



# Kansas Register

Kris W. Kobach, Secretary of State

Vol. 30, No. 18

May 5, 2011

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State of Kansas

**Kansas Judicial Council**

**Notice of Meetings**

The Kansas Judicial Council, its Advisory Committees and the Commission on Judicial Performance will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, unless otherwise designated:

Date	Committee	Time	Location
May 13	Commission on Judicial Performance	9:30 a.m.	Room 269
May 20	Lien Law Sub-Committee	9:30 a.m.	Suite 140-West
May 20	Pattern Instructions for Kansas-Criminal	9:30 a.m.	Room 269
May 26	Supreme Court Rules	9:30 a.m.	Fatzer Courtroom
June 3	Judicial Council	9:00 a.m.	Suite 140-West
June 10	Commission on Judicial Performance	9:30 a.m.	Suite 140-West
June 17	Lien Law	9:30 a.m.	Room 269
June 17	Criminal Law	9:30 a.m.	Suite 140-East
June 17	Probate Law	9:30 a.m.	Suite 140-West
June 24	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Suite 140-West
June 24	Pattern Instructions for Kansas-Criminal	9:30 a.m.	Room 269

Hon. Lawton R. Nuss  
Chairman

Doc. No. 039370

State of Kansas

**Office of the Governor**

**Executive Order 11-07**

**Conditional and Temporary Relief from Motor Carrier Rules and Regulations**

WHEREAS, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law under subsection (b) of K.S.A. 48-924; and

WHEREAS, on the 23rd day of April, 2011, I declared a state of local emergency for Saline County as a result of train derailment in the City of Salina; and

WHEREAS, this disaster has caused or threatens to cause an emergency as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f and which has or threatens to interrupt the delivery of essential services or essential supplies or otherwise immediately threatens physical harm or injury to persons, the public welfare and/or substantial damage to property; and

WHEREAS, conditions exists which require the operation of motor carriers and drivers of commercial motor vehicles for the purposes of providing direct assistance to supplement State and local efforts in the restoration of services and relief in the affected area(s) of the State of Kansas.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby declare there is a state of local emergency existing in the above-listed counties, and as a result, it is necessary to expedite all efforts of restoration of services and relief. In order to

accommodate this need and to provide assistance to the citizens of Kansas in this emergency situation, I hereby order the following:

1. This declaration only applies to those motor carriers and persons operating commercial motor vehicles and directly participating in the restoration and relief efforts; and
2. in accordance with Title 49 C.F.R. § 390.23, the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 are hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort not to exceed a period of five (5) days from the date of the initial declaration unless the order is rescinded or expanded by executive order or concurrent resolution of the legislature; and
3. all other applicable state and federal regulations shall apply to include but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver's License Act, K.S.A. 8-234 et. seq. and Title 49 C.F.R. Part 383 Commercial Driver's License Standards as adopted by the Kansas Uniform Commercial Drivers' License Act, K.S.A. 8-2,125 et. seq., the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23; and, adherence to the regulations governing the Transportation of Hazardous Materials as provided Title 49 C.F.R. 397 and adopted by K.A.R. 82-4-3k and Parts: 107, 171-173, 177, 178 and 180 as adopted by K.A.R. 82-4-20; and
4. the registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
5. the licensing, certification and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended; and
6. participating motor carriers must still obtain the requisite over dimension/overweight permits as required by the Kansas Department of Transportation prior to operating; however, the fees associated with these permits are temporarily waived. Additionally, motor carriers and persons participating in restoration and recovery efforts will receive priority service and may operate during low visibility, night, holiday and curfew hours if the carriers and/or driver use clearance lights and/or escort vehicles.

This document shall be filed with the Secretary of State as Executive Order No. 11-07 and shall become effective immediately.

Dated April 25, 2011.

Sam Brownback  
Governor

Doc. No. 039372

(Published in the Kansas Register May 5, 2011.)

**Heartland Works, Inc.****Request for Proposals**

Heartland Works, Inc. is accepting bids for the purchase of group health/dental, life and disability insurance. To receive a request for proposal, including all specifications, contact the Heartland Works office at 5020 S.W. 28th St., Suite 100, Topeka, 66614-2348, (785) 234-0500. Requests for required Health Assessment Forms must be submitted to HWI by May 17.

Bid proposals must be received not later than 3 p.m. June 9. Heartland Works welcomes all interested companies/agents to submit proposals.

Kristine Kitchen  
Executive Director

Doc. No. 039387

**State of Kansas****Social and Rehabilitation Services****Request for Proposals**

The Kansas Department of Social and Rehabilitation Services, Division of Disability and Behavioral Health Services-Mental Health Services (DBHS-MH), announces the release of the Interim Housing Grant for fiscal year 2012. The intended use of the grant is to continue or create new interim housing projects for persons experiencing severe and persistent mental illness and for youth (18-21) with serious emotional disturbance. Interim housing is short-term (up to six months) project-based housing that provides immediate housing for persons living in the community but who are homeless or for persons who are homeless who are leaving a state hospital, nursing facility for mental health or any other state-funded institution or system of care setting. The goal of the Interim Housing Grant is for community mental health centers to provide immediate housing, instead of discharging individuals to homeless shelters, and then assisting participants to rapidly obtain permanent housing. The funds may be used for rent and to buy household items for the property(ies). This grant will be awarded to community mental health centers or their affiliates that have the ability to make a community- and system-wide impact.

The RFP is posted on the SRS/DBHS/MH RFP Web site at <http://www.srs.ks.gov/agency/mh/Pages/default.aspx>.

Direct written comments or questions regarding the intended use of Interim Housing by June 1 to Daniel Klucas, Grants Development Manager, SRS, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-3248, fax (785) 296-4676, or e-mail Daniel.Klucas@srs.ks.gov.

Robert Siedlecki  
Secretary of Social and  
Rehabilitation Services

Doc. No. 039382

**State of Kansas****Secretary of State****Code Mortgage Rate for May**

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of May 1, 2011 through May 31, 2011, is 12 percent.

Kris W. Kobach  
Secretary of State

Doc. No. 039363

**State of Kansas****Secretary of State****Usury Rate for May**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of May 1, 2011 through May 31, 2011, is 6.01 percent.

Kris W. Kobach  
Secretary of State

Doc. No. 039364

**State of Kansas****Social and Rehabilitation Services****Request for Proposals**

The Kansas Department of Social and Rehabilitation Services, Disability and Behavioral Health Services/Adoptions and Prevention Services (DBHS/AAPS), announces the release of request for proposals for the support and expansion of Oxford Houses and membership, to maintain the integrity of the National Oxford House Model in the Kansas Oxford Houses, and to resolve issues and conflicts in the houses and in the community. The awardee also will provide administration of the revolving loan fund for new house startups. The awardee will promote the development of Recovery Oriented Systems of Care in Kansas.

The period for the grant will run from July 1, 2011 through June 30, 2012, with three optional one-year renewal periods possible at the discretion of the state of Kansas, SRS/AAPS. The total funding for this grant will be up to \$128,700. Eligible applicants are not-for-profit agencies that have capacity to serve the entire state.

