

Kansas Register

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 Photo by Todd Caywood

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

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

Effective 5-15-23 through 5-21-23	
Term	Rate
1-89 days	5.08%
3 months	5.06%
6 months	4.94%
12 months	4.69%
18 months	4.24%
2 years	3.96%

Joel Oliver
Executive Director
Chief Investment Officer
Pooled Money Investment Board

Doc. No. 051134

State of Kansas

**Department of Health and Environment
Division of Health Care Finance**

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan. Dentures and partial prosthetics will be covered for Medicaid adults who meet medically necessary criteria for partial or full mouth dentures and related services, when they are determined to be the primary treatment of choice or an essential part of the overall treatment plan to treat the member’s oral health.

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2023.

Fee-For-Service Only	Estimated Federal Financial Participation
FFY 2023	\$0
FFY 2024	\$0

To request a copy of the proposed SPA, to submit a comment, or to review comments, please contact William C. Stelzner by email at william.stelzner@ks.gov, or by mail at:

William C. Stelzner
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson, Room 900N
Topeka, KS 66612

The last day for public comment is June 19, 2023. Draft copies of the proposed SPA may also be found at a Local Health Department (LHD).

Sarah Fertig
State Medicaid Director
Division of Health Care Finance
Department of Health and Environment

Doc. No. 051145

State of Kansas

Kansas Children’s Cabinet and Trust Fund

Notice of Meeting

The Kansas Children’s Cabinet and Trust Fund board will be conducting its quarterly board meeting from 9:00 a.m. to 12:00 p.m. Friday, June 2, 2023, via Zoom, and a special session from 1:00 p.m. to 2:00 p.m. Friday, June 23, 2023. Information about the meeting and a copy of the agenda can be found at <http://www.kschildrenscabinet.org>.

Melissa Rooker
Executive Director
Kansas Children’s Cabinet and Trust Fund

Doc. No. 051136

State of Kansas

Board of Emergency Medical Services

Notice of Meetings

The Board of Emergency Medical Services will meet at 9:00 a.m. Friday, June 2, 2023, in Room 509 of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas. Board committee meetings will be held Thursday, June 1, 2023, subject to call of the chair at the same location. All committee meeting schedules, information and items on the agenda for the board meeting can be found on our website at <http://www.ksbems.org>.

All meetings of the board are open to the public. For more information, contact Joseph House, Room 1031, Landon State Office Building, 900 SW Jackson, Topeka, KS, 66612-1228 or 785-296-7296.

Joseph House
Executive Director
Board of Emergency Medical Services

Doc. No. 051137

State of Kansas

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

Notice of Requested On-Call Engineering Services

Notice is hereby given of the commencement of the selection process for on-call mechanical-electrical-plumbing (MEP) engineering services for the Kansas State Schools for the Deaf and Blind. Services are required for restricted (small) projects with a project budget of \$1,500,000 or less. One or more firms will be selected. The contracts will be for three years with two one-year renewal options.

For more information, contact John Martello at jmartello@kssdb.org. Firms interested in providing these services should be familiar with the requirements which can be found in Part B-Chapter 4 of the Building Design and Construction Manual at the website below.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at [https://admin.ks.gov/offices/facilities-property-manage-](https://admin.ks.gov/offices/facilities-property-management)
(continued)

[ment/design-construction--compliance/forms-and-documents](https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents). State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5 Mb and follow the current State Building Advisory Commission guidelines which can be found in Part B–Chapter 2 of the Building Design and Construction Manual at <https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/building-design-and-construction-manual-bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

Proposals should be sent to professional.qualifications@ks.gov. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of State Building Advisory Commission by 2:00 p.m. on or before June 2, 2023.

The State of Kansas, as a matter of public policy, encourages anyone doing business with the State of Kansas to take steps to discourage human trafficking. If prospective bidders/vendors/contractors have any policies or participate in any initiatives that discourage human trafficking, then the prospective bidder/vendor/contractor is encouraged to submit same as part of their bid response.

Frank Burnam
Director

Office of Facilities and Property Management
Department of Administration

Doc. No. 051139

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University's campus designated as the "Innovation Campus," for the private development and operation of a partnership building or buildings. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants.

Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 051040

State of Kansas

Department of Administration Office of Procurement and Contracts

Notice to Bidders

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

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

06/08/2023	EVT0009235	Statewide Property Insurance
06/29/2023	EVT0009237	Regulatory Counsel Services Based in Washington D.C. and Kansas

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

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

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

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

05/31/2023 A-014745 Clay Tile Roof Special Maintenance

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

Todd Herman
Director
Office of Procurement and Contracts
Department of Administration

Doc. No. 051147

(Published in the Kansas Register May 18, 2023.)

Sourcewell

Notice to Bidders

Sourcewell, a State of Minnesota local government entity and public agency, is issuing this Invitation for Bids (IFB) on behalf of its participating entities to create indefinite delivery-indefinite quantity construction (IDIQ) contracts that may be used by those participating entities for projects related to construction or the repair, alteration, modernization, or renovation of buildings, structures, or other real property.

This IFB consists of the following parts:

1. Invitation for Bids, including map of regions
2. Template IDIQ construction contract
3. IDIQ contract general terms and conditions
4. Construction task catalog
5. Technical specifications

A full copy of the IFB can be found on the Sourcewell Procurement Portal at <https://portal.sourcewell-mn.gov>, and only bids submitted through the Sourcewell Procurement Portal will be considered. Bids are due no later than 4:30 p.m. (Central Time) June 13, 2022. Late bids will not be considered.

Michael Muñoz
Procurement Analyst
Sourcewell

Doc. No. 051098

State of Kansas

Board of Regents Universities

Notice to Bidders

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

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact info: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785- 628-4251, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.ksucloud.net/rfq>. All bids must be submitted via Kansas State University's Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Division of Financial Services/Pur-

chasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: swburke@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu>. Due to Covid-19, the University of Kansas will not accept paper bids until further notice. Additional contact info: email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Rd., Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. Email: hunkemoore@kumc.edu. Due to Covid-19, the University of Kansas Medical Center will not be accepting paper bids until further notice.

Wichita State University – Bid postings: https://www.wichita.edu/services/purchasing/Bid_Documents/Bid_Documents.php. Additional contact info: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Ephrom Marks
Assistant Director
Purchasing/Strategic Sourcing
University of Kansas

Doc. No. 050524

(Published in the Kansas Register May 18, 2023.)

East Side Community Development Center

Notice to Bidders

Request for Bids for the installation of a discretionary access control system project will be accepted until 5:00 p.m. (Central Time) June 1, 2023, by the East Side Community Development Center, 5955 E. 29th St. N, Wichita, KS 67220, at which time they will be publicly opened and read aloud at the same address. Copies of the Request for Bid and project specifications can be accessed by going to the Facebook Page "Eastside Cathedral of Praise" or by contacting Patrice Newton at 785-408-4916, email patrice.newton40@yahoo.com. Estimated project value \$12,000.

Patrice Newton
East Side Community Development Center

Doc. No. 051131

(Published in the Kansas Register May 18, 2023.)

East Side Community Development Center

Notice to Bidders

Request for Bids for the installation of parking lot lighting poles and building lighting project will be accepted
(continued)

until 5:00 p.m. (Central Time) June 1, 2023, by the East Side Community Development Center, 5955 E. 29th St. N, Wichita, KS 67220, at which time they will be publicly opened and read aloud at the same address. Copies of the Request for Bid and project specifications can be accessed by going to the Facebook Page "Eastside Cathedral of Praise" or by contacting Patrice Newton at 785-408-4916, email patrice.newton40@yahoo.com. Estimated project value \$30,000.

Patrice Newton

East Side Community Development Center

Doc. No. 051132

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Scout Energy Management, LLC has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Scout Energy Management, LLC, 2225 W. Oklahoma Ave., Ulysses, KS 67880, owns and operates a natural gas compressor station located at S9-T27S-R38W, Ulysses, Grant County, KS 67880.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 313 Oklahoma Terr., Ulysses, KS 67880. To obtain or review the proposed permit and supporting documentation, contact Cathy Richardson, 785-296-1947, at the central office of the KDHE or Ethel Evans, 620-356-1075, at the Southwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Cathy Richardson, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 19, 2023.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Cathy Richardson, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS

66612-1366, no later than 12:00 p.m. Monday, June 19, 2023, in order for the Secretary of Health and Environment to consider the request.

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

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

Janet Stanek

Secretary

Department of Health and Environment

Doc. No. 051140

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Sedgwick County Public Works has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Sedgwick County Public Works, 1144 S. Seneca, Wichita, KS 67213, owns and operates an air curtain incinerator located at 4701 S. West St., Wichita, KS 67217.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Wichita Department of Environmental Health, 1900 E. 9th St., Wichita, KS 67214. To obtain or review the proposed permit and supporting documentation, contact Eric Parker, 785-296-4174, at the central office of the KDHE or Joshua Webb, 316-337-6042,

at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Eric Parker, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 19, 2023.

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 Eric Parker, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 19, 2023, in order for the Secretary of Health and Environment to consider the request.

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

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

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051141

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Coffeyville Municipal Light and Power has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and

reporting requirements applicable to each source as of the effective date of permit issuance.

Coffeyville Municipal Light and Power, PO Box 1629, Coffeyville, KS 67337, owns and operates electric services located at 605 Santa Fe St., Coffeyville, Montgomery County, KS 67337.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Cathy Richardson, 785-296-1947, at the central office of the KDHE or Ryan Jack, 620-860-7235, at the Southeast District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Cathy Richardson, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 19, 2023.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Cathy Richardson, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 19, 2023, in order for the Secretary of Health and Environment to consider the request.

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

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

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051142

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

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

Public Notice No. KS-AG-23-106/117

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Rolling Hills Pork Clarke and Julia Nelson 7755 Road E 13 Almena, KS 67622	SW/4 of Section 12 T02S, R21W Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-H011
Federal Permit No. KS0101290

The proposed action is to modify and reissue the existing State/NPDES permit for a facility for a proposed maximum capacity of 6,800 head (2,720 animal units) of swine weighing more than 55 pounds, and 10,000 head (1,000 animal units) of swine weighing 55 pounds or less; for a total of 3,720 animal units. This represents no change in the permitted animal units from the previous permit. This permit is being modified to a grow-finish operation with the addition of one (1) swine building. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Stillwater Swine, LLC N. Terry Nelson 7755 Road E 13 Almena, KS 67622	SW/4 of Section 12 T02S, R21W Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-H010
Federal Permit No. KS0101281

The proposed action is to modify and reissue the existing State/NPDES permit for a facility for a proposed maximum capacity of 6,800 head (2,720 animal units) of swine weighing more than 55 pounds, and 10,000 head (1,000 animal units) of swine weighing 55 pounds or less; for a total of 3,720 animal units. This represents no change in the permitted animal units from the previous permit. This permit is being modified to a grow-finish operation with the addition of one (1) swine building and one (1) mortality composting structure. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
J&R Farm & Livestock, Inc. Jason Wiebe 3520 NW 160th Burns, KS 66840	S/2 of Section 29 T22S, R05E Marion County	Walnut River Basin

Kansas Permit No. A-WAMN-B004

The proposed action is to issue a new state permit for a facility for 999 head (999 animal units) of cattle weighing more than 700 pounds. The facility will consist of 17-acres of open lot pens and a waste management system consisting of two collection channels, one sediment basin and one waste storage pond. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Carpenter Cattle Company, Inc. Wayne Carpenter 2257 CR 2 Brewster, KS 67732	SW/4 of Section 08 & N/2 of Section 17 T07S, R36W Thomas County	Upper Republican River Basin

Kansas Permit No. A-URTH-C003
Federal Permit No. KS0086592

The proposed action is to modify and reissue the existing State/NPDES permit for a facility for a proposed maximum capacity of 20,000 head (20,000 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. This permit is also being modified to propose the construction of approximately 40 acres of open lot pens, collection channels, extraneous diversion channels, and associated feedlot areas.

