	V. 25, p. 1448
28-51-112	through	
28-51-116	Amended	V. 25, p. 1449, 1450
28-61-1	Amended	V. 24, p. 1242
28-70-1	Amended	V. 24, p. 1177
28-70-2	Amended	V. 24, p. 1177
28-70-3	Amended	V. 24, p. 1178
28-73-1	through	
28-73-7	New	V. 25, p. 307-311

40-3-48	Amended	V. 25, p. 212
40-3-53	New (T)	V. 24, p. 15
40-3-53	New	V. 24, p. 615
40-4-25	Amended	V. 25, p. 278
40-4-35	Amended	V. 24, p. 1264
40-7-5	Amended	V. 25, p. 844
40-7-7	Amended	V. 24, p. 1829
40-7-7a	Revoked	V. 24, p. 1829
40-7-9	Amended	V. 24, p. 1829
40-7-22	Amended	V. 24, p. 1371
40-7-23	Amended	V. 24, p. 1371

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

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-64	Amended	V. 25, p. 1636
30-4-90	Amended	V. 25, p. 786
30-4-98	New	V. 25, p. 1027
30-5-64	Revoked	V. 24, p. 1595
30-5-81u	Amended	V. 24, p. 271
30-5-108	Revoked	V. 25, p. 1569
30-5-118	Revoked	V. 25, p. 663
30-5-118b	Revoked	V. 25, p. 663
30-6-38	Revoked	V. 25, p. 1028
30-6-77	Revoked	V. 25, p. 847
30-10-1a	Amended	V. 24, p. 489
30-10-1b	Amended	V. 24, p. 491
30-10-1d	Amended	V. 24, p. 492
30-10-11	Amended	V. 24, p. 492
30-10-17	Amended	V. 24, p. 494
30-10-18	Amended (T)	V. 24, p. 23
30-10-18	Amended	V. 24, p. 334
30-10-19	Amended	V. 24, p. 495
30-10-20	Amended	V. 24, p. 496
30-10-23a	Amended	V. 24, p. 496
30-10-23b	Amended	V. 24, p. 497
30-14-22	Revoked	V. 25, p. 1028
30-14-27	Revoked	V. 25, p. 847
30-31-1	Amended	V. 25, p. 1800
30-31-2	Revoked	V. 25, p. 1800
30-31-3	Revoked	V. 25, p. 1800
30-31-4	Revoked	V. 25, p. 1800
30-31-6	Revoked	V. 25, p. 1800
30-31-7	Revoked	V. 25, p. 1800
30-31-10	Revoked	V. 25, p. 1800
30-31-11	Revoked	V. 25, p. 1800
30-31-12	Revoked	V. 25, p. 1800
30-63-20	Amended	V. 25, p. 1693
30-63-22	Amended	V. 25, p. 1693
30-64-24	Amended	V. 25, p. 1693

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-41-1	through	
36-41-5	New (T)	V. 24, p. 273, 274
36-41-1	through	
36-41-5	New	V. 24, p. 1111, 1112

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-42	Amended	V. 24, p. 1734
40-1-44	Amended	V. 24, p. 848
40-1-48	Amended	V. 25, p. 210
40-1-51	Amended	V. 24, p. 1735
40-2-14a	Amended	V. 24, p. 1735
40-2-14b	Revoked	V. 24, p. 1735
40-3-5	Amended	V. 25, p. 182
40-3-12	Amended	V. 25, p. 182
40-3-13	Amended	V. 24, p. 1371
40-3-18	Amended	V. 24, p. 1371
40-3-22	Amended	V. 25, p. 210
40-3-24	Amended	V. 24, p. 1371
40-3-40	Amended	V. 25, p. 212
40-3-43	Amended	V. 25, p. 183
40-3-44	Amended	V. 25, p. 212
40-3-46	Revoked	V. 25, p. 183
40-3-47	Amended	V. 25, p. 183