Agencies interested in receiving the request for proposal can download the PDF copy at <http://www.srs.ks.gov/agency/as/Pages/default.aspx> or may contact Daniel Klucas, SRS, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-4295. Complete proposals must be received by 5 p.m. June 1.

Robert Siedlecki  
Secretary of Social and  
Rehabilitation Services

Doc. No. 039380

## State of Kansas

## Secretary of State

## Executive Appointments

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

## Judge, Kansas Court of Appeals

**David Bruns**, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612. Succeeds Nancy L. Moritz (Caplinger).

## Butler County Sheriff

**Kelly Herzet**, P.O. Box 157, Potwin, 67123. Succeeds Craig Murphy, resigned.

## Commission on Autism

**Terri Cooper Swanson**, 18723 W. 16rd St., Olathe, 66062. Serves at the pleasure of the Governor. Succeeds Marc Shiff.

## State Building Advisory Commission

**Donald L. Smith**, 3773 S.W. Clarion Park Drive, Topeka, 66610. Term expires Dec. 31, 2014. Reappointed.

**Tathiana Woolery**, 19075 S. Paulen Road, Overbrook, 66524. Term expires Dec. 31, 2014. Succeeds Thomas Yang.

## Kansas Credit Union Council

**Bob Corwin**, 409 E. Prairie Point Circle, Andover, 67002. Term expires March 15, 2014. Succeeds Alvis Williams.

**Sue Henke**, 1305 S.W. MacVicar Ave., Topeka, 66604. Term expires March 15, 2014. Reappointed.

Council on Early Childhood  
Developmental Services

**Mary Duncan**, 5229 S.W. Urish Road, Topeka, 66610. Governor's designee. Succeeds Jennifer Knorr.

## Kansas Home Inspectors Registration Board

**Jenny L. Sande**, 8510 Monrovia St., #138, Lenexa, 66215. Term expires Sept. 1, 2014. Succeeds Patrick Regan.

Kansas Advisory Council on  
Intergovernmental Relations

**Chad Bettes**, 5916 Albervan St., Shawnee, 66216. Governor's designee for the Department of Revenue.

**Steve Kelly**, 4529 Broadmoor Drive, Lawrence, 66049. Governor's designee for the Department of Commerce.

## Kansas Propane Education and Research Council

**James J. Zeller**, 3507 N.W. Cambridge Ave., Topeka, 66618. Term expires Aug. 30, 2014. Succeeds Lee E. Tafanelli.

## Kansas Racing and Gaming Commission

**Dennis McKinney**, 1220 S. Main, Greensburg, 67054. Term expires March 15, 2015. Succeeds Barry Schwan.

**Jay Shadwick**, 10807 W. 140th Terrace, Overland Park, 66210. Term expires March 15, 2015. Succeeds Carol Sader.

**Timothy Shultz**, 4426 N.W. Green Hills Road, Topeka, 66618. Term expires Jan. 15, 2015. Succeeds Kristine McKechnie.

Secretary of Social and  
Rehabilitation Services

**Robert Siedlecki**, Suite 603, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Don Jordan.

## State Employees Health Care Commission

**Dennis Taylor, Chair**, Secretary of Administration, Suite 500, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612.

## Kansas State Fair Board

**Harmon F. Bliss**, 612 Eakin, Jetmore, 67854. Term expires March 15, 2014. Succeeds Michael Gaskill.

**Angie L. Clark**, 1820 N. Sherlock Road, Garden City, 67846. Term expires March 15, 2014. Succeeds Charles Craig.

## Kansas Volunteer Commission

**Diane K. Hentges**, 812 N. Washington Blvd., Kansas City, KS 66102. Term expires March 24, 2013. Reappointed.

**Jeffrey Locke**, 118 W. Main, Arma, 66712. Term expires March 24, 2013. Succeeds Curtis Brungardt.

**Connie Stewart**, 15578 Indian Valley Lane, Hoyt, 66440. Term expires March 15, 2013. Reappointed.

Kris W. Kobach  
Secretary of State

Doc. No. 039359

## State of Kansas

Department of Administration  
Division of Facilities Management

## Notice of Requested Architectural Services

Notice is hereby given of the commencement of the selection process for architectural services to renovate West Memorial Stadium to house the Purple Masque Theatre at Kansas State University, Manhattan. The project will require 34,700 sq. ft. to be remodeled with an estimated construction cost of \$4,500,000. A green roof is to be included in the estimated construction cost.

For more information, contact Dave DeBusman at (785) 532-1728.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Planning forms are available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals shall be delivered to Phyllis Fast before noon May 20.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039384

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Requested Architectural Services**

Notice is hereby given of the commencement of the selection process for architectural services to replace all the windows on Waters Hall, Kansas State University, Manhattan. Interested architects should visit the site and evaluate existing conditions to prepare their submittal and presentation. The estimated construction cost is \$1,000,000.

For additional information, contact Mark Taussig at (785) 532-1732.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Planning forms are available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals shall be delivered to Phyllis Fast before noon May 20.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039386

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Requested Engineering Services**

Notice is hereby given of the commencement of the selection process for engineering services to install meters on campus utility distribution systems at Kansas State University, Manhattan. The project will require a total of 38 electric meters, 50 water meters, 35 natural gas meters, 18 chilled water meters and 50 steam meters to be engineered and documentation prepared for installation. The campus-wide metering platform through the Honeywell Building Control system has been established as the backbone of the metering. The construction cost is estimated to be between \$950,000 - \$1,100,000.

For additional information, contact Jack Carlson at (785) 532-1772.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Planning forms are

available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals shall be delivered to Phyllis Fast before noon May 20.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039385

## State of Kansas

**State Fire Marshal**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Thursday, July 7, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider proposed amendments to **K.A.R. 22-19-2** and **K.A.R. 22-19-5**, which pertain to the certification of fire investigators and filing reports with the state fire marshal. Also for consideration is revocation of **K.A.R. 22-19-3**, which also pertains to certified fire investigator recertification. These regulations are proposed on a permanent basis.

**K.A.R. 22-19-2.** This amended regulation establishes the certification process and maintenance for fire investigators.

**K.A.R. 22-19-5.** This amended regulation establishes the requirement of certified fire investigators to file reports with the state fire marshal.

These regulations are expected to cause no economic impact on the Kansas State Fire Marshal's Office, other state agencies, state employees or the general public.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Carolyn Lowry, Administrative Specialist, State Fire Marshal's Office, Suite 600, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Carolyn Lowry at the address above or by calling (785) 296-8984. Handicapped parking is located on the west side of Jayhawk Tower on the corner of 7th and Jackson. The west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and the economic impact statements may be obtained at the address above or by contacting Carolyn Lowry at (785) 296-8984 or [carolyn.lowry@ksfm.ks.gov](mailto:carolyn.lowry@ksfm.ks.gov).