Name and Address of Applicant	Legal Description	Receiving Water
Pratt Feeders, LLC Taylor Hughes 40010 NW 20th Ave. Iuka, KS 67066	S/2 of Section 04 & S/2 & NE/4 of Section 08 & All of Section 09 & NW/4 of Section 16 & N/2 of Section 17 T27S, R13W Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-C001
Federal Permit No. KS0036374

The proposed action is to reissue an existing NPDES permit for an existing facility for 40,000 head (40,000 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Hy-Plains Feed Yard, LLC 7505 US-56 Hwy. Montezuma, KS 67867	W/2 & NE/4 of Section 31 T28S, R29W and S/2 of Section 36 T28S, R30W Gray County	Cimarron River Basin

Kansas Permit No. A-CIGY-C001
Federal Permit No. KS0115738

The proposed action is to reissue an existing NPDES permit for an existing facility for 53,200 head (53,200 animal units) of cattle weighing greater than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Reeve Cattle Company, Inc. Lee Reeve 5665 S. Old Hwy 83 Garden City, KS 67846	E/2 & NW/4 of Section 13 & SW/4 of Section 12 T25S, R33W Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-C018
Federal Permit No. KS0091731

The proposed action is to reissue an existing NPDES permit for an existing facility for 58,000 head (58,000 animal units) of beef cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Kaufman Dairy 1822 Buckskin Rd. Moundridge, KS 67107	SW/4 of Section 18 T21S, R02W McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-M005

The proposed action is to reissue an existing state permit for an existing facility for 160 head (224 animal units) of mature dairy cattle, 76 head (76 animal units) of dairy heifers, and 100 head (50 animal units) of dairy calves, for a total of 350 animal units of dairy cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Rock'n R Angus 2070 22nd Rd. Plainville, KS 67663	W/2 of Section 10 T09S, R17W Rooks County	Solomon River Basin

Kansas Permit No. A-SORO-B015

The proposed action is to reissue an existing state permit for an existing facility for 995 head (995 animal units) of cattle weighing more than 700 pounds and 2 head (4 animal units) of horses. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Fairview Farm, Inc. 12763 Fairview Rd. Harveyville, KS 66431	NW/4 of Section 05 & NE/4 of Section 06 T15S, R13E Wabaunsee County	Marais des Cygnes River Basin

Kansas Permit No. A-MCWB-S001

The proposed action is to reissue an existing state permit for an existing facility for 725 head (290 animal units) of swine more than 55 pounds and 620 head (62 animal units) of swine 55 pounds or less, for a total of 352 animal units. This is a reduction in animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Don and Kris Haverkamp 1827 US-75 Hwy. Fairview, KS 66425	SW/4 of Section 22 T03S, R15E Brown County	Kansas River Basin

Kansas Permit No. A-KSBR-M002

The proposed action is to reissue an existing state permit for an existing facility for 46 head (46 animal units) of beef cattle weighing more than 700 pounds, 30 head (15 animal units) of beef cattle weighing less than 700 pounds, and 170 head (238 animal units) of mature dairy cattle for a total of 299 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
High Choice Feeders II 7721 W. US-56 Hwy. Scott City, KS 67871	NE/4 of Section 22 & N/2 of Section 23 T18S, R34W Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C015
Federal Permit No. KS0081175

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 20,000 head (20,000 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include changes in the application rate limitation for their fields. One of the field's application rate limitations has become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Public Notice No. KS-AG-R-23-009

Per Kansas Statutes Annotated 65-171d, the following registration has been received for a proposed facility:

Name and Address of Registrant	Legal Description	County
Mike Ellis 7821 N. US-83 Hwy. Scott City, KS 67871	NE/4 of Section 12 T17S, R33W	Scott County

Public Notice No. KS-Q-23-067/074

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Bartlett, City of PO Box 4652 Bartlett, KS 67332	Lake Creek via unnamed tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE04-OO01
Federal Permit No. KS0080900

Legal Description: NE¼, NE¼, NE¼, Section 28, Township 34S, Range 20E of Labette County, Kansas

Facility Location: Latitude: 37.06196, Longitude: -95.21555

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential and commercial areas. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. Coli, and Total Phosphorus. The following schedule is enforceable under this permit. Permittee shall retain a KDHE-certified operator by August 1, 2023.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Robinson, City of PO Box # 38 Robinson, KS 66532	Wolf River	Treated Domestic Wastewater

Kansas Permit No. M-MO17-OO01
Federal Permit No. KS0047546

Legal Description: SW¼, SW ¼, SE ¼, Section 4, Township 3S, Range 18E of Brown County, Kansas

Facility Location: Longitude: 39081311, Latitude: -95.40492

(continued)

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a two-cell wastewater stabilization lagoon system with a minimum of 150 days detention time. The facility receives domestic wastewater from residential areas. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, Ammonia, and E. Coli; as well as monitoring for pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Lehigh, City of PO Box 208 Lehigh, KS 67073	French Creek via unnamed tributary	Treated Domestic Wastewater
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Kansas Permit No. M-NE41-0001
Federal Permit No. KS0026417

Legal Description: NW¼, SW ¼, NE ¼, Section 26, Township 19S, Range 1E of Marion County, Kansas

Facility Location: Latitude: 38.37192, Longitude: -97.28832

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential areas. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. Coli, Total Phosphorus, Total Kjeldahl Nitrogen, Nitrate, and Total Nitrogen.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Galeburg, City of PO Box 65 Galesburg, KS 66740	Labette Creek via unnamed tributary	Treated Domestic Wastewater
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Kansas Permit No. M-NE29-0002
Federal Permit No. KS0092193

Legal Description: SE¼, SE ¼, SE ¼, Section 31, Township 29S, Range 19E of Neosho County, Kansas

Facility Location: Latitude: 37.47206, Longitude: -95.36297

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential and commercial areas. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. Coli, and Total Phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Dwight, City of PO Box 157 Dwight, KS 66849	Laird's Creek via unnamed tributary	Treated Domestic Wastewater
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Kansas Permit No. M-NE20-0001
Federal Permit No. KS0051675

Legal Description: N ½, NE ¼, Section 13, Township 14S, Range 7E of Morris County, Kansas

Facility Location: Latitude: 38.83976, Longitude: -96.60025

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential areas. The proposed permit contains limits for Biochemical Oxygen Demand and Total Suspended Solids; as well as monitoring for pH, E. Coli, and Ammonia.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Hepler, City of PO Box 75 Hepler, KS 66746	Walnut Creek via unnamed tributary	Treated Domestic Wastewater
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Kansas Permit No. M-NE34-0001
Federal Permit No. KS0028533

Legal Description: NE¼, SE ¼, NE ¼, Section 35, Township 27S, Range 22E of Crawford County, Kansas

Facility Location: Latitude: 37.65588, Longitude: -94.96124

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a two-cell wastewater stabilization lagoon system with a minimum of 150 days detention time. The facility receives domestic wastewater from residential areas. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, and E. Coli. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable criteria (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limit was determined on February 24, 2023 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 16.3 mg/L for the facility. The EED was completed on March 29, 2023.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Wellington, City of 317 S. Washington Ave. Wellington, KS 67152	Arkansas River via Slate Creek via Beaver Creek via unnamed tributary	Treated Domestic Wastewater
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Kansas Permit No. M-AR92-0002
Federal Permit No. KS0099571

Legal Description: NE¼, NW ¼, SW ¼, Section 24, Township 32S, Range 1W of Sumner County, Kansas

Facility Location: Latitude: 37.25264, Longitude: -97.38076

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of: off-site and on-site raw wastewater pumping stations, drum screen headworks, BNR activated sludge treatment system, two final clarifiers, two UV disinfection units, cascade reaeration, two aerobic digesters, centrifuge dewatering with storage barn, and effluent holding pond. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, Ammonia, pH, E. Coli, Total Phosphorus, and whole Effluent Toxicity; as well as monitoring for Total Kjeldahl Nitrogen, Total Nitrogen, Total Phosphorus, and Sulfates. The proposed permit includes a Schedule of Compliance for facility improvements to address nutrient reduction which shall be completed by December 31, 2027.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Wichita, City of 455 N. Main St. Wichita, KS 67202	Arkansas River	Treated Domestic Wastewater
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Kansas Permit No. M-AR94-IO01
Federal Permit No. KS0043036

Legal Description: Center Section, Section 27, Township 28S, Range 1E of Sedgwick County, Kansas

Facility Location: Plant 1: Latitude: 37.63414, Longitude: -97.30793;
Plant 2: Latitude: 37.58564, Longitude: -97.30697

Facility Address: 2305 E. 57th St. S, Wichita, KS 67216

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of Plant 1: raw wastewater pumping, mechanical bar screen, and extraneous flow basin; Plant 2: raw wastewater pumping, mechanical bar screen, grit chambers, primary clarification, settled wastewater pumping, trickling filters, clarification,

screw pumps, intermediate pumping station, activated sludge aeration basins, final clarification, UV disinfection, reaeration, gravity belt sludge thickener, belt filter press, anaerobic digestion, sludge processing, dissolved air floatation sludge thickener, sludge screening, sludge storage, biofilter odor control system, and septage receiving station. The facility will conduct plant upgrades consisting of: mechanical bar screen, raw sewage pump station, vortex grit removal, primary clarifiers, settled sewage pump station, biological nutrient removal basin, aeration basins, ferric chloride storage tanks, supplemental carbon storage tanks, hydrocyclone facility, final clarifiers UV disinfection, reaeration, extraneous flow basin, sludge holding tanks, rotary drum thickeners, anaerobic digestion, digested sludge storage tanks, centrifuge dewatering, centrate storage tank and pump station, sludge storage building, biofilter odor control system, and septage receiving station. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, ammonia, E. Coli, pH, Dissolved Oxygen, nitrates, Total Phosphorus, and Whole Effluent Toxicity; as well as monitoring for Total Kjeldahl Nitrogen, Total Nitrogen, Total Phosphorus, and Chlorides. The proposed permit includes a Schedule of Compliance for facility improvements to address nutrient reduction which shall be completed by June 30, 2028.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before June 17, 2023, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-23-106/117, KS-AG-R-23-009, KS-Q-23-067/074) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues 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). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Casey Guccione, Section Chief, Livestock Waste Management Section at the KDHE Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Andrew Bowman at the KDHE Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies

requested by contacting Neal Niceswanger, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-6804 or email at Neal.Niceswanger@ks.gov. 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 at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051143

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform construction inspection services on multiple projects in various counties. Summary information for each project is provided below in Table 1.

Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (Central Time) May 31, 2023, to be considered for selection.

Consultant Prequalification

Consulting firms interested in providing service on any project listed below must be prequalified by KDOT in Category 241—Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Background and Scope of Projects

With this single solicitation, KDOT is requesting consulting services for construction inspections on the projects listed in Table 1. This table provides summary information for each project. One consultant will be selected to perform services associated with each group listed. Firms can express interest in the groups for which they would like to be considered by submitting a response as indicated below. There is no guarantee that a firm which has expressed interest will be selected for any project(s).

(continued)

Table 1: Summary of Project Information

Group	RT - CO	Project #	Scope, County	Anticipated Start	Working Days	Office	Comments
240	K141- 027	KA-6657-01	Chip Seal, Ellsworth	July 17, 2023	10	Salina	
241	K232- 106	KA-6658-01	Chip Seal, Multiple	July 17, 2023	10	Salina	
331	U036- 077	KA-6691-01	Resurfacing, Rawlins	August 7, 2023	25	Atwood	
332	K147- 098	KA-6666-01	Chip Seal, Trego	July 17, 2023	10	Hays	This projects is slated to be performed by same contractor.
332	K232- 084	KA-6667-01	Chip Seal, Russell	July 17, 2023	10	Hays	This projects is slated to be performed by same contractor.
336	- 082	K-1659-07	Resurfacing, Rooks	July 15, 2023	10	Phillipsburg	This projects is slated to be performed by same contractor.
336	K258- 082	KA-6379-01	Resurfacing, Rooks	July 15, 2023	10	Phillipsburg	This projects is slated to be performed by same contractor.
336	U024- 033	KA-6419-01	Resurfacing, Graham	July 15, 2023	25	Hays	This projects is slated to be performed by same contractor.
336	U283- 033	KA-6418-01	Resurfacing, Graham	July 15, 2023	35	Hays	This projects is slated to be performed by same contractor.
427	U054- 037	KA-6595-01	Resurfacing, Greenwood	September 1, 2023	35	Iola	
237	U056- 059	KA-6574-01	Resurfacing, McPherson	June 5, 2023	50	Marion	
239	U077- 057	KA-6593-01	Resurfacing, Marion	August 21, 2023	35	Marion	

Additional project information including construction scope to be inspected, a detailed description of the project location, and resources and inspection scope specifically requested from consultants in this request can be viewed in an online table at <https://ike.ksdot.gov/about/construction-inspection-rfps>. Upon publication of this Request for Proposals (RFP), KDOT anticipates each of these inspection efforts will require full teams (project manager and inspectors, as opposed to single role staff augmentation as is occasionally requested) for various types of construction inspection except as noted in the table. Watch the website linked above for updated information. Tabulated information (both in this RFP and on the website) shall not be relied upon during inspections. It is provided for the convenience of consultants, specifically to aid in making decisions about which projects they are interested in performing.

Specific project needs are subject to modification and/or cancellation at KDOT's discretion.

Anticipated Consultant Scope

The scope of construction inspection services and certifications required will vary for each project and are listed in the table available on the website noted above. Inspection efforts will be managed out of the offices listed. Also included for the convenience of consultants are indications of which grouped projects are currently slated to be performed by the same contractors.

Anticipated Schedule and Key Dates

- Proposals are due by or before 12:00 p.m. (Central Time) May 31, 2023.
- Ranking of proposals is expected to occur on or around June 7, 2023. Negotiations with the most highly ranked firm are expected to begin on or

around June 14, 2023. An executed agreement is anticipated shortly thereafter.

- Anticipated scope start dates and working days or anticipated calendar completion dates are shown in the table. All dates are subject to change.

Instructions for Proposal

- No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
- The consultant's proposal must not exceed the 4 below (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
- A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
- The subject line of the email and the PDF file name must read:
 - "ConstInsp Multiple Projects_2023.05 Release_FIRM NAME"
- The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team.
- The outline in Table 2 below describes the expected proposal organization, content sections, and limits on number of pages.