Reg. No.	Action	Register
47-2-75	Amended	V. 25, p. 1639
47-3-2	Amended	V. 25, p. 1640
47-3-42	Amended	V. 25, p. 1641
47-4-14a	Amended	V. 25, p. 1644
47-5-5a	Amended	V. 25, p. 1649
47-6-1	Amended	V. 25, p. 1652
47-6-2	Amended	V. 25, p. 1653
47-6-3	Amended	V. 25, p. 1653
47-6-4	Amended	V. 25, p. 1653
47-6-6	Amended	V. 25, p. 1654
47-6-8	Amended	V. 25, p. 1654
47-6-9	Amended	V. 25, p. 1654
47-6-10	Amended	V. 25, p. 1654
47-6-11	Amended	V. 25, p. 1655
47-7-2	Amended	V. 25, p. 1655
47-8-9	Amended	V. 25, p. 1655
47-9-1	Amended	V. 25, p. 1656
47-9-4	Amended	V. 25, p. 1661
47-10-1	Amended	V. 25, p. 1662
47-11-8	Amended	V. 25, p. 1663
47-12-4	Amended	V. 25, p. 1664
47-13-4	Amended	V. 25, p. 1665
47-14-7	Amended	V. 25, p. 1665
47-15-1a	Amended	V. 25, p. 1666
47-16-9	Amended	V. 25, p. 1667
47-16-10	Amended	V. 25, p. 1667
47-16-12	Amended	V. 25, p. 1667

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-1	Amended	V. 25, p. 1494
49-45-2	Amended	V. 25, p. 1494
49-45-3	Amended	V. 25, p. 1494
49-45-4	Amended	V. 25, p. 1494
49-45-4a	Amended	V. 25, p. 1494
49-45-4b	New	V. 25, p. 1494
49-45-5	Amended	V. 25, p. 1494
49-45-6	Amended	V. 25, p. 1494
49-45-7	Amended	V. 25, p. 1494
49-45-8	Amended	V. 25, p. 1494
49-45-9	Amended	V. 25, p. 1495
49-45-20	Amended	V. 25, p. 1495
49-45-21	through	
49-45-26	Revoked	V. 25, p. 1495
49-45-28	Amended	V. 25, p. 1495
49-45-29	Amended	V. 25, p. 1495
49-45-30	Revoked	V. 25, p. 1495
49-45-31	Amended	V. 25, p. 1495
49-45-32	Amended	V. 25, p. 1495
49-45-34	Amended	V. 25, p. 1495
49-45-35	New	V. 25, p. 1495
49-45-37	New	V. 25, p. 1495
49-45-38	New	V. 25, p. 1495
49-45a-1	Amended	V. 25, p. 1495
49-47-2	Amended	V. 25, p. 1496
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25
49-50-3	Amended	V. 25, p. 1496
49-50-7	Amended	V. 25, p. 1497
49-50-9	Amended	V. 25, p. 1497
49-50-10	Amended	V. 25, p. 1498
49-50-13	Amended	V. 25, p. 1498
49-15-17	Amended	V. 25, p. 1498
49-50-19	Amended	V. 25, p. 1498
49-50-22	Amended	V. 25, p. 1499
49-50-23	New	V. 25, p. 1499
49-50-24	New	V. 25, p. 1499

49-51-3a	Amended	V. 25, p. 1499
49-51-6	Amended	V. 25, p. 1499
49-51-11	Amended	V. 25, p. 1500
49-51-12	Amended	V. 25, p. 1501
49-52-6	Amended	V. 25, p. 1501
49-52-10	Amended	V. 25, p. 1502
49-52-14	Amended	V. 25, p. 1502
49-52-17	Amended	V. 25, p. 1502
49-52-18	New	V. 25, p. 1502
49-52-19	New	V. 25, p. 1502

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

Reg. No.	Action	Register
50-3-2a	New	V. 25, p. 1493

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

Reg. No.	Action	Register
51-2-5	Amended	V. 24, p. 1647
51-9-7	Amended	V. 24, p. 1734

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-106a	Amended	V. 24, p. 1145
60-3-107	Amended	V. 24, p. 1145
60-3-108	Amended	V. 24, p. 1145
60-3-112	Amended	V. 24, p. 1145
60-11-113	Amended	V. 24, p. 1145
60-11-120	Amended	V. 24, p. 1145
60-11-121	Amended	V. 24, p. 1145
60-13-112	Amended	V. 24, p. 1146
60-15-101	Amended	V. 24, p. 1146
60-15-104	Amended	V. 24, p. 1147
60-16-103	Amended	V. 24, p. 1147
60-16-104	Amended	V. 24, p. 1148
60-17-111	Amended	V. 24, p. 1149