Doug Jorgensen  
State Fire Marshal

Doc. No. 039376

State of Kansas

**Kansas Water Authority**

**Notice of Meetings**

The Kansas Water Authority will meet at 1 p.m. Wednesday, May 18, and at 8:30 a.m. Thursday, May 19, at the Graham County 4-H Building in Hill City. The agenda and meeting materials will be posted on the Kansas Water Office Web site, [www.kwo.org](http://www.kwo.org), or copies may be requested by contacting the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185 or (888) 526-9283 (KAN-WATER). Persons needing special accommodations are asked to notify the Kansas Water Office at least two days prior to the meeting date.

Steve Irsik  
Chairman

Doc. No. 039350

State of Kansas

**State Fire Marshal**

**Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted at 1 p.m. Thursday, July 7, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider proposed adoption of K.A.R. 22-25-1, 22-25-2, 22-25-3, 22-25-4, 22-25-5 and 22-25-6, which pertain to the reduced cigarette ignition propensity. These regulations are proposed on a permanent basis.

**K.A.R. 22-25-1.** This regulation defines the terms used in Article 25 — Reduced Cigarette Ignition Propensity.

**K.A.R. 22-25-2.** This proposed regulation explains the requirements for the sale of cigarettes.

**K.A.R. 22-25-3.** This proposed regulation explains where certification forms may be requested and submitted.

**K.A.R. 22-25-4.** This proposed regulation outlines exceptions.

**K.A.R. 22-25-5.** This proposed regulation clarifies the recertification requirement.

**K.A.R. 22-25-6.** This proposed regulation explains the process of administrative hearings.

The Kansas State Fire Marshal will receive the funds from the program. The Kansas Attorney General's Office and the Department of Revenue are both under contract with the Kansas State Fire Marshal's Office to perform services to the program. Any expense or cost to these agencies will be paid out of the program funds. These regulations primarily clarify costs set forth in K.S.A. 31-601 et seq. Proposed regulation 22-25-2 clarifies that each cigarette manufacturer must pay the filing fee of \$250 per cigarette brand variety certification period (every three years.) Proposed regulation 22-25-5 clarifies that each cigarette manufacturer must retest cigarette brands varieties before each certification period (every three years). Testing costs will vary depending on the testing facility that is used.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving

written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Carolyn Lowry, Administrative Specialist, State Fire Marshal's Office, Suite 600, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Carolyn Lowry at the address above or by calling (785) 296-8984. Handicapped parking is located on the west side of Jayhawk Tower on the corner of 7th and Jackson. The west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and the economic impact statements may be obtained at the address above or by contacting Carolyn Lowry at (785) 296-8984 or [carolyn.lowry@ksfm.ks.gov](mailto:carolyn.lowry@ksfm.ks.gov).

Doug Jorgensen  
State Fire Marshal

Doc. No. 039383

State of Kansas

**Department of Administration  
Division of Purchases**

**Notice to Bidders**

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

- 05/16/2001 EVT0000629 CSOB Parking Garage Water Repellent and Caulk
- 05/17/2011 EVT0000611 Agricultural Tractor
- 05/17/2011 EVT0000613 Bituminous Hot Mixture, District 2
- 05/17/2011 EVT0000615 Aggregate, Perry State Park
- 05/17/2011 EVT0000624 Electrical Service, On Call
- 05/17/2011 EVT0000626 Aggregate Rip Rap — Glen Elder
- 05/18/2011 EVT0000536 Arrowboards, Solar Powered
- 05/18/2011 EVT0000618 Invasive Tree Control Services
- 05/19/2011 EVT0000631 Regulatory Consulting
- 05/23/2011 EVT0000598 Rest Area Maintenance — District 6
- 05/25/2011 EVT0000616 Rest Area Maintenance — West Junction City

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

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

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

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

Chris Howe  
Director of Purchases

Doc. No. 039388

(Published in the Kansas Register May 5, 2011.)

## City of Overland Park, Kansas

### Notice to Bidders

Sealed bids for **159th Street, Antioch Road to Metcalf Avenue, Overland Park Project No. TH-0851, KDOT Project No. 46 U-2302-01, Federal Project No. STP-U230(201), Johnson County CARS No. 320000907**, will be received by the city of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. June 7. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "BID FOR: 159th Street, Antioch Road to Metcalf Avenue." Copies of plans, specifications, bid documents and other contract documents are on file at the office of HNTB Corporation, 7450 W. 130th St., Suite 400, Overland Park, 66213, (913) 491-9333. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from HNTB Corporation upon payment of \$500, which amount is not refundable.

Neither the city nor the consultant shall be responsible for the accuracy, completeness or sufficiency of any bid documents obtained from any source other than the source indicated above. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed herein may also result in failure to receive any addenda, corrections or other revisions to these documents that may be issued.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be long hand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid
- b. 5% bid security—bid bond, cashier's check or certified check (see below)
- c. Signed documents (KDOT Certifications)
  - Required Contract Provision — DBE Contract Goal
  - Certification — Noncollusion & History of Debarment
  - Declaration — Limitations on Use of Federal Funds for Lobbying
  - Tax Clearance Certificate

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening, provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be conducted at 1:30 p.m. May 26 in Conference Room 1, first floor, City Hall, 8500 Santa Fe Drive, Overland Park.

Mary Lou McClanahan  
Contract Specialist  
Public Works Department  
City of Overland Park, Kansas

Doc. No. 039381



**State of Kansas  
Board of Regents Universities**

**Notice to Bidders**

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

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

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

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

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

**University of Kansas** – Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, e-mail: [purchasing@ku.edu](mailto:purchasing@ku.edu).

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

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

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

Doc. No. 038494

**State of Kansas  
Kansas Development Finance Authority**

**Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, May 19, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The projects shall be located as shown:

**Project No. 000806—Maximum Principal Amount: \$180,000.** Owner/Operator: Troy D. Wiebe. Description: Acquisition of 240 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Troy D. Wiebe and is located at Section 20 and Section 31, Catlin Township, Marion County, Kansas, approximately 2 miles east of Peabody on Highway 50 and 4 miles north of Peabody on 100th Road.

**Project No. 000807—Maximum Principal Amount: \$232,500.** Owner/Operator: Daniel J. and Jenna L. Vathauer. Description: Acquisition of 320 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Daniel J. and Jenna L. Vathauer and is located at Sections 28 & 32, Lincoln Township, Washington County, Kansas, approximately .5 mile east of Barnes on Highway 148 then 9 miles south on All American Road and 1 mile west on First Road.

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

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

Tim Shallenburger  
President

Doc. No. 039365

State of Kansas

**Pooled Money Investment Board**

**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

**Effective 5-2-11 through 5-8-11**

Term	Rate
1-89 days	0.09%
3 months	0.05%
6 months	0.09%
1 year	0.27%
18 months	0.39%
2 years	0.60%

Scott Miller  
Interim Director of Investments

Doc. No. 039368

(Published in the Kansas Register May 5, 2011.)