- a. Each team is limited to a single, one-page cover letter.
 - b. Consultants may indicate interest in any and all projects, indicate preference(s) for up to three projects, and shall both indicate interest and preferences on the “May 2023 Construction Inspections Interest and Preference Form” (available at <https://ike.ksdot.gov/about/construction-inspection-rfps>). Also, consultants are to use the bottom of that form to indicate any capacity limitations that need to be taken into account when making selections.
 - c. Thereafter, each team is limited to two pages per project in which they express interest. In these pages, consultants shall:
 - i. Describe the approach they plan to execute to deliver success on the project.
 - ii. Present the relevant qualifications and experience of the people they are proposing will provide the services.
 - iii. Provide the firm’s familiarity with KDOT and the project area.
 - d. Finally, consultants are limited to a single, one-page description of general qualifications (“Past Performance” section plus “Approach to Quality Control” section) regardless of the number of projects in which they are expressing interest.
7. Table 3 lists the evaluation criteria and associated weights which will be used by KDOT when making selections.
 8. Although not anticipated at this time, KDOT reserves the right to interview for the requested services associated with any of the listed projects prior to making final selections.

Table 2: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Consultant Project Interest and Preference	Fill out “May 2023 Construction Inspections Interest & Preference Form” and submit with your proposal.	1 Page
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.	2 Pages per project in which team is interested
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.	
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	1 Page total
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.	

Table 3: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Availability to respond to the work	20%
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Understanding of the project area	10%
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Questions

All questions regarding this RFP shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until May 18, 2023; answers will be provided to all prequalified consultants on May 24, 2023.

Marcia Turner, P.E.
Contracts Manager
Division of Engineering and Design
Department of Transportation

Doc. No. 051124

(Published in the Kansas Register May 18, 2023.)

Kyle Railroad Company
Request for Proposals

Project # 106 RA-8033-23

The Kyle Railroad Company is requesting material and labor proposals for a rail improvement project on the Concordia Subdivision between Beloit, Kansas and Yuma Junction, Kansas. This project is a federal funded project and bidders will be required to comply with all federal requirements such as, but not limited to, prevailing wage, the Davis-Bacon Act, “Buy America,” and the Disadvantaged Business Enterprise (DBE). This project is also the recipient of a KDOT State Rail Service Improvement Fund program grant and the contract for work will be directly with Kyle Railroad Company, which reserves the right to reject any or all bids.

Project Scope

- Mobilization/Demobilization
- Install approximately 248,880 linear feet of welded 115RE CWR
- Remove and replace 168 TF of concrete crossings
- 23.5 miles of ditching and surfacing
- 12,000 tons of ballast distribution

(continued)

- Install seven turnouts
- Install one diamond

Bid Documents

Questions regarding the project and interested bidders must request bid documents from purchasing-rfp@gwrr.com.

Note: All material and work performed must meet AREMA standards and Genesee & Wyoming specifications in accordance with all applicable sections of Title 49 Code of Federal Regulations. Contractors will assume responsibility for compliance with all local, state, and federal statutes and regulations included the assessment of appropriate sales tax.

Matt Seinfeld
Purchasing Manager

Genesee & Wyoming Railroad Services, Inc.

Doc. No. 051151

(Published in the Kansas Register May 18, 2023.)

Kyle Railroad Company

Request for Proposals

The Kyle Railroad Company is requesting material and labor proposals for a rail improvement project on the Concordia Subdivision. The work consists of the following major items: Installation of 31,152 linear feet of rail and a turnout, rehabilitation of six grade crossings, and three miles of surfacing and ditching. This project is the recipient of a KDOT State Rail Service Improvement Fund program grant and the contract for work will be directly with Kyle Railroad, which reserves the right to reject any or all bids. Questions regarding the project and interested bidders must request bid documents from purchasing-rfp@gwrr.com.

Mark A. Koenig
Purchasing – Engineering Services
Genesee & Wyoming Railroad Services, Inc.

Doc. No. 051123

State of Kansas

Kansas Public Employees Retirement System

Request for Proposals

The Kansas Public Employees Retirement System (KPERs) seeks competitive proposals from qualifying businesses for a new Pension Administration System (PAS) and services. Offerors must have recent experience in successfully implementing new, integrated pension administration systems for a public employee retirement system. Details are available in the Request for Proposal documents on KPERs' website at <http://www.kpers.org>. Proposals and all related questions must be sent electronically to Laurie McKinnon, General Counsel, at lmckinnon@kpers.org and must be received by 12:00 p.m. (Central Time) July 19, 2023.

Alan D. Conroy
Executive Director

Kansas Public Employees Retirement System

Doc. No. 051138

State of Kansas

Secretary of State

Notice of Forfeiture

In accordance with Kansas statutes, the following business entities organized under the laws of Kansas and the foreign business entities authorized to do business in Kansas were forfeited during the month of April 2023 for failure to timely file an annual report and pay the annual report fee.

Please Note: The following list represents business entities forfeited in April. Any business entity listed may have filed for reinstatement and be considered in good standing. To check the status of a business entity, go to the Kansas Business Center's Business Entity Search Station at <https://www.kansas.gov/bess/flow/main?execution=e2s4> (select Business Entity Database) or contact the Business Services Division at 785-296-4564.

Domestic Business Entities

A & A Builders, Inc., Hutchinson, KS
Abraham's Children, Inc., Overland Park, KS
All Assets Management, Inc., Wichita, KS
Ambition, Inc., Hutchinson, KS
Astra Magazine Foundation, Manhattan, KS
C.S. Gas, Inc., Atwood, KS
CD&E Farms, Inc., Minneola, KS
Cedar Creek Community Services Corporation, Leawood, KS
Cedar Creek Nonresidential Association, Inc., Leawood, KS
Cedar Creek Village I Association, Inc., Leawood, KS
Cedar Creek Village II Association, Inc., Leawood, KS
Commercial Advertising Coin, Inc., Topeka, KS
Countryside Excavating, Inc., Moundridge, KS
Double D Ventures, Inc., Olathe, KS
First Step Used Auto Sales, Inc., Manhattan, KS
Gamma Xi Zeta of Lambda Chi Alpha Fraternity, Manhattan, KS
Georgetown, Inc., Salina, KS
Global Christian Chaplains, Inc., Wichita, KS
Hummon Corporation, Medicine Lodge, KS
Immigrant Development Center Co., Olathe, KS
J.E. Sheets, Inc., Kansas City, KS
JMB Multi-Services, LLC, Saint Joseph, MO
K. & T. Liebl, Inc., Claflin, KS
Katherine's Luxe Shoppe Co. Arkansas City, KS
KG'Z, LLC, Wichita, KS
L & M Enterprises of Kansas, Inc., Manhattan, KS
Learnpoint, Inc., Santa Rosa Beach, FL
Maple Leaf Equipment, Aircraft & Recovery, Inc., Osceola, AR
Martin Engineering, P.A., Debry, KS
MFL, Inc., Topeka, KS
Midwest Apartments, Inc., Modoc, KS
Miller's Carpet Cleaning, Inc., Manhattan, KS
Pamico, Inc., Burrton, KS
Petro Deli #2, Inc., Lansing, KS
Premiere Diamond Booster Club, Inc., Windermere, FL
Reformance, LLC, Topeka, KS
Rives Construction Company, Inc., Topeka, KS
Roam L.L.C., Lawrence, KS
Ronning Engineering Company, Inc., Overland Park, KS
S & S Alloy Steel, Inc., Tonganoxie, KS
Safe Haven, Inc., Ottawa, KS
Sandhill Well Service, LLC, Medicine Lodge, KS
Scott City Christian School, Inc., Scott City, KS
Scottsdale Automation, Inc., Wichita, KS
Southern Dreams Co., Council Grove, KS
Sugar, Spice and Nothing Nice, LLC, Topeka, KS
TeamNeverAloneFishing, Inc., Clay Center, KS
Teltec Corporation, Lee's Summit, MO
The Goico Family Foundation, Wichita, KS
The International Association of Black Triathletes, Inc., Middle River, MD

Tronix Corp., Topeka, KS
 Van Vleet Services, LLC, Topeka, KS
 Veglife Kansas City, Inc., Kansas City, MO
 Wefitsportz, Inc., Kansas City, KS
 Werk Work Ethic Readiness for Kids, Inc., Wichita, KS
 Wheels, Inc., Frankfort, KS
 Williams Hardware, LLC, Wichita, KS
 ZGCGShoe Trade, Inc., Manhattan, KS
 Zuper Transport, Inc., Kansas City, KS

Foreign Business Entities

Aecom Government Services, Inc., Germantown, MD
 Coherent NA, Inc., Santa Clara, CA
 Coherent, Inc., Santa Clara, CA
 Colonial Contracting & Excavating, Inc., Ashburnham, MA
 Coloplast Corp., Minneapolis, MN
 Coventya, Inc., Brooklyn Heights, OH
 Dynamic Diagnostics, Inc., Plymouth, MI
 Element Americas, Inc., Wichita, KS
 Fire & Life Safety America, Inc., Richmond, VA
 Great Western Bank, Sioux Falls, SD
 Henry F. Teichmann, Inc., McMurray, PA
 Hewitt Capital, LLC, Buffalo, NY
 Lion First Responder PPE, Inc., Dayton, OH
 Mega Truckers Logistics, LLC, Chicago, IL
 Mike Rozier Construction Co., Inc., Greenwood, MS
 Omni Trade Contracting, L.L.C., Springdale, AR
 Rink Management Services Corporation, Mechanicsville, VA
 Totani America, Inc., De Pere, WI
 Tri-State Wholesale Flooring, LLC, Bloomington, MN
 Van Liew's, Inc., Kansas City, MO
 Vein Clinics of America, Inc., Oak Brook, IL
 Winc, Inc., Los Angeles, CA

Scott Schwab
 Secretary of State

Doc. No. 051135

State of Kansas

Insurance Department

Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted at 8:30 a.m. Tuesday, July 18, 2023, at the Kansas Insurance Department, 1300 SW Arrowhead Rd., Topeka, Kansas, to consider the adoption of a proposed rule and regulation of the Kansas Insurance Department on a permanent basis. Anyone desiring to participate via teleconference or virtual format should visit the Kansas Insurance Department's website at <https://insurance.kansas.gov/legal-issues/> for information on registering.

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 rule and regulation. All interested parties may submit written comments prior to the hearing to the Kansas Insurance Department, 1300 SW Arrowhead Road, Topeka, KS 66604 or by email to KID.publiccomment@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic

impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Bobbi Mariani at 785-296-7802 or bobbi.mariani@ks.gov or the Kansas Relay Center at 1-800-766-3777. The west entrance to the Kansas Insurance Department is accessible. Handicapped parking is located on the west side of the Kansas Insurance Department.

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation can be viewed at the following website at <https://insurance.kansas.gov/legal-issues/>.

Summary of the proposed regulation and its economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Insurance Department, other state agencies, state employees, or the general public has been identified.)

K.A.R. 40-1-54 – Pharmacy Benefits Manager; Network Adequacy Report. This is a new regulation that establishes the requirements for the network adequacy report pharmacy benefits manager applicants must submit to the Commissioner of Insurance. The regulation is required by statute. The Insurance Department does not anticipate any significant economic impact to this agency, other governmental agencies, or to the public as a result of the implementation of this regulation.

Vicki Schmidt
 Insurance Commissioner

Doc. No. 051144

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted at 11:30 a.m. Wednesday, July 19, 2023, in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, KS 66612, to consider a proposed amended regulation related to application and renewal fees for physicians and chiropractors, and application and renewal fees for Resident Active and Reentry Active licenses.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the amended regulation. All interested parties may submit comments prior to the hearing to Courtney Cyzman, General Counsel, at the Board of Healing Arts at the address above or via email to KSBHA_HealingArts@ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed amended regulation during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Copies of the proposed amended regulation and the Economic Impact Statement for the proposed amended regulation may be obtained from the Kansas State Board

(continued)

of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, on the agency website at <http://www.ksbha.org/publicinformation/publicinformation.shtml>, by contacting LeeAnn Hunter-Roach at 785-296-4502, or by emailing the agency at KSBHA_HealingArts@ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amended regulation being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Susan McClain at 785-296-2723 or Susan.McClain@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8th Street and in the building's parking garage. From the street, both the west entrance to the building on Jackson Street and the north entrance on 8th Street are accessible.

A summary of the proposed amended regulation and the economic impact follows:

K.A.R. 100-11-1. Amount.

The amendments to this regulation add application and renewal fees for Resident Active licenses and Reentry Active licenses and increases renewal fees for physician and chiropractors by \$30.

The agency does not employ an economist. In the lay opinion of agency staff, those applying for a Resident Active or Reentry Active, or renewing such license, will be directly affected because they will pay a fee with the initial application and at renewal. Additionally, physicians and chiropractors will be impacted upon renewal of their license as there will be an increased fee by \$30.

The Board of Healing Arts is comprised of eight physicians, three chiropractors, one podiatrist, and three public members. Our Board members are medical practitioners, business owners, and members of the public. This proposed amended regulation was discussed in an open Board meeting of which members of the public, business, and stakeholders could attend. Further, the agency is in communication with the relevant professional organizations in Kansas on the amendment and intends to comply with all public hearing requirements involved in the promulgation process.