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-4-1	Amended	V. 24, p. 1629

**AGENCY 66: BOARD OF TECHNICAL
PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 25, p. 1801
66-8-4	Amended	V. 25, p. 44
66-8-8	Amended	V. 25, p. 1802
66-9-4	Amended	V. 25, p. 73
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-1	Amended	V. 25, p. 44
66-10-9	Amended	V. 25, p. 1802
66-10-10a	Amended	V. 25, p. 1802
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-2	Amended	V. 25, p. 1802
66-11-5	Amended	V. 25, p. 45
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 25, p. 1401
68-1-1d	Amended	V. 25, p. 1401
68-1-1f	Amended	V. 25, p. 1401
68-1-1g	New	V. 25, p. 1401
68-2-22	Amended	V. 25, p. 661
68-5-16	New (T)	V. 24, p. 1377
68-5-16	New	V. 25, p. 643
68-11-1	Amended	V. 25, p. 1401
68-16-1	through	
68-16-9	New	V. 25, p. 1637-1639

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14
69-1-4	Amended	V. 24, p. 392

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-2	Amended	V. 24, p. 1828
71-8-1	through	
71-8-9	New	V. 25, p. 99, 100

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-1a	Amended	V. 25, p. 609
74-4-7	Amended	V. 25, p. 610
74-4-8	Amended	V. 25, p. 610
74-5-2	Amended	V. 25, p. 611
74-5-101	Amended	V. 25, p. 612
74-5-102	Amended	V. 25, p. 612
74-5-103	Amended	V. 24, p. 796
74-5-104	Amended	V. 24, p. 796
74-5-201	Amended	V. 24, p. 796
74-5-202	Amended	V. 25, p. 613
74-5-203	Amended	V. 25, p. 613
74-5-205	Revoked	V. 24, p. 797
74-5-301	Amended	V. 24, p. 797
74-5-401	Amended	V. 24, p. 797
74-5-403	Amended	V. 24, p. 797
74-11-6	Amended	V. 25, p. 613
74-11-7	Amended	V. 25, p. 614
74-11-15	Amended	V. 24, p. 798

**AGENCY 75: OFFICE OF THE STATE
BANK COMMISSIONER—DIVISION OF
CONSUMER AND MORTGAGE LENDING**

Reg. No.	Action	Register
75-6-30	Amended	V. 24, p. 1849
75-6-31	Amended	V. 24, p. 1849
75-6-35	New	V. 24, p. 1849

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

Reg. No.	Action	Register
81-2-1	Amended	V. 25, p. 1057
81-3-1	Amended	V. 25, p. 1058
81-3-2	Amended	V. 25, p. 1059
81-3-5	Amended	V. 25, p. 1059
81-3-6	New	V. 25, p. 1060
81-3-7	New	V. 25, p. 1064
81-4-4	New (T)	V. 24, p. 1372
81-4-4	New	V. 24, p. 1775
81-5-15	New (T)	V. 24, p. 1372
81-5-15	New	V. 24, p. 1775
81-14-1	Amended	V. 25, p. 1065
81-14-2	Amended	V. 25, p. 1066
81-14-3	Revoked	V. 25, p. 1066
81-14-4	Amended	V. 25, p. 1066
81-14-5	Amended	V. 25, p. 1071
81-14-6	Amended	V. 25, p. 1075
81-14-7	Amended	V. 25, p. 1076
81-14-8	Revoked	V. 25, p. 1076
81-14-9	New	V. 25, p. 1076
81-14-10	New	V. 25, p. 1079

**AGENCY 82: STATE CORPORATION
COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 25, p. 1750
82-3-206	Amended	V. 25, p. 1754
82-3-305	Amended	V. 25, p. 1754
82-3-307	Amended	V. 25, p. 1754
82-4-3	Amended (T)	V. 24, p. 97
82-4-3	Amended	V. 24, p. 463
82-4-3a	through	
82-4-3m	New (T)	V. 24, p. 97-122
82-4-3a	through	
82-4-3m	New	V. 24, p. 463-488
82-4-3a	Amended (T)	V. 25, p. 378
82-4-3a	Amended	V. 25, p. 844
82-15-1	New (T)	V. 25, p. 984, 1019
82-15-1	New	V. 25, p. 1363

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-29	New (T)	V. 24, p. 959
86-3-29	New	V. 24, p. 1690