**Summary Notice of Bond Sale**  
**City of Andover, Kansas**  
**\$5,958,000**  
**General Obligation Bonds**  
**Series A, 2011**

**Details of the Sale**

Subject to the terms and requirements of the Official Notice of Bond Sale, dated April 26, 2011, of the city of Andover, Kansas, bids to purchase the city's General Obligation Bonds, Series A, 2011, will be received at the office of the city clerk at City Hall, 1609 E. Central, Andover, KS 67002, or by telefacsimile at (316) 733-4634, until 2 p.m. Tuesday, May 24, 2011. The bids will be considered by the governing body at its meeting at 7 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

**Good Faith Deposit**

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond, in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds are dated June 17, 2011, and will be issued as registered bonds in the denomination of \$5,000, or any integral multiple thereof. Interest on the bonds is payable semiannually on April 1 and October 1 of each year, beginning April 1, 2012. Principal of the bonds becomes due on October 1 in the years and amounts as shown below:

**Maturity Schedule**

Principal Amount	Maturity Date
\$163,000	2012
230,000	2013
235,000	2014

240,000	2015
245,000	2016
250,000	2017
260,000	2018
265,000	2019
275,000	2020
280,000	2021
290,000	2022
300,000	2023
315,000	2024
330,000	2025
340,000	2026
355,000	2027
370,000	2028
385,000	2029
405,000	2030
425,000	2031

**Payment of Principal and Interest**

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

**Book-Entry Bonds**

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

**Delivery of the Bonds**

The city will prepare the bonds at its expense and will deliver the registered bonds to DTC on or about June 17, 2011.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

**Financial Matters**

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$130,710,551. As of June 17, 2011, the city's total outstanding general obligation debt (including the bonds) is \$39,842,000, which excludes temporary notes outstanding in the amount of \$5,680,000, which will be retired out of the proceeds of the bonds herein offered for sale. The city's total indebtedness that is subject to debt limitation, as of June 17, 2011, is estimated to be \$19,135,718.89, which is 14.49 percent of the assessed valuation of the city.

**Additional Information**

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, Mark Detter, Central States Capital Markets, LLC, 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

City of Andover, Kansas  
By Susan C. Renner, City Clerk  
City Hall, 1609 E. Central  
Andover, KS 67002  
(316) 733-1303  
Fax (316) 733-4634

Doc. No. 039379

## State of Kansas

**Behavioral Sciences Regulatory Board****Notice of Hearing on Proposed  
Administrative Regulations**

The Behavioral Sciences Regulatory Board will conduct a public hearing from 10 to 10:30 a.m. Monday, July 11, in the board conference room at 712 S. Kansas Avenue, Topeka, to consider adopting proposed amendments to permanent rules and regulations for social work.

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Ave., Topeka, 66603-3817, or e-mail to [phyllis.gilmore@bsrb.state.ks.us](mailto:phyllis.gilmore@bsrb.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Allen, Licensing Specialist, at (785) 296-3240, or the Kansas Relay Center at (800) 766-3777. There is designated accessible parking on Kansas Avenue and the front entrance of the board office is accessible.

Copies of the full text of the regulations and the economic impact statement may be reviewed or obtained at the board office and also are available on the board's Web site at [www.ksbsrb.org](http://www.ksbsrb.org) (under public information). The following is a summary of the proposed amendments and economic impact statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of this regulation.

**K.A.R. 102-2-4a** contains the continuing education requirements for social work licensees. The amendment clarifies the types of continuing education experiences that may be used to meet the social worker safety awareness requirement.

**Economic impact:** There would be no economic impact to the licensees of the Kansas Behavioral Sciences Regulatory Board, the public or any other entity.

**K.A.R. 102-2-12** contains the requirements for specialist clinical social work licensure. The amendment clarifies the types of practice activities and types of clients needed to meet requirements for clinical licensure.

**Economic impact:** There would be no economic impact to the licensees of the Kansas Behavioral Sciences Regulatory Board, the public or any other entity.

Phyllis Gilmore  
Executive Director

Doc. No. 039366

## State of Kansas

**State Fair Board****Notice of Meeting**

The Kansas State Fair Board will meet at 9 a.m. Friday, May 13, in Fall River. The board will also retreat at 1:30 p.m. May 12; no action will be taken during the retreat. For more information, contact Denny Stoecklein at (620) 669-3600 or [denny@kansasstatefair.com](mailto:denny@kansasstatefair.com).

Jeff Deeds  
President

Doc. No. 039369

## State of Kansas

**Social and Rehabilitation Services  
Department on Aging  
Kansas Health Policy Authority****Notice of Proposed Nursing Facility Medicaid Rates  
for State Fiscal Year 2012;****Methodology for Calculating Proposed Rates, and  
Rate Justifications; Notice of Intent to Amend the  
Medicaid State Plan; Request for Written Comments;  
and Notice of Intent to Publish Final Rates**

Under the Medicaid program, 42 U.S.C. 1396 et seq., the state of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the nursing facility program, which includes hospital long-term care units, and the Secretary of Social and Rehabilitation Services administers the nursing facility for mental health program. Both secretaries act on behalf of the Kansas Health Policy Authority (KHPA), the single state Medicaid agency. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department on Aging (KDOA) and the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2012, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. SRS and KDOA are also providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2011.

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

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

(continued)

A. The following portions of the Kansas Medicaid State Plan are maintained by KHPA:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
2. Attachment 4.19D, Part I, Subpart J; and
3. Attachment 4.19D, Part I, Subpart K.

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

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

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

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

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

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

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

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

##### Calendar Year End Cost Reports:

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

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

##### Projected Cost Reports:

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

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

###### Rates for Existing Nursing Facilities

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

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

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

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

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

trator compensation. The upper payment limits will be explained in more detail in a separate section.

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

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

#### Rates for New Construction and New Facilities

##### (New Enrollment Status)

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

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

#### Rates for Facilities Recognized as a Change of Provider

##### (Change of Provider Status)

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

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to 12/31/11. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/11. The provider shall remain in change-of-provider status until the base data is

reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

#### Rates for Facilities Re-entering the Program

##### (Reenrollment Status)

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

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

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

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

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.12b case mix indices developed by the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the State.

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

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents,

*(continued)*

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

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

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

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

#### 4) Resident Days

##### Facilities with 60 beds or less:

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

##### Facilities with more than 60 beds:

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

There are two exceptions to the 85% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to

file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

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

#### 5) Inflation Factors

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

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

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

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

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

#### 6) Upper Payment Limits

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and personal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a State Plan amendment.

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

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

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

The Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2009 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. The Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

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

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

#### Real and Personal Property Fee Limit

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

#### Cost Center Upper Payment Limits

The Schedule B computer run is an array of all per diem costs for each of the three cost centers-Operating, Indirect

Health Care, and Direct Health Care. The schedule includes a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

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

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

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

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

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

#### Direct Health Care Cost Center Limit:

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

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

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

The first step is to normalize each facility's inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the facility's cost report period CMI by the statewide average CMI for the cost report year,

*(continued)*

then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

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

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

#### 7) Quarterly Case Mix Rate Adjustment

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

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

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

#### 8) Real and Personal Property Fee

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

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

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

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

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

#### 9) Incentive Factors

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

#### Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by six per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$2.50 per diem add-on. Pro-



viders that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.25 per diem add-on. Providers that achieve a turnover rate at or below the 75th percentile will earn a \$2.50 per diem add-on. Providers that have a turnover rate greater than the 75th percentile but that reduce their turnover rate by 10% or more will receive a per diem add-on of \$0.25. Providers that have completed the full Kansas Culture Change Instrument Survey will receive a \$0.38 per diem add-on. Finally, providers that have a Medicaid occupancy percentage of 60% or more will receive a \$1.13 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

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

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

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

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

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to three dollars. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. Each provider is awarded points based on their outcomes measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

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

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

NFMH providers may earn one point for low operating expense outcomes measures. They will earn a point if

their per diem operating expenses are below \$19.49, or 90% of the statewide median of \$21.66.