Susan Gile
Executive Director
Board of Healing Arts

Doc. No. 051146

State of Kansas

Department of Transportation

**Notice of Hearing on Proposed
Administrative Regulation**

A public hearing will be conducted at 9:00 a.m. Monday, July 17, 2023, in the Eisenhower State Office Building, 4th Floor, Auditorium A, 700 SW Harrison St., Topeka, KS 66603, to consider the adoption of a proposed rule and regulation of the Department of Transportation on a permanent basis. Interested parties may also attend the

public hearing via Zoom by registering at https://zoom.us/webinar/register/WN_zYtFv-fGTICKFR6CtQqQJg.

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 rule and regulation. All interested parties may submit written comments prior to the hearing to the Office of Chief Counsel, 700 SW Harrison St., 3rd Floor West, Topeka, KS 66603, or by email to emily.brown@ks.gov. Interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed rule and regulation during the public hearing. To provide interested parties with 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 an accommodation to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Emily Brown at 785-296-3831 (or by calling the Kansas Relay Center at 1-800-766-3777) or via email at emily.brown@ks.gov. The north entrance to the Eisenhower State Office Building is accessible. Handicapped parking is located at the parking lot across the street from the north entrance to the building.

A copy of the proposed regulation and the Economic Impact Statement for the proposed regulation can be viewed at <https://www.ksdot.gov/>. A summary of the proposed regulation and its economic impact follows.

K.A.R. 36-43-1 – Crew requirements; exceptions. This is a new regulation that identifies the minimum crew requirements for railroads operating in the State of Kansas with six exceptions.

Nearly all railroads in Kansas are currently operating with two-person crews and will have no increased labor costs from the implementation of the proposed regulation. The primary economic effect for the few railroads operating one-person crews would be the labor. However, railroads operating with a one-person crew may see reduced accidents, which will likely reduce operating costs and may offset any increased labor costs.

It is anticipated that some portion of any additional railroad operating costs, based on two-person crews, may be passed on to railroad customers. It is unknown to what degree this would occur, or the potential dollar amounts involved. Additionally, it would be expected that operating with a two-person crew would have a positive impact on various governmental entities due to more disposable income, purchases, and associated sales tax in local economies.

Calvin Reed
Acting Secretary
Department of Transportation

Doc. No. 051150

State of Kansas

Department of Agriculture

Permanent Administrative Regulation

Article 28.—FOOD SAFETY

4-28-8. Adoption of Kansas food code. The document titled “Kansas food code,” dated October 20, 2022 and published by the Kansas department of agriculture’s food safety and lodging program, is hereby adopted by reference, except for the preface and the index. (Authorized by and implementing K.S.A. 65-688, K.S.A. 65-689, K.S.A. 65-691, and K.S.A. 74-581; effective Feb. 29, 2008; amended June 4, 2010; amended April 26, 2013; amended June 2, 2023.)

Mike Beam
Secretary
Department of Agriculture

Doc. No. 051148

State of Kansas

Board of Pharmacy

Permanent Administrative Regulations

Article 1.—REGISTRATION AND EXAMINATION OF PHARMACISTS

68-1-1b. Continuing education for pharmacists. (a) (1) “Continuing education” shall mean an organized and systematic education experience beyond basic preparation that is designed to achieve the following:

(A)(i) Increase knowledge, improve skills, or enhance the practice of pharmacy; or

(ii) improve protection of the public health and welfare; and

(B) ensure continued competence.

(2) “ACPE-NABP CPE monitor service” shall mean the electronic tracking service of the accreditation council for pharmacy education and the national association of boards of pharmacy for monitoring continuing education that pharmacists receive from continuing education providers.

(b)(1) Thirty clock-hours of continuing education shall be required for renewal of a pharmacist license during each licensure period. Continuing education clock-hours may be prorated for licensure periods that are less than biennial at a rate of 1.25 clock-hours per month.

(2) Each licensee shall complete a continuing education course consisting of one clock-hour that is provided by the board for renewal of a pharmacist license, which shall be counted toward the 30 clock-hour requirement. This paragraph shall take effect on July 1, 2023.

(c)(1) Each continuing education program shall be approved by the board. Each provider or licensee shall submit the continuing education program to the board at least 10 days in advance for consideration for approval. Each provider shall advertise the continuing education program as having only pending approval until the provider is notified of approval by the board.

(2) Continuing education programs shall not include in-service programs, on-the-job training, orientation for a job, an education program open to the general public, a cardiopulmonary resuscitation (CPR) course, a basic cardiac life support (BCLS) course, emergency or disaster training or direct experience at a healthcare facility under a code blue, testing out of a course, and medical school courses.

(3) Each provider shall furnish a certificate of completion to the licensee for each continuing education program that the licensee has successfully completed. Each certificate shall be in a format approved by the board and shall include the following:

(A) The licensee’s name;

(B) the title and date of the approved continuing education program;

(C) the name of the provider;

(D) the number of continuing education clock-hours approved by the board;

(E) the number of continuing education clock-hours completed by the licensee;

(F) the approved program number issued by the board; and

(G) the provider’s dated signature, certifying program completion.

(d) Within 30 days of completion, each licensee shall submit to the board proof of completion of any approved continuing education program not reported to the ACPE-NABP CPE monitor service. No credit shall be given for any certificate of completion received by the board after the June 30 expiration date of each licensure period.

(e) A licensee shall not be allowed to carry forward excess clock-hours earned in one licensure period into the next licensure period.

(f) The required continuing education shall be obtained in the two-year licensure period ending on the June 30 expiration date of each license. (Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1632; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended May 1, 1978; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended July 1, 1990; amended July 31, 1998; amended Oct. 20, 2006; amended April 23, 2010; amended Aug. 19, 2016; amended June 2, 2023.)

68-1-2a. Pharmacist-in-charge acknowledgement; notice of designation. (a) Each pharmacy or registrant required to have a pharmacist-in-charge that operates for more than 30 days without a designated pharmacist-in-charge who meets the requirements of this regulation shall be deemed to be in violation of K.S.A. 65-1627, and amendments thereto.

(b) Each prospective pharmacist-in-charge shall, at the time of assuming these duties, sign an acknowledgment that states the pharmacist has reviewed the pharmacy act and the board’s regulations and is aware of the responsibilities of a pharmacist-in-charge. The pharmacist-in-charge shall provide this acknowledgment to the board within 30 days of assuming the duties of a pharmacist-in-charge.

(c) Except as specified in subsection (d), each pharmacy owner shall submit to the board, on a form provided by the board, notice of designation of a new

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pharmacist-in-charge at the pharmacy or facility required to have a pharmacist-in-charge no later than 30 days after the previous pharmacist-in-charge has ceased to serve as the pharmacist-in-charge.

(d) Any pharmacy owner that is unable to designate a new pharmacist-in-charge within 30 days may submit to the board, on a form provided by the board, a request for a 30-day extension to designate a new pharmacist-in-charge. The request shall be submitted to the board no more than 30 days after the previous pharmacist-in-charge has ceased to serve as pharmacist-in-charge and shall provide the reason for the request. (Authorized by K.S.A. 2022 Supp. 65-1626 and K.S.A. 65-1630; implementing K.S.A. 2022 Supp. 65-1626, and K.S.A. 65-1637c; effective Aug. 1, 1997; amended May 31, 2002; amended June 2, 2023.)

68-1-9. Pharmacist-in-charge; responsibilities. (a) Each pharmacist-in-charge shall develop, supervise, and coordinate all pharmaceutical services performed within the pharmacy to ensure compliance with the Kansas pharmacy act, the state and federal uniform controlled substances act, the state and federal food, drug, and cosmetic act, and all applicable regulations.

(b) Each pharmacist-in-charge shall be personally available to the extent required to ensure comprehensive pharmaceutical services within the pharmacy and to develop a staff of additional licensed pharmacists and supportive personnel as necessary to serve the needs of the pharmacy. Each pharmacist-in-charge shall maintain records in the pharmacy describing the training and education regarding work functions performed by all pharmacy personnel. Each pharmacist-in-charge shall maintain in the pharmacy written procedures for the following:

(1) Designating the person or persons functioning as pharmacy technicians and supportive personnel;

(2) describing the job duties of all personnel;

(3) documenting the procedural steps taken by the pharmacist-in-charge to limit the functions of all personnel to their respective pharmacy work functions; and

(4) documenting training and related education for non-discretionary tasks performed by pharmacy technicians.

(c) Each pharmacist-in-charge shall be responsible for direct supervision of all pharmacy personnel, for the security of the pharmacy, and for the security of all drugs in the pharmacy.

(d) Each pharmacist-in-charge shall ensure that the pharmacy maintains adequate drug information references commensurate with services offered and a current copy of the state laws and regulations listed in subsection (a).

(e) Each pharmacist-in-charge shall be responsible for establishing a drug recall procedure that can be effectively implemented.

(f) Each pharmacist-in-charge shall be responsible for developing written procedures for maintaining records of drug distribution, prepackaging, repackaging, and compounding. Prepackaging and repackaging of drugs shall be done in accordance with K.A.R. 68-7-15 and labeled in accordance with K.A.R. 68-7-16.

(g) Each pharmacist-in-charge shall be responsible for reviewing each published board newsletter and posting the newsletter in a conspicuous area within the pharmacy until publication of the next board newsletter.

(h)(1) Each pharmacist shall submit to the board, on a form provided by the board, notice of ceasing to serve as the pharmacist-in-charge at a pharmacy or facility required to have a pharmacist-in-charge no later than five days after ceasing to serve as the pharmacist-in-charge.

(2) Each pharmacist ceasing to serve as the pharmacist-in-charge shall inventory all controlled substances and drugs of concern, as defined by K.S.A. 65-1682 and amendments thereto, in the pharmacy or facility in accordance with the inventory requirements of K.A.R. 68-20-16 no more than two days before ceasing to serve as the pharmacist-in-charge and no later than the day ceasing to serve as the pharmacist-in-charge.

(3) Each pharmacist beginning to serve as the pharmacist-in-charge shall inventory all controlled substances and drugs of concern, as defined by K.S.A. 65-1682 and amendments thereto, in the pharmacy or facility in accordance with the requirements of K.A.R. 68-20-16 after beginning to serve as the pharmacist-in-charge but no more than two days after beginning to serve as the pharmacist-in-charge. The inventory may be taken simultaneously with the previous pharmacist-in-charge on the last day of the previous pharmacist-in-charge if both pharmacists are present in the pharmacy, actively participate in the inventory, and sign the inventory.

(4) If a pharmacist ceasing to serve as pharmacist-in-charge is unable to complete the inventory specified in paragraph (2) of this subsection or is terminated for a suspected or known violation of the Kansas pharmacy act, the pharmacy or facility owner shall request approval from the board to designate another pharmacist to conduct the inventory. If the board approves the request, the pharmacy or facility owner may designate another pharmacist to conduct the inventory specified in paragraph (2) of this subsection within the designated time frame. (Authorized by K.S.A. 2022 Supp. 65-1626 and K.S.A. 65-1630; implementing K.S.A. 2022 Supp. 65-1626, K.S.A. 65-1637c, K.S.A. 65-1642, and K.S.A. 65-1648; effective June 2, 2023.)

Article 2.—DRUGSTORES

68-2-20. Pharmacist's function in filling a prescription. (a) As used in this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Prescriber" means a "practitioner" as defined by K.S.A. 65-1626 and amendments thereto, a "mid-level practitioner" as defined by K.S.A. 65-1626 and amendments thereto, or a person authorized to issue a prescription by the laws of another state.

(2) "Legitimate medical purpose," when used regarding the dispensing of a prescription drug, means that the prescription for the drug was issued with a valid preexisting patient-prescriber relationship rather than with a relationship established through an internet-based questionnaire.

(b) Except as provided in subsection (c), judgmental functions that constitute the filling or refilling of a prescription shall be performed only by a pharmacist or by a pharmacist intern under the direct supervision of a licensed pharmacist and shall consist of the following steps:

(1) Read and interpret the prescription of the prescriber;

(2) limit any filling or refilling of a prescription to one year from the date of origin, except as provided by K.S.A. 65-1637 and K.S.A. 65-4123, and amendments thereto;

(3) verify the compounding, counting, and measuring of ingredients and document the accuracy of the prescription;

(4) personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills in accordance with subsection (e);

(5) ensure the proper selection of the prescription medications, devices, or suppliers as authorized by law; and

(6) interpret and verify patient medication records and perform drug regimen reviews.

(c) The pharmacist-in-charge shall prohibit all other pharmacy personnel from performing those judgmental functions restricted to the pharmacist. The following judgmental functions shall be performed only by a pharmacist and shall not be delegated:

(1) Final verification of the accuracy of a completed compound or prescription;

(2) documentation of the pharmacist's final verification in the pharmacy record; and

(3) direct supervision of a pharmacist intern or pharmacy technician.

(d) Any pharmacist may delegate nonjudgmental functions to a pharmacist intern or pharmacy technician. Each pharmacist shall conduct in-process and final checks associated with the preparation of medications, except as provided by K.A.R. 68-7-11.