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8	Amended	V. 25, p. 1057
88-15-1	Revoked	V. 25, p. 1403
88-15-2	Revoked	V. 25, p. 1403
88-16-1	Revoked	V. 25, p. 1404
88-16-1b	Revoked	V. 25, p. 1404
88-16-2	Revoked	V. 25, p. 1404
88-16-5	Revoked	V. 25, p. 1404
88-16-5b	Revoked	V. 25, p. 1404
88-16-6	Revoked	V. 25, p. 1404
88-16-8	Revoked	V. 25, p. 1404
88-23-1	Revoked	V. 25, p. 1404
88-23-2	Revoked	V. 25, p. 1404
88-23-2a	Revoked	V. 25, p. 1404
88-23-3a	Revoked	V. 25, p. 1404
88-23-4	Revoked	V. 25, p. 1404
88-23-5	Revoked	V. 25, p. 1404
88-23-6	Revoked	V. 25, p. 1404
88-23-7	Revoked	V. 25, p. 1404
88-28-1	through	
88-28-6	New	V. 25, p. 1404-1410
88-28-7	New	V. 25, p. 1451
88-28-8	New	V. 25, p. 1411

**AGENCY 91: DEPARTMENT OF
EDUCATION**

Reg. No.	Action	Register
91-1-201	Amended	V. 25, p. 1098
91-1-202	Amended	V. 25, p. 1099
91-1-203	Amended	V. 24, p. 1178
91-1-205	Amended	V. 25, p. 1101
91-1-213	Revoked	V. 24, p. 1181
91-1-220	New	V. 24, p. 1181
91-1-221	New	V. 24, p. 1182
91-15-1	Amended	V. 24, p. 272
91-35-1	through	
91-35-4	Revoked	V. 24, p. 272

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-113	New	V. 24, p. 423
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-13-9	Amended	V. 25, p. 1568
92-19-22a	Amended	V. 25, p. 254
92-19-49a	Revoked	V. 24, p. 798
92-19-49b	New	V. 24, p. 798
92-19-49c	New	V. 24, p. 799
92-19-49d	New	V. 24, p. 801
92-19-81	Amended	V. 24, p. 802
92-51-34a	Amended	V. 24, p. 423
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

**AGENCY 97: KANSAS COMMISSION ON
VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-4-1	through	
97-4-8	New	V. 25, p. 1596, 1597

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

Reg. No.	Action	Register
99-25-1	Amended	V. 24, p. 1264
99-25-9	Amended	V. 24, p. 1265
99-25-10	New	V. 24, p. 1265

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-2	Revoked	V. 24, p. 1113
100-15-4	through	
100-15-7	New	V. 24, p. 1113, 1114

(continued)

100-25-1 through 100-25-5	New (T)	V. 24, p. 1874-1877
100-25-1 through 100-25-5	New	V. 25, p. 213-216
100-26-1	Amended (T)	V. 24, p. 1877
100-26-1	Amended	V. 25, p. 217
100-26-2	New (T)	V. 24, p. 1877
100-26-2	New	V. 25, p. 217
100-26-3	New (T)	V. 24, p. 1878
100-26-3	New	V. 25, p. 217
100-27-1	Amended	V. 25, p. 1206
100-28a-14	Amended	V. 24, p. 1114
100-28a-17	New	V. 24, p. 1114
100-28a-18	New	V. 24, p. 1115
100-29-1	Amended	V. 25, p. 639
100-29-2	Amended	V. 25, p. 890
100-29-3	Amended	V. 25, p. 640
100-29-4	Amended	V. 25, p. 890
100-29-5	Revoked	V. 25, p. 640
100-29-6	Amended	V. 25, p. 640
100-29-8	Amended	V. 25, p. 640
100-29-9	Amended	V. 25, p. 640
100-29-10	Amended	V. 25, p. 641
100-29-11	Revoked	V. 25, p. 1601
100-29-12	Amended	V. 25, p. 642
100-29-13	Amended	V. 25, p. 643
100-29-14	Revoked	V. 25, p. 890
100-29-15	New	V. 25, p. 643
100-29-16	New	V. 25, p. 890
100-54-1	Amended	V. 24, p. 1441
100-54-6	Amended	V. 24, p. 1441
100-54-8	Amended	V. 24, p. 1441
100-54-10	New	V. 24, p. 1442
100-54-11	New	V. 24, p. 1442
100-69-1	Amended	V. 24, p. 1346
100-69-2	Amended	V. 24, p. 1347
100-69-3	Amended	V. 24, p. 1347
100-69-4	Revoked	V. 24, p. 1347
100-69-6	Amended	V. 24, p. 1347
100-69-7	Amended	V. 24, p. 1347
100-69-8	Revoked	V. 24, p. 1347
100-69-9	Amended	V. 24, p. 1347
100-69-10	Amended	V. 24, p. 1348
100-69-11	Amended	V. 24, p. 1349
100-72-6	Amended	V. 24, p. 1115
100-73-1 through 100-73-6	New (T)	V. 24, p. 1142-1144
100-73-1 through 100-73-6	New	V. 24, p. 1443, 1444
100-73-7	New	V. 25, p. 1601
100-73-8	New	V. 25, p. 1602