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

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

The table below summarizes the incentive factor outcomes and points:

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

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

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

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

*(continued)*

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

#### 10) Rate Effective Date

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

#### 11) Retroactive Rate Adjustments

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

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

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

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

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

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

##### 1) Qualifying Providers

In order to qualify for the minimum wage pass-through, a provider must submit a pass-through application on the forms provided by the Kansas Department on Aging. The application will document the hourly wages of all affected employees prior to the implementation of the new minimum wage. Wage increases made prior to June 1, 2009 will not be eligible for the minimum wage pass-through. Providers will also estimate and report the number of hours each affected employee is expected to work during state fiscal year 2010 (the twelve months beginning July 1, 2009 and ending June 30, 2010). Completed applications must be returned to the Kansas Department prior to September 30, 2009.

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

The per diem pass-through will be determined by first estimating the total impact of increasing wages to the new minimum wage, and then dividing by resident days to get a per diem add-on. The total impact of increasing wages to the new minimum wage will be determined for each provider through three steps. First the incremental wage increase to the new minimum wage will be calculated for each affected employee. Second the individual impact for each affected employee will be determined by multiplying the incremental wage increase by the esti-

mated hours each affected employee is expected to work during fiscal year 2010. Finally the total impact of the minimum wage increase for each provider will be the sum of the individual impacts determined for each employee. A per diem pass-through add-on will then be calculated by dividing each provider's estimated total impact by the provider's most recent cost report resident day total.

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

##### 3) Per Diem Limits

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

##### 4) Effective Dates

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

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

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

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

##### 6) Auditing and Adjustments

Each qualifying providers' application and supporting documentation for the minimum wage pass-through will be subject to desk review and field audit and may be revised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through will be implemented. Retroactive rate adjustments will be made when necessary.

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

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

##### 1) Qualifying Providers

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

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

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

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

**3) Per Diem Limits**

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

**4) Effective Dates**

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

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

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

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

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

**6) Auditing and Adjustments**

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

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

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

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$31.59
Indirect Health Care	115% of the Median Cost	\$45.82
Direct Health Care	130% of the Median Cost	\$99.13
Real and Personal Property Fee	105% of the Median Fee	\$9.14

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

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

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

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

Prov. Num.	Facility Name	City	Daily Rate	Medicaid CMI
19928	Village Manor	Abilene	154.22	0.9149
20875	Alma Manor	Alma	156.67	0.8310
11211	Life Care Center of Andover	Andover	150.61	1.1213
19671	Anthony Community Care Center	Anthony	148.41	1.1013
18691	Medicalodges Health Care Center	Arkansas City	157.58	0.9709
19387	Arkansas City Presbyterian Manor	Arkansas City	161.05	0.9692
19244	Deseret Nursing & Rehab at Arma, Inc.	Arma	131.95	1.1027
15157	Ashland Health Center - LTCU	Ashland	189.31	1.0757
10826	Medicalodges Atchison	Atchison	167.04	1.0704
15023	Atchison Senior Village	Atchison	158.99	0.9215
21222	Dooley Center	Atchison	159.31	0.6958
05720	Attica Long Term Care	Attica	158.63	0.9745
26464	Good Samaritan Society-Atwood	Atwood	159.49	0.9279
15113	Lake Point Nursing Center	Augusta	133.73	0.9454
15363	Baldwin Care Center	Baldwin City	138.31	1.0706
20919	Quaker Hill Manor	Baxter Springs	123.61	1.0627
10646	Catholic Care Center Inc.	Bel Aire	166.24	0.9574
05415	Great Plains of Republic County, Inc.	Belleville	193.60	1.0818
18502	Belleville Health Care Center	Belleville	128.25	1.0062
05516	Mitchell County Hospital LTCU	Beloit	176.46	0.9006
11467	Hilltop Lodge Nursing Home	Beloit	151.48	0.9871
20732	Bonner Springs Nursing and Rehab.	Bonner Springs	144.71	1.0482
15462	Hill Top House	Bucklin	156.36	0.9827
26565	Buhler Sunshine Home, Inc.	Buhler	173.36	1.0096
16780	Life Care Center of Burlington	Burlington	133.84	0.9970
20676	Caney Nursing Center	Caney	109.05	0.9917
21132	Eastridge Nursing Home	Centralia	152.63	0.7467
11144	Heritage Health Care Center	Chanute	132.89	1.0842
20146	Chanute Health Care Center	Chanute	147.98	1.0090
20942	Applewood Rehabilitation	Chanute	80.18	0.7768
16845	Chapman Valley Manor	Chapman	130.29	0.8855
16351	Cheney Golden Age Home Inc.	Cheney	145.61	0.9677
21009	Cherryvale Care Center	Cherryvale	127.24	0.9963
19019	Chetopa Manor	Chetopa	118.47	0.8875
18308	The Shepherd's Center	Cimarron	147.49	0.9893
11107	Medicalodges Clay Center	Clay Center	167.60	0.9546
15168	Clay Center Presbyterian Manor	Clay Center	181.47	0.9688
16417	Clearwater Ret. Community	Clearwater	167.19	1.0269
20266	Community Care, Inc.	Clifton	110.95	0.7950
17813	Park Villa Nursing Home	Clyde	131.10	0.9106
05764	Coffeyville Regional Medical Center	Coffeyville	89.58	0.0000
11514	Windsor Place	Coffeyville	145.80	1.0112
15991	Medicalodges Coffeyville	Coffeyville	173.10	1.1000
19917	Windsor Place at Iola, LLC	Coffeyville	148.67	0.9974
19119	Deseret Nursing & Rehab at Colby	Colby	159.81	1.1178
19648	Prairie Senior Living Complex	Colby	173.20	0.9669
25251	Pioneer Lodge	Coldwater	139.49	0.8339
18410	Medicalodges Columbus	Columbus	172.00	1.1233
15226	Mt Joseph Senior Village, LLC	Concordia	137.34	1.0607
21187	Sunset Home, Inc.	Concordia	148.74	0.9985
27217	Spring View Manor	Conway Springs	120.59	0.9163