(e) In order to comply with subsection (b), the pharmacist or the pharmacist intern under the pharmacist's direct supervision shall perform the following:

(1) Personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills. Any pharmacist may authorize an exception to the verbal counseling requirement on a case-by-case basis for the continuation of therapy prescriptions issued more frequently than once yearly;

(2) provide the verbal counseling required by this regulation in person or by the utilization of a telephone or other communication service available to the patient or patient's agent if the prescription is not collected at the pharmacy;

(3) when appropriate, provide alternative forms of patient information to supplement verbal patient counseling. These supplemental forms of patient information may include written information, leaflets, pictogram labels, video programs, and auxiliary labels on the prescription vials. However, the supplemental forms of patient information shall not be used as a substitute for the verbal counseling required by this regulation;

(4) encourage proper patient drug utilization and medication administration. The pharmacist shall counsel the patient or patient's agent on those elements that, in the pharmacist's professional judgment, are significant for the patient. These elements may include the following:

(A) The name and a description of the prescribed medication or device;

(B) the dosage form, dosage, route of administration, and duration of therapy;

(C) special directions and precautions for preparation, administration, and use by the patient;

(D) common side effects, adverse effects or interactions, or therapeutic contraindications that could be encountered; the action required if these effects, interactions, or contraindications occur; and any activities or substances to be avoided while using the medication;

(E) techniques for self-monitoring drug therapy;

(F) proper storage requirements and disposal instructions; and

(G) action to be taken in the event of a missed dose; and

(5) expressly notify the patient or the patient's agent if a brand exchange has been exercised.

(f) Except as required by K.S.A. 65-16,127 and amendments thereto for the dispensing of an emergency opioid antagonist, nothing in this regulation shall be construed to require a pharmacist to provide the required patient counseling if either of the following occurs:

(1) The patient or the patient's agent refuses counseling.

(2) The pharmacist, based upon professional judgment, determines that the counseling could be detrimental to the patient's care.

(g) Each pharmacist shall make a reasonable effort to ensure that any prescription, regardless of the means of transmission, has been issued for a legitimate medical purpose by a prescriber. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2021 Supp. 65-1626 and 65-1637; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988; amended Nov. 30, 1992; amended March 20, 1995; amended Aug. 14, 1998; amended Dec. 27, 1999; amended Feb. 7, 2003; amended Jan. 8, 2010; amended June 2, 2023.)

Article 7.—MISCELLANEOUS PROVISIONS

68-7-8. Records. (a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Digital image" means the electronic record produced when a hard-copy prescription is scanned by a computer and converted from human-readable format to a computer-readable digital format and maintained as part of the prescription record in a pharmacy prescription application.

(2) "Electronic annotation" means a method to mark up a digital image or electronic prescription to allow both notes and clarifications to be added to the prescription record without altering the original digital image.

(b) Each pharmacy owner and pharmacist-in-charge shall keep a book or file that records every prescription order filled at the pharmacy.

(c)(1) A digital image of the prescription may constitute the original prescription order. A hard copy of the prescription order shall not be required to be maintained if all of the following conditions are met:

(A) The prescription is not for a controlled substance.

(B) The pharmacy prescription application can capture

(continued)

and store an exact and legible image of the original prescription.

(C) The digital image includes the front and back of the prescription and retains all colors and graphics on the prescription.

(D) The digital image is unalterable.

(E) The digital image and all electronic annotations are readily retrievable and can be immediately reproduced by the pharmacy prescription application in electronically viewable and paper formats. In lieu of reproducing the digital image in a color paper format, the digital image may be provided in color in an electronic portable document format (PDF).

(F) Policies and procedures for the use of digital images are developed and implemented to include capturing, making, storing, retrieving, and recovering digital images and electronic annotations, and destruction of the original hard-copy prescription.

(G) The pharmacy maintains a back-up copy of the digital image and all electronic annotations stored in the pharmacy prescription application and updates the back-up copy at least once every seven days.

(H) A secure destruction method is used to dispose of the hard-copy prescription to ensure privacy and confidentiality.

(2) If the pharmacy prescription application data is automatically entered by a prescription order received by electronic transmission, the automated record shall constitute the original prescription order and a hard copy shall not be required if all of the following conditions are met:

(A) The electronic prescription and its means of transmission meet all requirements of the pharmacy act of the state of Kansas and the state and federal controlled substance acts, and amendments thereto.

(B) The pharmacy prescription application can capture and store all prescription information received.

(C) The prescription information is readily retrievable, and the pharmacy prescription application can immediately reproduce all prescription information received in both electronically viewable and paper formats.

(D) The pharmacy maintains a back-up copy of the electronic prescription record and all electronic annotations stored in the pharmacy prescription application and updates the back-up copy at least once every seven days.

(3) Nothing in paragraph (c)(1) shall be construed as requiring a pharmacy to maintain a digital image in lieu of hard-copy prescription.

(d) Any digital image may contain electronic annotations if the original image is still available for review and the name of the individual who made the annotations is documented.

(e) The pharmacist shall ensure that each printout of a digital image provided to a patient or the patient's representative is conspicuously marked "Copy Only" or "Not Valid for Dispensing Purposes."

(f) Each pharmacy owner shall establish policies and procedures in accordance with this regulation and shall ensure that all policies and procedures comply with the pharmacy act of the state of Kansas, and amendments thereto, and the implementing regulations. Each pharmacist-in-charge shall document an annual review

of the policies and procedures for compliance with the pharmacy act, and amendments thereto, and the implementing regulations.

(g) Each of the following individuals shall be responsible for ensuring that each digital image is a complete, accurate, and legible representation of the corresponding hard-copy prescription:

(1) The pharmacist, pharmacist intern, or pharmacy technician who generates the digital image;

(2) the pharmacist, pharmacist intern, or pharmacy technician who enters the prescription information into the pharmacy prescription application; and

(3) the pharmacist who verifies the prescription. (Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1626a, as amended by L. 2022 ch. 74, sec. 2, K.S.A. 2021 Supp. 65-1637, K.S.A. 65-1642, and K.S.A. 2021 Supp. 65-1656; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended June 2, 2023.)

68-7-11. Medical care facility pharmacy. The scope of pharmaceutical services within a medical care facility pharmacy shall meet the following requirements:

(a) The pharmacist-in-charge shall be responsible for developing programs and supervising all personnel in the distribution and control of drugs and all pharmaceutical services in the medical care facility.

(b) The pharmacist-in-charge shall develop a policy and procedure manual governing the storage, control, and distribution of drugs within the medical care facility. The pharmacist-in-charge shall submit the policy and procedure manual for approval to the pharmacy and therapeutics committee or an equivalent committee governing the security, control, and distribution of drugs within the facility.

(c) The pharmacist-in-charge shall be responsible for the maintenance of all emergency medication kits.

(d) The pharmacist-in-charge shall be responsible for developing procedures for the distribution and control of drugs within the medical care facility when a pharmacist is not on the premises. These procedures shall be consistent with the following requirements:

(1) Drugs may be obtained upon a prescriber's medication order for administration to the inpatient by a physician's assistant, designated registered professional nurse, or nurses with approval and supervision of the pharmacist-in-charge. Adequate records of these withdrawals shall be maintained.

(2)(A) An interim supply of prepackaged drugs shall be supplied to an outpatient on an emergency basis only by a designated registered professional nurse or nurses pursuant to a prescriber's medication order when a pharmacist is not on the premises and a prescription cannot be filled. The interim supply shall be labeled in accordance with K.A.R. 68-7-14.

(B) The interim supply shall be limited in quantity to an amount sufficient to supply the outpatient's needs until a prescription can be filled. Adequate records of the distribution of the interim supply shall be maintained and shall include the following information:

(i) The original or a copy of the prescriber's order or, if an oral order, a written record prepared by a designated registered professional nurse or nurses that reduces the oral order to writing. The written record shall be signed

by the designated registered professional nurse or nurses and the prescriber; and

(ii) the name of the patient; the date supplied; the drug or device, strength, and quantity distributed; directions for use; the prescriber's name; and, if appropriate, the DEA number.

(3) The designated registered professional nurse or physician's assistant may enter the medical care facility pharmacy and remove properly labeled pharmacy stock containers, commercially labeled packages, or properly labeled prepackaged units of drugs. The registered professional nurse or physician's assistant shall not transfer a drug from one container to another for future use, but may transfer a single dose from a stock container for immediate administration to the ultimate user.

(e) The pharmacist-in-charge of the medical care facility pharmacy shall maintain documentation of at least quarterly checks of drug records and conditions of drug storage, in all locations within the facility, including nursing stations, emergency rooms, outpatient departments, and operating suites.

(f) The pharmacist-in-charge shall participate with the pharmacy and therapeutics committee or an equivalent committee in formulating broad professional policies regarding the evaluation, appraisal, selection, procurement, storage, distribution, use, and safety procedures for drugs within the medical care facility.

(g) The pharmacist-in-charge shall be responsible for establishing policies and procedures for the mixing or preparation of parenteral admixtures. Whenever drugs are added to intravenous solutions, distinctive supplemental labels shall be affixed that indicate the name and amount of the drug added, the date and the time of addition, the beyond-use date, storage instructions, and the name or initials of the person who prepared the admixture. The pharmacist-in-charge shall comply with all requirements of article 13 of the board's regulations. Before the parenteral admixture is released from the pharmacy, the pharmacist shall verify the accuracy of all parenteral admixtures prepared by pharmacy technicians.

(h) The pharmacist shall interpret the prescriber's original order, or a direct copy of it, before the drug is distributed and shall verify that the medication order is filled in strict conformity with the direction of the prescriber. This requirement shall not preclude orders transmitted by the prescriber through electronic transmission. Variations in this procedure with "after-the-fact" review of the prescriber's original order shall be consistent with medical care facility procedures established by the pharmacist-in-charge. Each medication order shall be reviewed by a pharmacist within three days of the date it was written.

(i)(1) When a pharmacist is on the premises but not in the pharmacy, a pharmacy technician may be in the pharmacy. A pharmacy technician shall not distribute any drug or device out of the pharmacy when a pharmacist is not physically in the pharmacy unless authorized by the pharmacist.

(2) When a pharmacist is not on the premises, no one shall be permitted in the pharmacy except the designated registered professional nurse or nurses or a physician's assistant.

(j) Except with regard to drugs that have not been checked for accuracy by a pharmacist after having been repackaged, prepackaged, or compounded in a medical care facility pharmacy, a pharmacy technician in a medical care facility may check the work of another pharmacy technician in filled floor stock, a crash cart tray, a unit-dose cart, or an automated dispensing machine if the checking pharmacy technician meets each of the following requirements:

(1) Has passed a certification examination approved by the board;

(2) has either of the following experience levels:

(A) One year of experience working as a pharmacy technician plus at least six months of experience working as a pharmacy technician in the medical care facility at which the checking will be performed; or

(B) one year of experience working as a pharmacy technician in the medical care facility at which the checking will be performed; and

(3) has successfully completed a written training program and related examination designed by the pharmacist-in-charge of the medical care facility pharmacy to demonstrate competency in accurately checking whether floor stock, a crash cart tray, and an automated dispensing machine have been properly filled. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2022 Supp. 65-1626, K.S.A. 65-1642, and K.S.A. 65-1648; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988; amended May 1, 1989; amended Dec. 27, 1999; amended April 28, 2000; amended July 20, 2007; amended July 16, 2010; amended June 2, 2023.)

68-7-12. Responsibility of pharmacist-in-charge in other than a medical care facility pharmacy. Each pharmacist-in-charge for premises having a pharmacy registration, other than a medical care facility pharmacy, shall be responsible for the following functions:

(a) Each pharmacist-in-charge shall develop or approve written policies and procedures for the pharmacy that meet the following conditions:

(1) Provide adequate accountability and control of drugs in compliance with the Kansas pharmacy act, the state and federal uniform controlled substances act, and the state and federal food, drug, and cosmetic act; and

(2) ensure that any incident that occurs as a result of an alleged or real error in filling or dispensing a prescription or medication order is brought to the attention of the pharmacist-in-charge and completely documented in accordance with K.A.R. 68-7-12b.

(b) Each pharmacist-in-charge shall develop written procedures for maintaining records of the pharmacy's dispensing, prepackaging, and bulk compounding actions and shall ensure that prepackaged medication is packaged in suitable containers and properly labeled. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2022 Supp. 65-1626 and 65-1637; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1989; amended Nov. 30, 1992; amended Feb. 27, 1998; amended Dec. 27, 1999; amended Feb. 7, 2003; amended July 20, 2007; amended June 2, 2023.)

(continued)

68-7-15. Packaging of drugs or devices in advance of immediate need. All drugs or devices, whether in a unit-dose container or multiple-dose container, packaged in advance of immediate need shall meet the requirements of this regulation.

(a) Packaging shall be done by a pharmacist or under the pharmacist's direct supervision. The pharmacist shall verify and document verification of the packaged drugs or devices before the packaged drugs or devices are released from a facility registered with the board.

(b) Packaging shall be limited to the drugs or devices dispensed from or supplied by the facility registered with the board or in accordance with a shared services agreement.