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184
102-1-13	Amended	V. 24, p. 424
102-1-18	Amended	V. 24, p. 424
102-2-2a	Amended (T)	V. 25, p. 987, 1019
102-2-2a	Amended	V. 25, p. 1452
102-2-3	Amended	V. 24, p. 424
102-2-6	Amended	V. 25, p. 1453
102-2-8	Amended	V. 24, p. 424
102-2-12	Amended	V. 24, p. 426
102-2-14	Amended	V. 24, p. 427
102-3-2	Amended	V. 24, p. 428
102-3-3a	Amended (T)	V. 24, p. 330
102-3-3a	Amended	V. 25, p. 1454
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-4a	Amended	V. 25, p. 1456
102-3-15	Amended	V. 24, p. 428
102-4-1a	Amended	V. 25, p. 1458
102-4-2	Amended	V. 24, p. 428
102-4-3a	Amended	V. 25, p. 1460
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-4a	Amended	V. 25, p. 1463
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-3	Amended	V. 25, p. 1464

102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-4a	Amended	V. 25, p. 1466
102-5-5	Amended	V. 25, p. 187
102-5-14	Amended	V. 24, p. 429

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 24, p. 1597
105-4-1	Amended	V. 25, p. 101
105-5-2	Amended (T)	V. 25, p. 982, 1019
105-5-2	Amended	V. 25, p. 1530
105-5-3	Amended (T)	V. 25, p. 982, 1019
105-5-3	Amended	V. 25, p. 1530
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended	V. 25, p. 1530
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-7	Amended	V. 25, p. 1531
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended	V. 25, p. 1531
105-11-1	Amended (T)	V. 25, p. 983, 1019
105-11-1	Amended	V. 25, p. 1531

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 24, p. 1846
108-1-4	Amended	V. 25, p. 180

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-9-1 through 110-9-8		
110-9-8	New	V. 25, p. 373-375
110-11-1	New	V. 24, p. 429
110-11-2	New	V. 24, p. 429
110-11-3	New	V. 24, p. 429
110-12-1 through 110-12-6		
110-12-6	New	V. 24, p. 371
110-13-1 through 110-13-10		
110-13-10	New	V. 24, p. 1209-1211
110-13-4	Amended	V. 25, p. 447
110-14-1	New	V. 25, p. 1771
110-14-2	New	V. 25, p. 1771

AGENCY 111: KANSAS LOTTERY

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

Reg. No.	Action	Register
111-2-30	Amended	V. 25, p. 414
111-2-187	New	V. 25, p. 381
111-2-188	New	V. 25, p. 1363
111-2-189	New	V. 25, p. 1411
111-2-190	New	V. 25, p. 1694
111-4-2342 through 111-4-2349		
111-4-2349	New	V. 25, p. 217-221
111-4-2350 through 111-4-2362		
111-4-2362	New	V. 25, p. 311-319
111-4-2363 through 111-4-2382		
111-4-2382	New	V. 25, p. 339-351
111-4-2383 through 111-4-2387		
111-4-2387	New	V. 25, p. 381-384
111-4-2389 through 111-4-2393		
111-4-2393	New	V. 25, p. 385, 386
111-4-2394 through 111-4-2404		
111-4-2404	New	V. 25, p. 415-422