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19872	Golden Living Center-Chase Co.	Cottonwood Falls	134.51	0.9826	05426	Salem Home	Hillsboro	159.65	0.8719
20135	Council Grove Healthcare Center	Council Grove	141.96	1.0558	17690	Parkside Homes, Inc.	Hillsboro	163.23	1.0935
18162	Hilltop Manor	Cunningham	122.85	0.9859	17835	Medicalodges Jackson County	Holton	143.92	0.9438
10748	Westview of Derby	Derby	147.55	1.0083	10602	Tri County Manor Living Center, Inc.	Horton	116.28	0.9795
21560	Derby Health and Rehabilitation	Derby	191.42	1.0710	15394	Howard Twilight Manor	Howard	146.39	1.0378
20492	Hillside Village	De Soto	137.68	0.9188	05281	Sheridan County Hospital	Hoxie	154.23	0.8745
18173	Dexter Care Center	Dexter	127.46	0.8571	11018	Pioneer Manor	Hugoton	178.24	0.9004
05347	Lane County Hospital - LTCU	Dighton	167.29	0.9367	20821	Pinecrest Nursing Home	Humboldt	144.38	0.8879
11377	Trinity Manor	Dodge City	152.23	1.0165	11076	Golden Plains	Hutchinson	132.31	0.9248
17385	Good Samaritan Society-Dodge City	Dodge City	150.50	1.0197	17148	Good Sam Society-Hutchinson Village	Hutchinson	170.68	1.0702
21143	Manor of the Plains	Dodge City	165.61	1.0467	19595	Hutchinson Care Center	Hutchinson	129.02	0.9154
20838	Medicalodges Douglass	Douglass	166.93	1.0088	21154	Wesley Towers	Hutchinson	190.80	1.0655
10995	Golden Living Center-Downs	Downs	134.29	1.0129	21176	Ray E. Dillon Living Center	Hutchinson	178.39	0.9887
19153	Country Care Home	Easton	134.75	0.8496	11447	Regal Estate	Independence	122.54	1.0181
20614	Golden Living Center-Parkway	Edwardsville	145.04	1.0328	19309	Windsor Place at Independence	Independence	145.23	0.9920
20625	Golden Living Center-Kaw River	Edwardsville	157.85	0.9870	25913	Pleasant View Home	Inman	157.71	0.8940
20636	Golden Living Center-Edwardsville	Edwardsville	132.65	0.8279	15002	Iola Nursing Center	Iola	145.32	1.0563
10782	Lakepoint Nursing Center-El Dorado	El Dorado	140.76	1.1338	05066	Hodgeman Co Health Center-LTCU	Jetmore	174.28	0.9570
19907	Golden Living Center-El Dorado	El Dorado	139.86	1.1335	05674	Stanton County Hospital-LTCU	Johnson	184.46	1.0143
05696	Morton County Hospital	Elkhart	140.35	0.9327	10480	Valley View Senior Life	Junction City	155.12	0.9897
19635	Woodhaven Care Center	Ellinwood	135.88	1.0204	10591	Medicalodges Post Acute Care Center	Kansas City	173.91	1.1300
25485	Good Samaritan Society-Ellis	Ellis	164.18	1.0592	11030	Kansas City Presbyterian Manor	Kansas City	182.24	0.9742
15416	Good Sam Society-Ellsworth Village	Ellsworth	152.50	0.9971	16654	Medicalodges Kansas City	Kansas City	163.87	0.9883
11232	Emporia Presbyterian Manor	Emporia	181.55	1.0200	20377	Lifecare Center of Kansas City	Kansas City	152.43	1.0572
11367	Holiday Resort	Emporia	130.67	0.9569	20244	Deseret Nursing & Rehab at Kensington	Kensington	130.10	1.1138
20175	Flint Hills Care Center, Inc.	Emporia	109.26	0.8833	21121	The Wheatlands	Kingman	139.78	0.9553
17791	Enterprise Estates Nursing Center	Enterprise	129.30	0.9474	18432	Medicalodges Kinsley	Kinsley	176.26	0.9076
20715	Golden Living Center-Eskridge	Eskridge	109.94	0.8091	20806	Kiowa Hospital District Manor	Kiowa	157.41	0.8418
17781	Medicalodges of Eudora	Eudora	136.20	0.8766	05246	Rush Co. Memorial Hospital	La Crosse	169.92	1.0756
18927	Eureka Nursing Center	Eureka	134.02	0.9926	18757	Rush County Nursing Home	La Crosse	156.37	1.0273
21570	Kansas Soldiers' Home	Fort Dodge	159.67	0.8745	20232	High Plains Retirement Village	Lakin	186.66	1.0424
15045	Medicalodges Fort Scott	Fort Scott	158.25	0.9677	20197	Golden Living Center-Lansing	Lansing	145.24	1.0459
20446	Fort Scott Manor	Fort Scott	121.48	0.8764	20450	Larned Healthcare Center	Larned	139.12	0.9669
17857	Fowler Residential Care	Fowler	166.78	0.9038	11175	Lawrence Presbyterian Manor	Lawrence	181.86	1.0717
27555	Frankfort Community Care Home, Inc.	Frankfort	144.74	1.0284	11391	Brandon Woods at Alvarmar	Lawrence	173.59	0.9319
20581	Golden Living Center-Fredonia	Fredonia	135.58	1.0439	21450	Pioneer Ridge Retirement Community	Lawrence	157.85	0.9138
15304	Sunset Manor, Inc	Frontenac	123.82	0.9820	11096	Medicalodges Leavenworth	Leavenworth	155.50	0.9142
17915	Emerald Pointe Health & Rehab Centre	Galena	117.84	0.8336	11355	Delmar Gardens of Lenexa	Lenexa	139.84	0.9381
20930	Galena Nursing & Rehab Center	Galena	125.27	0.9090	21470	Lakeview Village	Lenexa	185.07	1.0038
11345	Garden Valley Retirement Village	Garden City	154.25	1.0071	16261	Leonardville Nursing Home	Leonardville	127.92	0.9531
15430	Homestead Health & Rehab.	Garden City	153.90	0.8974	05786	Wichita County Health Center	Leoti	149.91	0.6700
05712	Meadowbrook Rehab Hosp., LTCU	Gardner	191.48	1.0778	17508	Good Samaritan Society-Liberal	Liberal	154.37	1.0638
19579	Medicalodges Gardner	Gardner	151.21	0.9622	21510	Wheatridge Park Care Center	Liberal	153.74	0.9291
05808	Anderson County Hospital	Garnett	174.92	0.9612	17577	Lincoln Park Manor, Inc.	Lincoln	142.10	0.9873
21053	Golden Heights Living Center	Garnett	145.97	0.9163	15890	Bethany Home Association	Lindsborg	175.69	0.9409
15315	The Heritage	Girard	124.68	1.1096	17352	Linn Community Nursing Home	Linn	131.58	1.0296
15214	The Nicol Home, Inc.	Glasco	133.55	0.9000	27566	Sandstone Heights	Little River	176.14	1.0194
11197	Medicalodges Goddard	Goddard	171.74	1.0394	17328	Logan Manor Community Health Service	Logan	179.70	1.0190
05595	Bethesda Home	Goessel	186.85	1.0672	20096	Louisburg Care Center	Louisburg	142.98	1.0860
17295	Good Samaritan Society-Sherman Co.	Goodland	153.19	0.9539	17497	Good Samaritan Society-Lyons	Lyons	157.52	1.0224
10714	Cherry Village Benevolence	Great Bend	130.91	0.8733	10894	Meadowlark Hills Retirement Community	Manhattan	195.01	1.0841
16836	Great Bend Health & Rehab Center	Great Bend	141.57	1.0416	11491	Stoneybrook Retirement Community	Manhattan	164.92	0.9777
11029	Halstead Health and Rehab Center	Halstead	136.83	0.8687	21530	St. Joseph Village, Inc.	Manhattan	153.92	0.9845
20120	Lakewood Senior Living of Haviland	Haviland	94.90	0.6989	05088	Jewell County Hospital	Mankato	178.88	0.9850
11006	St. John's of Hays	Hays	146.43	0.9219	05156	St. Luke Living Center	Marion	145.41	0.8985
17137	St. Johns Victoria	Hays	149.75	0.9759	18037	Riverview Estates, Inc.	Marquette	140.98	0.8113
17486	Good Samaritan Society-Hays	Hays	139.33	0.9527	21162	Cambridge Place	Marysville	133.08	0.9354
11089	Haysville Healthcare Center	Haysville	156.20	1.0482	20854	McPherson Care Center	McPherson	130.60	1.1610
15348	Medicalodges Herington	Herington	138.48	0.9647	25935	The Cedars, Inc.	McPherson	168.91	0.9162
16902	Schowalter Villa	Hesston	185.97	0.9564	25982	Meade District Hospital, LTCU	Meade	174.37	0.8750
21032	Maple Heights of Hiawatha	Hiawatha	125.39	0.9309	10805	Trinity Nursing & Rehab Center	Merriam	164.49	1.1045
19334	Highland Care Center	Highland	131.34	0.9425	05191	Great Plains of Ottawa County, Inc.	Minneapolis	132.45	0.8433
25531	Dawson Place, Inc.	Hill City	154.21	0.9338	17734	Good Samaritan Society-Minneapolis	Minneapolis	148.50	1.0784
					18274	Minneola District Hospital	Minneola	180.33	0.9513
					15528	Bethel Home, Inc.	Montezuma	152.53	0.8794