(c) All containers used for packaging shall preserve the stability and integrity of the drug or device. The storage conditions of each packaged drug or device shall be maintained according to the manufacturer's recommendations to preserve the stability and integrity of the drug. The beyond-use date assigned to each packaged drug or device shall be the manufacturer's expiration date, the maximum allowable beyond-use date for the type of packaging material used, or not more than 12 months from the date of packaging, whichever is earlier.

(d) An electronic or a written record shall be established for lot numbers for recall purposes and shall be kept readily retrievable in the facility registered with the board.

(e) If an area apart or separated from the prescription drug area is used for packaging, the area shall be enclosed and locked when a pharmacist is not in attendance in that area.

(f) In lieu of separately dispensing a drug and an ingestible event marker approved by the food and drug administration to monitor whether a patient is taking the drug as prescribed, any pharmacist may use an ingestible event medication adherence package pursuant to a valid prescription order or after obtaining the consent of the practitioner, caregiver, or patient.

(g) For purposes of this regulation, "ingestible event medication adherence package" shall mean an ingestible unit-dose package designed to ensure medication adherence that contains drugs from a manufacturer's original container and an ingestible event marker, as defined by 21 C.F.R. 880.6305, effective February 1, 2022 and hereby adopted by reference.

(h) In addition to meeting the requirements of this regulation, all packaging of sterile preparations shall meet the requirements of K.A.R. 68-13-4. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2022 Supp. 65-1626a and K.S.A. 65-1634; effective May 1, 1978; amended Dec. 15, 2017; amended Nov. 29, 2019; amended June 2, 2023.)

68-7-16. Labels for drugs or devices packaged in advance of immediate need. (a) Except as specified in subsection (b), each label for a drug or device packaged in advance of immediate need shall contain the following:

(1) The generic name of the drug or device and the manufacturer's name. If the packaged drug or device bears a brand name, the brand name may be substituted for the generic name of the drug or device;

(2) the strength and quantity of the drug or device;

(3) the lot number, date of packaging, and the name of the individual responsible for packaging;

(4) the beyond-use date; and

(5) necessary auxiliary labels.

(b) If the owner of a facility registered with the board maintains a record system that includes the manufacturer's name, lot numbers, date of packaging, and the name of the individual responsible for packaging the drug or device, this information may be deleted from the label. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2022 Supp. 65-1626a and K.S.A. 65-1634; effective May 1, 1978; amended June 2, 2023.)

68-7-19. Transfer of a refillable prescription between pharmacies. (a) As used in K.S.A. 65-1656 and amendments thereto, the requested or transferring pharmacy shall mean the pharmacy that has on file the original refillable prescription that the patient wants to transfer to a second pharmacy. The dispensing or requesting pharmacy shall mean the pharmacy that is wanting the information transferred from the original refillable prescription so that the patient may obtain the medication at this second pharmacy or the pharmacy receiving the transferred prescription.

(b) Before any prescription is transferred, the prescription information at the transferring pharmacy shall meet all of the following conditions:

(1) The prescription information indicates authorization for refilling by the prescriber.

(2) The drug on the prescription information is not a schedule II controlled substance.

(3) The number of lawfully allowable refills directed by the prescriber has not been exceeded.

(4) The maximum allowable time limit from the original dating of the prescription has not been exceeded.

(c) When a prescription on record is transferred, the following recordkeeping shall be required:

(1)(A) The transferring pharmacy shall cancel the transferred prescription by writing the word "void" on its face and shall record the following on the prescription:

(i) The name, address, and phone number of the receiving pharmacy;

(ii) the DEA registration number of the receiving pharmacy, if the drug is a schedule III, IV, or V controlled substance;

(iii) the date of the transfer request and the date of the prescription transfer;

(iv) the first name and last name of the person providing the requested prescription transfer information at the transferring pharmacy and, if applicable, the first name and last name of the pharmacist supervising the transfer; and

(v) the first name and last name of the person receiving the prescription transfer information at the requesting pharmacy and, if applicable, the first name and last name of the pharmacist supervising the transfer.

(B) If the pharmacy from which the prescription is transferred utilizes a computerized prescription recordkeeping system adequate to do so, the information required by this regulation shall be documented in the computer record of the prescription and shall not be required to be manually recorded on the prescription.

(2)(A) The prescription record at the pharmacy receiving

ing the transferred prescription shall show the following, in addition to all other lawfully required information for an original prescription:

(i) The word “transfer” written on the face of the prescription record;

(ii) the date issued, the date of original filling, and the date of the last fill;

(iii) the original number of refills authorized and the number of remaining authorized refills;

(iv) the original prescription number;

(v) the name, address, and telephone number of the transferring pharmacy;

(vi) the first name and last name of the person providing the requested prescription transfer information at the transferring pharmacy and, if applicable, the first name and last name of the pharmacist supervising the transfer; and

(vii) the first name and last name of the person receiving the prescription transfer information at the requesting pharmacy and, if applicable, the first name and last name of the pharmacist supervising the transfer;

(viii) the name, address, and telephone number of the prescriber; and

(ix) if the transfer involves a schedule III, IV, or V controlled substance, the DEA registration number of the prescriber and of the transferring pharmacy.

(B) If the pharmacy receiving the prescription transfer utilizes a computerized prescription recordkeeping system adequate to do so, the information required by this regulation shall be documented in the computer record of the prescription and shall not be required to be manually recorded on the prescription.

(d) Pharmacies sharing a common computerized recordkeeping system that permits the electronic transfer of prescriptions and prescription information from the transferring pharmacy to the requesting pharmacy shall be required to do the following:

(1) Establish procedures to permit these transfers only in instances of valid and legal requests;

(2) ensure that at the time of the transfer there is a sufficient electronic record left at the transferring pharmacy so that a pharmacist at the transferring pharmacy can comply with the recordkeeping requirements of K.S.A. 65-1656, and amendments thereto, and this regulation; and

(3) ensure that the common files contain the following information in a manner readily available to any person accessing the files:

(A) Any authorization for refilling by the prescriber;

(B) an indication of whether or not the number of lawfully allowable refills authorized by the prescriber has been exceeded;

(C) an indication of whether the maximum allowable time limit from the original date of the prescription has been exceeded;

(D) any other information provided by the original prescription or prescription order; and

(E) the name and address of the pharmacy last dispensing the drug pursuant to the prescription.

(e) The dispensing pharmacy shall advise the patient and notify the transferring pharmacy that the original prescription shall be canceled in the transferring pharmacy.

(f) Any pharmacist may transfer a valid, refillable prescription from or to another pharmacy in or outside Kansas. Noncontrolled substance prescriptions may be transferred more than once, but schedule III, IV, and V controlled substance prescriptions shall not be transferred more than one time.

(g) Drugs shall not be dispensed more frequently or in larger amounts, except as allowed by K.S.A. 65-1637 and amendments thereto, than the prescriber ordered without direct prescriber authorization by way of a new prescription order.

(h) Valid refillable prescription transfers for prescription drugs not listed in schedule II of the uniform controlled substances act may be received or transferred by a pharmacist, or a pharmacist intern under the direct supervision of a pharmacist, utilizing any of the following methods of communication:

(1) Direct verbal communication;

(2) facsimile; or

(3) automated computer software.

(i) Valid refillable prescription transfers for noncontrolled substances may be received or transferred by a pharmacy technician that has passed a national certification exam approved by the board and has been authorized by the supervising pharmacist to perform this function by means of automated computer pharmacy software or by facsimile of a transfer document created by the transferring pharmacy’s prescription processing software.

(j) A pharmacy technician shall not forward or transfer an original, unfilled prescription.

(k) Any pharmacist or pharmacist intern may forward or transfer an original, unfilled prescription to a receiving pharmacy.

(l) A pharmacy shall not initiate the transfer of a prescription without authorization from the patient or the patient’s caregiver.

(m) All records required by this regulation shall be kept readily retrievable for five years. (Authorized by and implementing K.S.A. 2021 Supp. 65-1656; effective March 29, 1993; amended July 23, 1999; amended June 2, 2023.)

Article 20.—CONTROLLED SUBSTANCES

68-20-1. Definitions. As used in this article of the board’s regulations, each of the following terms shall have the meaning specified in this regulation:

(a) “Act” means the uniform controlled substances act of Kansas, K.S.A. 65-4101 et seq., and amendments thereto.

(b) “Basic class,” when referring to controlled substances listed in K.S.A. 65-4105 and K.S.A. 65-4107 and amendments thereto, means any of the following:

(1) Each of the opiates, including its isomers, esters, ethers, and salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers and salts is possible within the specific chemical designation listed in K.S.A. 65-4105(b) and amendments thereto;

(2) each of the opium derivatives, including its salts and isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation listed in K.S.A. 65-4105(c) and amendments thereto;

(continued)

(3) each of the hallucinogenic substances, including its salts and isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation listed in K.S.A. 65-4105(d) and amendments thereto;

(4) each of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium, including raw opium, opium extracts, opium fluid extracts, powdered opium, granulated opium, deodorized opium, and tincture of opium;

(B) apomorphine;

(C) codeine;

(D) ethylmorphine;

(E) hydrocodone;

(F) hydromorphone;

(G) metopon;

(H) morphine;

(I) oxycodone;

(J) oxymorphone;

(K) thebaine;

(L) mixed alkaloid of opium listed in K.S.A. 65-4107(b)(1) and amendments thereto;

(M) cocaine; and

(N) ecgonine;

(5) each of the opiates, including its isomers, esters, ethers, and salts, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation listed in K.S.A. 65-4107(c) and amendments thereto;

(6) methamphetamine, including its salts, isomers, and salts of isomers, when contained in any injectable liquid;

(7) amphetamine, its salts, optical isomers and salts of its optical isomers;

(8) phenmetrazine and its salts; or

(9) methylphenidate.

(c) "Controlled premises" means a facility registered with the board and any conveyance operated by the facility where controlled substances or original or copies of records or documents required under the act are kept or required to be kept and where registrants or persons who are exempted from registration under the act may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances.

(d) "Drug of concern" has the meaning specified in K.S.A. 65-1682, and amendments thereto.

(e) "Prescription" means an order for medication that is dispensed to or for an ultimate user. This term shall not include an order for medication that is dispensed for immediate administration to the ultimate user. An order for a single dose of a drug for immediate administration to a bed patient in a medical care facility shall not be construed to be a prescription.

(f) "Readily retrievable" has the meaning specified in K.S.A. 65-1626 and K.S.A. 65-4101, and amendments thereto.

(g) "Registrant" means any person who is registered pursuant to K.S.A. 65-4117, and amendments thereto.

(h) "Secretary" means executive secretary of the Kansas state board of pharmacy.

(i) Each term used in this article of the board's regulations that is not defined in this regulation shall have the meaning specified in the act, the Kansas pharmacy act, or the Kansas prescription monitoring program act, and amendments thereto. (Authorized by and implementing K.S.A. 65-4102; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1989; amended June 2, 2023.)

68-20-16. Records and inventories of registrants.

(a) Except as provided in this regulation, each registrant shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of 21 C.F.R. 1304.04(a)(2), (a)(3), (f), (g), (h)(1), (h)(2), (h)(3), and (h)(4), as in effect on February 1, 2022, which are hereby adopted by reference. Except as otherwise provided in this regulation, the registrant shall maintain executed order forms and controlled substance inventories at the registered facility and keep the records on file for at least five years.

(b) After the initial inventory is taken, the registrant shall take a subsequent inventory of all controlled substances and drugs of concern on hand at least every year but no later than 375 days after the date of the previous inventory. All controlled substances and drugs of concern shall be inventoried on the same calendar date.

(c) Each required inventory of schedule II controlled substances and nonliquid dosage forms of other controlled substances and drugs of concern shall be taken by exact count.

(d) Each registrant handling schedule V controlled substances and drugs of concern shall be subjected to the same inventory and recordkeeping requirements specified in subsections (a) and (b).

(e) Each inventory of controlled substances shall be maintained in legible, hard-copy format and shall include the following:

(1) The date the inventory was conducted;

(2) the name, license or registration number, and signature of each individual participating in the inventory; and

(3) documentation of whether the inventory was taken before the opening of business or after the close of business. If the pharmacy is open 24 hours per day and does not close, the time that the count was taken shall be documented. (Authorized by K.S.A. 65-4102 and K.S.A. 65-4121; implementing K.S.A. 65-4121; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1989; amended July 31, 1998; amended Dec. 27, 1999; amended Nov. 13, 2009; amended June 2, 2023.)

68-20-18. Information concerning prescriptions.

(a) Any prescription for a controlled substance may be filled by a pharmacist if the prescription has been issued by a prescriber who meets the following requirements:

(1) Is legally authorized to prescribe controlled substances in Kansas or is authorized by the laws of another state; and

(2) is either registered or exempted from registration under K.S.A. 65-4116 or K.S.A. 65-4117 and amendments thereto.

(b)(1) To be valid, a prescription for a controlled substance shall be issued for a legitimate medical purpose by a prescriber acting in the usual course of profession-

al practice. The responsibility for the proper prescribing and dispensing of controlled substances shall rest with the prescriber, but a corresponding responsibility shall rest with the pharmacist who fills the prescription. The individual filling an unlawful prescription, as well as the individual issuing it, shall be subject to the penalties provided for violations of the provisions of the act.