111-4-2405 through 111-4-2418	New	V. 25, p. 787-795
111-4-2419 through 111-4-2427		
111-4-2427	New	V. 25, p. 868-874
111-4-2420	Amended	V. 25, p. 1019
111-4-2428 through 111-4-2434		
111-4-2434	New	V. 25, p. 1020-1025
111-4-2435 through 111-4-2454		
111-4-2454	New	V. 25, p. 1364-1376
111-4-2455 through 111-4-2467		
111-4-2467	New	V. 25, p. 1412-1420
111-4-2468 through 111-4-2482		
111-4-2482	New	V. 25, p. 1695-1702
111-5-126 through 111-5-138		
111-5-138	New	V. 25, p. 386-390
111-5-139	New	V. 25, p. 423
111-5-139a	New	V. 25, p. 795
111-5-140 through 111-5-149		
111-5-149	New	V. 25, p. 795-797
111-5-150 through 111-5-154		
111-5-154	New	V. 25, p. 842-844
111-5-155 through 111-5-159		
111-5-159	New	V. 25, p. 1703, 1704
111-6-1	Amended	V. 25, p. 222
111-7-81	Amended	V. 25, p. 319
111-7-193	New	V. 25, p. 1026
111-7-194	New	V. 25, p. 1027
111-7-195 through 111-7-207		
111-7-207	New	V. 25, p. 1420-1423
111-9-130 through 111-9-133		
111-9-133	New	V. 25, p. 351-353
111-9-134	New	V. 25, p. 1704
111-9-135	New	V. 25, p. 1705
111-11-1	Amended	V. 25, p. 223

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1a	Amended	V. 24, p. 1851
112-10-5	Amended	V. 24, p. 1263
112-11-20	Amended	V. 24, p. 1852

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 25, p. 1602
115-2-2	Amended	V. 25, p. 1603
115-2-3a	Amended	V. 25, p. 1603
115-2-4	Amended	V. 25, p. 336
115-3-2	Amended	V. 24, p. 148
115-4-2	Amended	V. 24, p. 420
115-4-4	Amended	V. 25, p. 662
115-4-4a	New	V. 24, p. 422
115-4-6	Amended	V. 25, p. 336
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-13	Amended	V. 24, p. 422
115-5-1	Amended	V. 24, p. 152
115-5-4	New	V. 24, p. 752
115-7-1	Amended	V. 25, p. 1605
115-7-2	Amended	V. 24, p. 153
115-7-4	Amended	V. 25, p. 1606
115-7-8	New	V. 25, p. 1606
115-9-4	Amended	V. 24, p. 153
115-9-9	New	V. 24, p. 1112
115-11-1	Amended	V. 24, p. 752
115-11-2	Amended	V. 24, p. 153
115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-16-5	Amended	V. 25, p. 1607
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159

115-18-10	Amended	V. 24, p. 753
115-18-12	Amended	V. 25, p. 1608
115-18-14	Amended	V. 24, p. 1689
115-18-18	New	V. 25, p. 1608
115-18-19	New	V. 25, p. 1608
115-18-20	New	V. 25, p. 1609
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160
115-20-5	New	V. 25, p. 1609
115-20-6	New	V. 25, p. 1611
115-21-1	Revoked	V. 24, p. 1690
115-21-2	Revoked	V. 24, p. 1690
115-21-4	Revoked	V. 24, p. 1690

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 25, p. 1146
117-2-2a	New	V. 24, p. 1079
117-2-3	Amended (T)	V. 24, p. 1141
117-2-3	Amended	V. 24, p. 1595
117-3-2	Amended	V. 25, p. 1146
117-3-2a	New	V. 24, p. 1079
117-3-3	Amended (T)	V. 24, p. 1141
117-3-3	Amended	V. 24, p. 1595
117-4-2	Amended	V. 25, p. 1147
117-4-2a	New	V. 24, p. 1080
117-4-3	Amended (T)	V. 24, p. 1141
117-4-3	Amended	V. 24, p. 1595
117-5-1	Amended	V. 25, p. 1148
117-5-2a	New	V. 24, p. 1080
117-6-1	Amended	V. 25, p. 1148
117-6-2	Amended	V. 25, p. 1148
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 25, p. 866

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-10	Amended	V. 24, p. 1632

AGENCY 120: HEALTH CARE DATA GOVERNING BOARD

Reg. No.	Action	Register
120-1-1	Revoked (T)	V. 24, p. 1377
120-1-1	Revoked	V. 24, p. 1734
120-1-2	New (T)	V. 24, p. 1377
120-1-2	New	V. 24, p. 1734

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-5-1	Amended (T)	V. 25, p. 1304
121-5-1	Amended	V. 25, p. 1727
121-5-2	Revoked (T)	V. 25, p. 1304
121-5-2	Revoked	V. 25, p. 1727
121-5-3	New (T)	V. 25, p. 1304
121-5-3	New	V. 25, p. 1727
121-7-1	New	V. 25, p. 1728
121-8-1	New (T)	V. 25, p. 1304