20085	Moran Manor	Moran	126.58	1.1384	05617	Grisell Memorial Hosp. Dist. #1-LTCU	Ransom	170.65	0.9650
15901	Memorial Home for the Aged	Moundridge	168.54	0.9666	15485	Richmond Healthcare and Rehabilitation	Richmond	150.67	1.0545
18140	Moundridge Manor, Inc.	Moundridge	149.95	0.8288	20695	Lakepoint Nursing Center-Rose Hill	Rose Hill	146.35	1.0604
17565	Mt. Hope Nursing Center	Mt. Hope	138.56	0.9609	18445	Rossville Healthcare & Rehab. Center	Rossville	135.10	0.9939
18230	Villa Maria, Inc.	Mulvane	136.58	0.9271	20772	Wheatland Nursing & Rehab. Center	Russell	134.63	0.9819
20605	Golden Living Center-Neodesha	Neodesha	135.99	1.0971	21480	Russell Regional Hospital	Russell	214.13	1.2463
05630	Ness County Hospital Dist.#2	Ness City	168.85	0.9711	19782	Sabetha Nursing Center	Sabetha	155.59	1.2090
10062	Asbury Park	Newton	176.31	0.9741	26238	Apostolic Christian Home	Sabetha	138.30	0.9320
15574	Kansas Christian Home	Newton	161.47	0.9896	10774	Smokey Hill Rehabilitation Center	Salina	132.77	1.0055
15585	Newton Presbyterian Manor	Newton	182.04	0.9579	10952	Kenwood View Nursing Center	Salina	128.44	0.9454
10051	Bethel Care Center	North Newton	164.19	0.9648	11186	Windsor Estates	Salina	136.89	1.0057
16103	Andbe Home, Inc.	Norton	150.14	0.9764	11459	Pinnacle Park Nursing and Rehabilitation	Salina	125.03	1.0339
15619	Village Villa	Nortonville	140.39	1.1120	11480	Salina Presbyterian Manor	Salina	182.36	1.0040
19683	Logan County Manor	Oakley	175.65	0.9128	21382	Holiday Resort of Salina	Salina	143.31	0.9296
05562	Decatur County Hospital	Oberlin	170.32	1.0208	05685	Satanta Dist. Hosp. LTCU	Satanta	173.96	0.9329
25395	Good Samaritan Society-Decatur Co.	Oberlin	151.11	0.9208	16338	Park Lane Nursing Home	Scott City	160.81	0.9166
10668	Villa St. Francis	Olathe	174.42	1.0412	19545	Pleasant Valley Manor	Sedan	118.95	1.0437
10920	Pinnacle Ridge Nursing and Rehab.	Olathe	145.14	1.0036	19707	Sedgwick Healthcare Center	Sedgwick	161.77	0.9706
11245	Royal Terrace Nrsrg. & Rehab. Center	Olathe	137.12	0.9270	16037	Crestview Manor	Seneca	113.50	0.9575
15653	Good Samaritan Society-Olathe	Olathe	173.64	0.9922	18253	Life Care Center of Seneca	Seneca	129.58	0.9855
21109	Evergreen Community of Johnson County	Olathe	194.70	1.0861	27263	Good Samaritan Society	Sharon Springs	150.25	1.0386
21460	Aberdeen Village, Inc.	Olathe	181.25	0.9058	15384	Shawnee Gardens Nursing Center	Shawnee	145.21	1.1619
26422	Deseret Nursing & Rehab at Onaga	Onaga	125.85	1.0838	21190	Sharon Lane Health Services	Shawnee	140.24	1.0082
18206	Peterson Health Care, Inc.	Osage City	127.05	0.9691	05505	Smith County Memorial Hospital LTCU	Smith Center	164.49	0.8357
27578	Osage Nursing & Rehab Center	Osage City	148.55	1.1032	18153	Deseret Nursing & Rehab. at Smith Center	Smith Center	130.18	1.1188
10973	Life Care Center of Osawatomie	Osawatomie	151.11	1.1173	18138	Mennonite Friendship Manor, Inc.	South Hutchinson	177.38	0.9807
17521	Parkview Care Center	Osborne	129.32	0.8688	20650	Golden Living Center-Spring Hill	Spring Hill	161.30	1.1393
20301	Hickory Pointe Care & Rehab Center	Oskaloosa	146.19	0.9420	25204	Good Sam Society-St. Francis Village	St. Francis	154.81	0.8733
18402	Deseret Nursing & Rehab at Oswego	Oswego	118.39	1.0238	19884	Leisure Homestead at St. John Community Hospital of Onaga, LTCU	St. John	148.68	0.9765
20467	Ottawa Retirement Village	Ottawa	136.21	1.0640	19467	Prairie Mission Retirement Village	St. Mary's	174.80	0.9590
11121	Brookside Manor	Overbrook	129.65	0.8906	21240	Leisure Homestead at Stafford	St. Paul	138.73	0.9694
11300	Garden Terrace at Overland Park	Overland Park	152.72	1.0235	17655	Sterling Presbyterian Manor	Stafford	125.81	0.8812
11335	Indian Meadows Healthcare Center	Overland Park	186.49	1.3350	26622	Solomon Valley Manor	Sterling	164.36	0.8207
11412	Manorcare Health Services of Overland Park	Overland Park	179.69	1.1048	20222	Seasons of Life Living Center	Stockton	170.19	1.1189
11423	Villa Saint Joseph	Overland Park	188.00	1.0456	05641	Tonganoxie Nursing Center	Syracuse	163.95	0.8447
11478	Delmar Gardens of Overland Park	Overland Park	169.25	0.9721	11154	Brewster Place	Tonganoxie	150.99	1.0586
21200	Overland Park Nursing & Rehab.	Overland Park	160.87	0.9432	10310	Topeka Presbyterian Manor Inc.	Topeka	180.53	0.9525
21251	Indian Creek Healthcare Center	Overland Park	172.23	1.1157	10343	Eventide Convalescent Center, Inc.	Topeka	180.66	0.9638
21430	Village Shalom, Inc.	Overland Park	184.88	0.9429	10916	Topeka Community Healthcare Center	Topeka	146.90	1.0057
16553	Riverview Manor, Inc.	Oxford	113.30	0.8929	11254	McCrite Plaza Health Center	Topeka	146.90	0.8946
18713	Medicalodges Paola	Paola	111.67	0.7015	11276	Rolling Hills Health Center	Topeka	172.75	1.0094
20298	North Point Skilled Nursing Center	Paola	143.88	1.0571	11388	Manorcare Health Services of Topeka	Topeka	157.53	1.0306
18322	Elmhaven East	Parsons	125.07	1.0163	19346	Westwood Manor	Topeka	134.46	0.9736
18792	Elmhaven West	Parsons	132.79	0.9700	19445	IHS of Brighton Place	Topeka	96.75	0.6731
18871	Parsons Presbyterian Manor	Parsons	165.98	0.9761	19692	Countryside Health Center	Topeka	110.74	0.6854
25733	Good Samaritan Society-Parsons	Parsons	148.14	1.0174	20557	Providence Living Center	Topeka	94.75	0.7156
10096	Legacy Park	Peabody	145.00	0.9352	20963	Brighton Place North	Topeka	91.89	0.6544
20753	Westview Manor of Peabody	Peabody	80.29	0.6502	21110	Aldersgate Village	Topeka	179.94	1.0013
21045	Phillips County Retirement Center	Phillipsburg	129.96	0.9723	21211	Plaza West Care Center, Inc.	Topeka	173.15	1.0106
10433	Medicalodges Pittsburg South	Pittsburg	166.16	1.1290	21420	Lexington Park Nursing and Post Acute	Topeka	165.94	0.9195
11401	Mt. Carmel Regional Medical Center SNF	Pittsburg	87.43	0.0000	18772	Greeley County Hospital, LTCU	Tribune	180.76	0.9800
20749	Golden Living Center-Pittsburg	Pittsburg	133.98	1.0710	21590	The Legacy at Park View	Ulysses	163.42	0.9124
21520	Cornerstone Village, Inc.	Pittsburg	142.39	0.9243	18465	Valley Health Care Center	Valley Falls	120.28	0.6453
26666	Rooks County Senior Services, Inc.	Plainville	162.78	0.9437	05292	Trego Co. Lemke Memorial LTCU	WaKeeney	168.83	0.8717
05775	Pratt Regional Medical Center	Pratt	179.51	1.0547	20865	Trego Manor	WaKeeney	150.96	0.9438
20028	Lakewood Senior Living of Pratt, LLC	Pratt	144.18	1.1104	20704	Golden Living Center-Wakefield	Wakefield	156.96	1.0672
17464	Prescott Country View Nursing Center	Prescott	132.45	1.1040	26442	Good Samaritan Society-Valley Vista	Wamego	158.60	0.9665
21440	Prairie Sunset Manor	Pretty Prairie	147.53	0.8438					
17587	Protection Valley Manor	Protection	126.54	0.8477					
05044	Gove County Medical Center	Quinter	172.52	0.8977					