(2) A pharmacist shall not fill a prescription for a controlled substance or drug of concern for office use. However, any pharmacist may document on an invoice any distribution of controlled substances or drugs of concern made to a registrant.

(3) A prescription shall not be issued for the dispensing of narcotic drugs listed in any schedule to a narcotic drug-dependent individual for the purpose of continuing dependence upon these drugs, except as allowed by 21 C.F.R. 1306.07(d), as in effect on November 2, 2020, or in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program.

(c)(1) To be valid, a prescription for a controlled substance shall not be issued on a prescription blank that is preprinted or rubber-stamped with the name of a proprietary preparation or with the strength, quantity, or directions.

(2) Each prescription for a controlled substance shall meet the following requirements:

(A) Be dated and signed on the date issued;

(B) bear the following information:

(i) The full name, address, and DEA registration number of the prescriber;

(ii) the name and address of the patient;

(iii) the drug name, strength, dosage form, quantity prescribed, and directions for use; and

(iv) if applicable, the identification number issued by the DEA or a written notice of action under the good faith exception pursuant to 21 C.F.R. 1301.28(e), as in effect on November 2, 2020, for a prescription for a schedule III, IV, or V narcotic drug approved by the FDA specifically for detoxification or maintenance treatment; and

(C) be written with ink, indelible pencil, or typewriter or be printed on a computer printer.

(3) A prescriber shall manually sign a paper prescription in the same manner as that individual would sign a check or legal document. Each electronic prescription shall be issued and signed in accordance with 21 C.F.R. 1311.120(b)(9) and (b)(11), 21 C.F.R. 1311.135(a) and (c), 21 C.F.R. 1311.140, and 21 C.F.R. 1311.145, as in effect on February 1, 2022, which are hereby adopted by reference.

(4) Any prescription may be prepared by an agent for the signature of a prescriber, but the prescriber shall be responsible if the prescription does not conform in all essential respects to the state and federal law and regulations. A corresponding liability shall rest upon the pharmacist who fills a prescription that is not prepared in the form prescribed by this regulation.

(5) Each intern, resident, foreign physician, or foreign medical graduate exempted from registration under K.S.A. 65-4116, and amendments thereto, shall include on all prescriptions issued the registration number of the hospital or other institution and the special internal code number assigned to the intern, resident, foreign physician, or foreign medical graduate by the hospital or other

institution as provided in K.A.R. 68-20-10. This requirement shall be in lieu of the registration number of the prescriber required by this subsection. Each prescription shall have the name of the intern, resident, foreign physician, or foreign medical graduate stamped or printed on it, as well as the signature of the prescriber.

(6) Each official exempted from registration under K.A.R. 68-20-10 shall include on all prescriptions issued the official's branch of service or agency and the service identification number. This requirement shall be in lieu of the registration number of the prescriber otherwise required by this subsection. The service identification number for a public health service employee shall be that individual's social security identification number. Each prescription shall have the name of the officer stamped or printed on it, as well as the signature of the officer.

(7) Any controlled substance prescription in schedules III through V may be issued as a paper or electronic prescription or transmitted by a prescriber or the prescriber's designated agent to a pharmacy by oral or facsimile transmission. Except as authorized by K.A.R. 68-2-22, each nonpaper prescription order shall be reduced to hard copy as soon as the order is reviewed by the pharmacist. The hard copy reduction shall include all information required by this regulation, except for the signature of the prescriber in the case of an oral transmission, and, if transmitted by other than the prescriber, shall bear the first name and last name of the person so transmitting the prescription. Each prescription sent by facsimile transmission shall be transmitted directly from the prescriber or the prescriber's designated agent to the pharmacy and shall contain a header identifying the sender of the prescription.

(8) Any controlled substance prescription in schedule II may be issued as a paper or electronic prescription. Each prescription for a schedule II controlled substance transmitted to a pharmacy by oral or facsimile transmission shall be dispensed in accordance with 21 C.F.R. 1306.11 and K.A.R. 68-20-19. Each prescription sent by facsimile transmission shall be transmitted directly from the prescriber or the prescriber's designated agent to the pharmacy and shall contain a header identifying the sender of the prescription.

(9) Any pharmacist may fill multiple prescriptions issued by a prescriber authorizing the patient to receive up to a 90-day supply of a schedule II controlled substance if all of the following conditions are met:

(A) Each separate prescription is issued for a legitimate medical purpose by a prescriber acting in the usual course of professional practice.

(B) The prescriber provides written instructions on each prescription other than the first prescription, if the prescriber intends for the first prescription to be filled immediately, indicating the earliest date on which the prescription may be filled.

(C) The prescriber concludes that providing the patient with multiple prescriptions does not create an undue risk of diversion or abuse.

(D) Each separate prescription meets all requirements for a schedule II controlled substances prescription, including being dated and signed on the date issued.

(continued)

(d) A prescription for controlled substances shall be filled only by the following individuals:

(1) A pharmacist acting in the usual course of professional practice in a registered pharmacy, hospital drug room, or other registered place of employment; or

(2) a pharmacist intern acting under the direct supervision of a pharmacist. (Authorized by K.S.A. 65-4102; implementing K.S.A. 65-4123; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1988; amended Sept. 9, 1991; amended March 29, 1993; amended March 20, 1995; amended Dec. 27, 1999; amended June 2, 2023.)

68-20-18a. Information concerning prescriptions; recordkeeping; pharmacy prescription application. (a) Each controlled substance shall be supplied or dispensed directly to a patient only pursuant to a prescription issued in accordance with K.A.R. 68-20-18. Each controlled substance shall be supplied at a registered facility for immediate facility administration to the ultimate user only pursuant to a medication order.

(b) Each dispensing, partial filling, or refilling of a prescription for a controlled substance shall be entered on the back of the prescription with the date, quantity, and name or initials of the pharmacist providing the final verification.

(c) As an alternative to the procedures provided by subsection (b), a pharmacy prescription application may be used for the storage and retrieval of dispensing, refill, and partial filling information for prescription orders for controlled substances if all of the following requirements are met:

(1) Each computerized system shall provide on-line retrieval, by computer monitor display or hard-copy printout, of original prescription order, refill, and partial fill information for those prescription orders that are authorized for filling. Each display or printout of information shall include the following:

(A) The original prescription number;

(B) the date of issuance of the original prescription order by the prescriber;

(C) the dates of dispensing or partial filling;

(D) the full name and address of the patient;

(E) the name, address, and DEA registration number of the prescriber;

(F) the name, strength, dosage form, quantity of the controlled substance prescribed, and the quantity dispensed, if different from the quantity prescribed;

(G) the identification code, or name or initials of the dispensing pharmacist;

(H) the total number of refills authorized by the prescriber, if applicable and allowable; and

(I) the total number of doses dispensed to date for that prescription order.

(2) Each pharmacist who makes use of a pharmacy prescription application shall document that the information in the pharmacy prescription application is correct each time the pharmacist fills, refills, or partially fills a controlled substance.

(A) If the pharmacy prescription application produces a hard-copy printout of each day's controlled substance prescription order data, the printout shall meet the following requirements:

(i) The printout shall be verified, dated, and signed by the pharmacist who filled or partially filled the prescription order. The pharmacist shall verify that the date indicated is correct and then sign this document in the same manner as the pharmacist would sign a check or legal document.

(ii) The printout shall be provided to each pharmacy using the computerized system within 72 hours of the date on which the controlled substance was dispensed.

(iii) The printout shall be verified and signed by each pharmacist who is involved in the dispensing.

(B) In lieu of signing a hard-copy printout of each day's controlled substance prescription order data, the pharmacy owner shall maintain a bound logbook or separate file in which each pharmacist involved in the dispensing shall sign a statement, in the manner described in paragraph (c)(2)(A), each day, attesting to the fact that the information entered into the pharmacy prescription application that day has been reviewed by the pharmacist and is correct as shown.

(3) Each pharmacy prescription application shall have the capability of producing a printout of any fill data that the facility is responsible for maintaining. Each printout shall include an audit trail for any specified strength and dosage form of any controlled substance, by brand, generic name, or both, in addition to the following:

(A) The name of the prescriber;

(B) the name and address of the patient;

(C) the quantity dispensed on each fill;

(D) the date of dispensing of each fill;

(E) the name or identification code of the dispensing pharmacist; and

(F) the number of the original prescription order.

(4) If a pharmacy experiences a computer system outage of the pharmacy prescription application, the pharmacy shall have an auxiliary procedure that will be used for documentation of partial fills and refills of controlled substance prescriptions. This auxiliary procedure shall ensure that partial fills or refills are authorized by the original prescription, the maximum number of dosage units or refills has not been exceeded, the prescription is still valid for partial filling or refilling, and all appropriate data is retained for on-line data entry as soon as the computer system is available for use again.

(d) All prescriptions, records, and documents required by this article of the board's regulations shall be kept readily retrievable at the registered location for five years from the date of the last filling, refilling, partial filling, or entry into the record, except that financial and shipping records may be kept at other than the registered location with approval of the DEA. (Authorized by and implementing K.S.A. 65-4102, K.S.A. 65-4121, and K.S.A. 65-4123; effective June 2, 2023.)

68-20-19. Controlled substances listed in schedule II. (a)(1) A pharmacist shall dispense a controlled substance listed in schedule II that is a prescription-only drug only pursuant to a signed prescription issued in accordance with K.A.R. 68-20-18, except as provided in paragraph (a)(4).

(2) A prescription under the provisions of paragraph (a)(1) shall not be filled in either of the following circumstances:

(A) More than 90 days after the original date of issue appearing on the prescription; or

(B) before or after any date specified on the prescription by the prescriber.

(3)(A) For an emergency, as defined by paragraph (a) (4), a pharmacist may dispense a controlled substance listed in schedule II upon receiving the oral authorization of a prescriber, if all of the following requirements are met:

(i) The quantity prescribed and dispensed shall be limited to the amount adequate to treat the patient during the emergency period. Dispensing beyond the emergency period shall be pursuant to a signed prescription issued in accordance with K.A.R. 68-20-18.

(ii) The prescription shall be immediately reduced to a hard copy by the pharmacist and shall contain all information required under K.A.R. 68-20-18 except for the signature of the prescriber.

(iii) If the prescriber is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the authorization came from the prescriber, which may include a call back to the prescriber, using the prescriber's phone number as listed in the telephone directory or other good faith efforts to ensure the prescriber's identity, or both.

(iv) Within seven days after authorizing an emergency prescription drug order, the prescriber shall cause a written or electronic prescription drug order for the emergency quantity prescribed to be delivered to the dispensing pharmacist.

(B) In addition to meeting the requirements of K.A.R. 68-20-18, the prescription drug order shall have written on its face "Authorization for Emergency Dispensing" and the date of the prescription drug order.

(C) The written or electronic prescription drug order shall be delivered to the pharmacist in person within seven days of authorization or, if the written prescription is delivered by mail, it shall be postmarked within the seven-day period.

(D) Upon receipt, the dispensing pharmacist shall attach this written prescription drug order to the pharmacist's record of the emergency prescription drug order. For each electronic prescription, the dispensing pharmacist shall annotate the record of the electronic prescription with the original authorization and date of the oral order.

(E) The pharmacist shall notify the nearest office of the U.S. drug enforcement administration (DEA) if the prescribing practitioner fails to deliver a written or electronic prescription drug order to the pharmacist. Failure of the pharmacist to notify the DEA shall void the authority conferred by this regulation to dispense without a written or electronic prescription of a prescriber.

(4) For the purposes of authorizing a prescription of any controlled substance listed in schedule II of the federal or state uniform controlled substances act, the term "emergency situation" shall mean any situation in which the prescriber determines the following:

(A) That immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

(B) that no appropriate alternative treatment is avail-

able, including administration of a drug that is not a controlled substance under schedule II of the act; and

(C) that it is not reasonably possible for the prescriber to provide a written prescription to be presented, before dispensing, to the pharmacist dispensing the substance.

(b) The partial filling of a prescription for any controlled substance listed in schedule II shall be permissible, only as provided in this subsection.

(1) Whenever the pharmacist is unable to supply the full quantity called for in a written, electronic, or emergency prescription and the pharmacist makes a notation of the quantity supplied on the face of the written prescription, written record of the emergency prescription, or electronic prescription record, the pharmacist shall perform the following:

(A) Fill the remaining portion of the prescription within 72 hours of the first partial filling or, if the remaining portion cannot be filled within the 72-hour period, the pharmacist shall notify the prescriber of the situation; and

(B) supply no further quantity beyond 72 hours without a new prescription.

(2) Prescriptions for schedule II controlled substances for patients in a long-term care facility (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities, including individual dosage units, as provided in this subsection. The pharmacist shall record on the prescription whether the patient is "terminally ill" or an "LTCF patient."

(A) The total quantity of schedule II controlled substances dispensed in all partial fillings shall not exceed the total quantity prescribed.

(B) These schedule II prescriptions shall be valid for partial filling for a period not to exceed 60 days from the issue date of the prescription unless terminated sooner by the discontinuance of medication.