121-8-1	New	V. 25, p. 1728
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AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-1-101	New	V. 24, p. 301
123-2-105	New	V. 24, p. 338
123-2-110	New	V. 24, p. 338
123-5-101	New	V. 24, p. 339
123-5-106	New	V. 24, p. 339
123-5-111	New	V. 24, p. 339
123-5-112	New	V. 24, p. 340
123-5-505	New	V. 24, p. 340
123-6-101		
through		
123-6-106	New	V. 25, p. 1634, 1635
123-12-101		
through		
123-12-107	New	V. 24, p. 301, 302
123-12-201		
through		
123-12-210	New	V. 24, p. 302, 303
123-12-301		
through		
123-12-315	New	V. 24, p. 303-305
123-12-317	New	V. 24, p. 305
123-12-318	New	V. 24, p. 305
123-12-319	New	V. 24, p. 306
123-12-321		
through		
123-12-325	New	V. 24, p. 306
123-12-327	New	V. 24, p. 306
123-12-328	New	V. 24, p. 307
123-12-401	New	V. 24, p. 307
123-12-501		
through		
123-12-505	New	V. 24, p. 307, 308
123-12-505b	New	V. 24, p. 308
123-12-506	New	V. 24, p. 308
123-12-601	New	V. 24, p. 308
123-12-602	New	V. 24, p. 310
123-12-702	New	V. 24, p. 310
123-12-801	New	V. 24, p. 310
123-12-901	New	V. 24, p. 310
123-12-902	New	V. 24, p. 310
123-12-1001	New	V. 24, p. 311
123-12-1002	New	V. 24, p. 311
123-12-1101	New	V. 24, p. 311
123-12-1201	New	V. 24, p. 312
123-12-1202	New	V. 24, p. 312
123-12-1301	New	V. 24, p. 312
123-12-1302	New	V. 24, p. 312
123-12-1303	New	V. 24, p. 312
123-12-1306	New	V. 24, p. 312
123-12-1308	New	V. 24, p. 313
123-13-101	New	V. 24, p. 342
123-13-101a	New	V. 24, p. 343
123-13-103	New	V. 24, p. 343
123-13-105	New	V. 24, p. 343
123-13-106	New	V. 24, p. 343

123-13-201	New	V. 24, p. 343
123-13-201b	New	V. 24, p. 344
123-13-202	New	V. 24, p. 345
123-13-203	New	V. 24, p. 345
123-13-306	New	V. 24, p. 345
123-13-307	New	V. 24, p. 346
123-13-401		
through		
123-13-404	New	V. 24, p. 346-348
123-13-405a	New	V. 24, p. 349
123-13-406	New	V. 24, p. 349
123-13-408	New	V. 24, p. 350
123-13-409	New	V. 24, p. 350
123-13-501	New	V. 24, p. 350
123-13-502a	New	V. 24, p. 350
123-13-505		
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123-13-509	New	V. 24, p. 350, 351
123-13-601	New	V. 24, p. 351
123-13-602	New	V. 24, p. 351
123-13-603	New	V. 24, p. 351
123-13-610	New	V. 24, p. 351
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123-13-704	New	V. 24, p. 352, 353
123-13-706	New	V. 24, p. 353
123-13-707	New	V. 24, p. 353
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123-15-101a	New	V. 24, p. 354
123-15-101b	New	V. 24, p. 354
123-15-102	New	V. 24, p. 354
123-15-104	New	V. 24, p. 355
123-15-105	New	V. 24, p. 355
123-15-105a	New	V. 24, p. 356
123-15-106	New	V. 24, p. 356
123-15-201	New	V. 24, p. 356
123-16-102	New	V. 24, p. 356
123-16-105	New	V. 24, p. 357

AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION

Reg. No.	Action	Register
127-1-1	New	V. 24, p. 848

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 25, p. 1569
129-5-108	New	V. 25, p. 1571
129-5-118	New	V. 25, p. 665
129-5-118b	New	V. 25, p. 665
129-6-38	New	V. 25, p. 1030
129-6-77	New	V. 25, p. 847
129-6-151	New	V. 25, p. 848
129-6-152	New	V. 25, p. 848
129-7-65	New	V. 25, p. 848
129-14-22	New	V. 25, p. 1030
129-14-27	New	V. 25, p. 849
129-14-51	New	V. 25, p. 849
129-14-52	New	V. 25, p. 849

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