(3) Any prescription for a schedule II controlled substance may be partially filled at the request of the patient or the prescriber who wrote the prescription. The pharmacist shall not fill or partially fill any remaining portions of the prescription more than 30 days after the date the prescription was written, except as provided by paragraphs (b)(1) and (2). The total quantity of schedule II controlled substances dispensed in all partial fillings shall not exceed the total quantity prescribed.

(c) Each pharmacist filling a written or emergency prescription for a controlled substance listed in schedule II shall ensure that a label that meets the requirements of K.A.R. 68-7-14 and 21 C.F.R. 290.5 is affixed to the package.

(d) All written prescriptions, electronic prescriptions, and written records of emergency prescriptions shall be kept in accordance with K.A.R. 68-20-16. (Authorized by K.S.A. 65-4102; implementing K.S.A. 2022 Supp. 65-4107, K.S.A. 65-4121, and K.S.A. 65-4123; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended Sept. 9, 1991; amended March 29, 1993; amended March 20, 1995; amended Feb. 5, 1999; amended Dec. 27, 1999; amended June 2, 2023.)

68-20-20. Controlled substances listed in schedules III, IV, and V. (a) A pharmacist may dispense any con-

(continued)

trolled substance listed in schedule III, IV, or V that is a prescription-only drug pursuant only to a prescription issued in accordance with K.A.R. 68-20-18.

(b) Additional quantities of controlled substances listed in schedule III, IV, or V may be authorized by a prescriber through an oral refill authorization transmitted to the pharmacist if all of the following conditions are met:

(1) The total quantity authorized, including the amount of the original prescription, does not exceed five refills or extend beyond six months from the date of issue of the original prescription.

(2) The pharmacist obtaining the oral authorization records on the reverse of the original prescription the following:

(A) The date;

(B) the quantity of refill;

(C) the number of additional refills authorized; and

(D) the initials of the pharmacist who received the authorization from the prescriber.

(3) The quantity of each additional refill authorized is equal to or less than the quantity authorized for the initial filling of the original prescription.

(4) The prescriber executes a new prescription as provided in K.A.R. 68-20-18 for any additional quantities beyond the five-refill, six-month limitation.

(5) The authorization of additional quantities is documented by either of the methods specified in K.A.R. 68-20-18a.

(c) A prescription for a controlled substance listed in schedule III, IV, or V may be partially filled if all of the following conditions are met:

(1) Each partial filling is recorded in the same manner as that for a refilling.

(2) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.

(3) No dispensing occurs after six months after the date on which the prescription was issued.

(d) Each pharmacist filling a prescription for a controlled substance listed in schedule III, IV, or V shall ensure that a label meeting the requirements of K.A.R. 68-7-14 is affixed to the package.

(e) All prescriptions for controlled substances listed in schedules III, IV, and V shall be kept in accordance with K.A.R. 68-20-16. (Authorized by K.S.A. 65-4102 and K.S.A. 65-4121; implementing K.S.A. 65-4102, K.S.A. 65-4121, and K.S.A. 65-4123; effective, E-73-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1983; amended April 30, 1990; amended Aug. 4, 2000; amended June 2, 2023.)

68-20-21. (Authorized by K.S.A. 1998 Supp. 65-4113; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended Dec. 27, 1999; revoked June 2, 2023.)

68-20-22. Selling without a prescription. Any controlled substance listed in schedule II, III, IV, or V that is not a prescription-only drug may be sold by a pharmacist without a prescription to a purchaser at retail if all of the following conditions are met:

(a) The sale of any substance that is a methamphetamine precursor is made in accordance with K.S.A. 65-16,102, and amendments thereto, and with 21 C.F.R. 1314.20, 21 C.F.R. 1314.25, 21 C.F.R. 1314.30, 21 C.F.R.

1314.100, and 21 C.F.R. 1314.105 as in effect on August 31, 2022.

(b) The sale of any substance that is not a methamphetamine precursor meets all of the following conditions:

(1) Approval of the sale is made only by a pharmacist and not by a nonpharmacist employee, even if under the supervision of a pharmacist.

(2) The pharmacist does not sell at retail more than 240 cc (8 ounces) of any controlled substance containing opium or more than 120 cc (4 ounces) of any other controlled substance to the same purchaser in any 48-hour period.

(3) The pharmacist does not sell at retail more than 48 dosage units of any controlled substance containing opium or more than 24 dosage units of any other controlled substance to the same purchaser in any 48-hour period.

(4) The purchaser is at least 18 years of age.

(5) The pharmacist requires every purchaser of a controlled substance to furnish suitable identification that includes proof of age.

(6) The pharmacist maintains a bound record book for the dispensing of controlled substances. The record book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who approved the sale of the substance to the purchaser. The record book shall be kept readily retrievable at the registered location for five years.

(c) A prescription is not required for dispensing the substance pursuant to any other federal, state, or local law. (Authorized by K.S.A. 65-16,106; implementing K.S.A. 65-16,102 and 65-16,104; effective May 1, 1978; amended June 2, 2023.)

Article 21.—PRESCRIPTION MONITORING PROGRAM

68-21-1. Definitions. As used in this article of the board's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Authentication" means the provision of information, an electronic device, or a certificate by the board or its designee to a requester that allows the requester to electronically access prescription monitoring information. The authentication may include the provision of a user name, a password, or an electronic identification device or certificate.

(b) "DEA" means the drug enforcement administration of the United States department of justice.

(c) "Dispenser identification number" means the DEA number. If a DEA number is not issued to the dispenser, the dispenser identification number means the NPI number or the Kansas license number.

(d) "Drug enforcement administration number" means a unique registration number issued to a practitioner authorized by the DEA to prescribe controlled substances.

(e) "National provider identifier" and "NPI" mean a unique 10-digit number issued by the national provider identifier registry and used to identify each practitioner whose services are authorized by medicaid or medicare.

(f) "Patient identification number" means that patient's unexpired temporary or permanent driver's license number, state-issued identification card number,

or pharmacy system-generated identification number. If the patient does not have one of those numbers, the dispenser shall use the patient's first, middle, and last initials, followed by the patient's eight-digit birth date. The patient identification number shall not include a social security number.

(g) "Report" means a compilation of data concerning a dispenser, patient, drug of concern, or scheduled substance as defined in K.S.A. 65-1682, and amendments thereto.

(h) "Valid photographic identification" means any of the following:

(1) An unexpired driver's license, state identification card, or instruction permit;

(2) an unexpired official passport issued by any nation;

(3) a United States military identification card; or

(4) an unexpired identification card issued by a United States Indian tribe.

(i) "Zero report" means an electronic data submission reflecting no dispensing activity for a given period. (Authorized by K.S.A. 65-1692; implementing K.S.A. 2022 Supp. 65-1682; effective Oct. 15, 2010; amended Aug. 13, 2014; amended June 2, 2023.)

68-21-2. Electronic reports. (a) Except as specified in subsections (d) and (e), each dispenser shall file a report with the board for each scheduled substance and drug of concern sold in Kansas or to an address in Kansas. This report shall be submitted by the end of the next business day from the day that the drug is sold.

(b) Except as specified in subsections (c), (d), and (e), each dispenser that does not dispense scheduled substances or drugs of concern in Kansas or to an address in Kansas during the reporting period specified in subsection (a) shall file a zero report with the board. Each zero report shall be filed by the end of the next business day.

(c) Any dispenser that meets the following conditions may submit a written request to the board for an exemption from subsection (b):

(1) The dispenser does not monthly dispense more than 10 prescriptions for scheduled substances and drugs of concern in Kansas or to an address in Kansas.

(2) The dispenser is unable to automate submission of a zero report.

(d) Any medical care facility, as defined by K.S.A. 65-1626 and amendments thereto, may submit a written request to the board for an exemption from subsections (a) and (b) if the medical care facility provides an interim supply of a scheduled substance or drug of concern to an outpatient on an emergency basis and the interim quantity does not exceed a 48-hour supply and, as described in K.A.R. 68-7-11(d)(2)(B), is limited to an amount sufficient to supply the outpatient's needs until a prescription can be filled in accordance with K.A.R. 68-7-11. This exemption shall apply only to the outpatient emergency interim supply of drugs and not to other outpatient dispensing or supply activities of the medical care facility.

(e) Any dispenser that does not dispense scheduled substances or drugs of concern in Kansas or to an address in Kansas may submit a written request to the board for an exemption from subsections (a) and (b) if both of the following conditions are met:

(1) The dispenser has submitted the required reports for at least three months or has provided three months of dispensing records to the board.

(2) The request is accompanied by the following:

(A) If the dispenser is a nonresident pharmacy, a list of states in which the pharmacy is registered;

(B) the current prescription monitoring program reporting status in each state in which the dispenser is registered; and

(C) a copy of any written reprimand, censure, or other disciplinary action related to prescription monitoring program reporting that the dispenser has had in any state, district, or territory.

(f) Each dispenser or pharmacy that no longer meets the criteria for exemption specified in subsection (c), (d), or (e) shall notify the board and begin submitting reports within seven days.

(g) Each exemption issued by the board shall expire annually on August 31.

(h) Except as specified in K.A.R. 68-21-3, each report required to be submitted pursuant to subsection (a) shall be submitted by secure file transfer protocol in the electronic format established by the American society for automation in pharmacy, dated no earlier than 2020, version 4, release 2b.

(i) Each dispenser shall correct any reporting error within seven days of discovering the error or being notified of the error by the board or the board's designee. (Authorized by K.S.A. 65-1692; implementing K.S.A. 2022 Supp. 65-1683; effective Oct. 15, 2010; amended April 15, 2011; amended Aug. 13, 2014; amended June 2, 2023.)

68-21-3. (Authorized by K.S.A. 2009 Supp. 65-1692; implementing K.S.A. 2009 Supp. 65-1683; effective Oct. 15, 2010; revoked June 2, 2023.)

68-21-4. Notice of requests for information. Each dispenser who may access information maintained by the board on each drug of concern and scheduled substance dispensed to one of the dispenser's patients for the purpose of providing medical or pharmaceutical care shall notify the patient of this access to program information by performing either of the following:

(a) Posting an easily viewable sign at the place where prescription orders are issued or accepted for dispensing; or

(b) providing written material about the dispenser's access to program information. (Authorized by K.S.A. 65-1692; implementing K.S.A. 65-1685, as amended by L. 2022, ch. 74, sec. 5; effective Oct. 15, 2010; amended June 2, 2023.)

68-21-5. Access to program information. (a) Any patient or patient's designee may obtain a report listing all program information that pertains to the patient by submitting a written request to the board on a form provided by the board, which shall include the following:

(1) The patient's name and, if applicable, the name of the patient's designee;

(2) the patient's residential address and, if applicable, the residential address of the patient's designee;

(3) the patient's telephone number and, if applicable, the telephone number of the patient's designee;

(continued)

(4) the time period for which information is being requested;

(5) a copy of a valid photographic identification of the patient or the patient’s designee; and

(6) if the requester is not the patient, a copy of official documents establishing either legal guardianship or power of attorney.

(b)(1) Any practitioner, dispenser, or delegate may obtain program information relating to a patient in accordance with K.S.A. 65-1685, and amendments thereto, by submitting an electronic request to the board in a manner established by the board, using authentication. Information regarding more than one patient may be submitted in a single request.

Each request shall be submitted in a format established by the board and shall include the following elements for each patient:

- (A) The patient’s first name and last name;
- (B) the patient’s date of birth; and
- (C) the time period for which information is being requested.

(2) The authentication and identity of the practitioner, dispenser, or delegate shall be verified by the board before allowing access to any program information. If the authentication is lost or missing or if the security of the authentication is compromised, the practitioner, dispenser, or delegate shall notify the board in writing as soon as possible.

(c) In conjunction with an active investigation, any designated representative of a professional licensing, certification, or regulatory agency charged with administrative oversight of practitioners or dispensers may obtain program information for a practitioner licensed or regulated by the agency or for a patient by submitting a written request to the board on a form provided by the board.

(1) If the request is for program information related to a practitioner, the request shall include the following:

- (A) The requestor’s name and agency;
- (B) the practitioner’s name;
- (C) the practitioner’s DEA number, if issued to the practitioner;
- (D) the practitioner’s NPI number, if issued to the practitioner; and
- (E) the time period for which information is being requested.

(2) If the request is for program information related to a patient, the request shall include the following:

- (A) The requestor’s name and agency;
- (B) the patient’s first name and last name;
- (C) the patient’s date of birth; and
- (D) the time period for which information is being requested.

(d) Any designated representative from the department of health and environment, an overdose fatality review board established by the state, or an impaired provider program for practitioners may obtain program information related to a patient in accordance with K.S.A. 65-1685, and amendments thereto, by submitting an electronic written request to the board in a manner established by the board, using authentication. The request shall include the following:

- (1) The patient’s first name and last name;
- (2) the patient’s date of birth; and
- (3) the time period for which information is being requested. (Authorized by K.S.A. 65-1692; implementing K.S.A. 65-1685, as amended by L. 2022, ch. 74, sec. 5; effective Oct. 15, 2010; amended June 2, 2023.)

Alexandra Blasi
Executive Secretary
Board of Pharmacy

Doc. No. 051149

INDEX TO ADMINISTRATIVE REGULATIONS

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AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations

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