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16597	The Centennial Homestead, Inc.	Washington	115.63	0.8367
20186	Wathena Nursing & Rehab. Center	Wathena	145.04	1.0281
20076	Coffey County Hospital	Waverly	163.77	0.8617
19863	Golden Living Center-Wellington	Wellington	128.95	0.9858
20368	Deseret Nursing & Rehab. at Wellington	Wellington	128.93	1.1296
20392	Wellsville Manor	Wellsville	122.54	0.8638
17767	Westy Community Care Home	Westmoreland	131.93	0.9700
10578	Wheat State Manor	Whitewater	159.23	0.9633
10141	Medicalodges Wichita	Wichita	159.34	0.9730
10613	Meridian Nursing & Rehab. Center	Wichita	125.08	0.9121
10670	Kansas Masonic Home	Wichita	174.67	1.0475
10736	Homestead Health Center, Inc.	Wichita	174.23	1.0225
10853	Deseret Nursing & Rehab at Wichita	Wichita	135.66	1.1942
11052	Wichita Presbyterian Manor	Wichita	177.79	0.9720
11266	Sandpiper Healthcare and Rehab Center	Wichita	138.07	1.0173
11313	Lakepoint Nursing and Rehabilitation	Wichita	147.07	0.9795
11322	Manorcare Health Services of Wichita	Wichita	161.62	1.1122
11504	College Hill Nursing and Rehab Center	Wichita	143.58	0.9600
18582	Lakewood Senior Living of Seville	Wichita	138.78	0.9639
18591	Golden Living Center-Wichita	Wichita	141.61	0.9060
18784	Wichita Nursing Center	Wichita	99.90	0.8040
21233	The Health Care Center@Larksfield Pl	Wichita	159.66	0.9343
21360	Life Care Center of Wichita	Wichita	154.34	1.1013
21541	Via Christi Hope	Wichita	128.39	0.9278
21550	Family Health & Rehabilitation Center	Wichita	162.02	0.9667
20660	Golden Living Center-Wilson	Wilson	144.50	1.1810
05584	Jefferson Co. Memorial Hospital-LTCU	Winchester	156.58	0.9739
16812	Good Samaritan Society-Winfield	Winfield	149.64	1.0005
21350	Cumbernauld Village, Inc.	Winfield	178.61	0.9410
21410	Winfield Rest Haven, Inc.	Winfield	155.89	0.8985
21580	Kansas Veterans' Home	Winfield	157.46	0.9629
20335	Deseret Nursing & Rehab. at Yates Center	Yates Center	136.43	1.0850

### III. Justifications for the Proposed Rates

- The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the KHPA regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
- The state's analyses project that the proposed rates:
  - Would result in payment, in the aggregate of 95.4% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
  - Would result in a maximum allowable rate of \$185.68; with the total average allowable cost being \$162.60.
  - Estimated average rate July 1, 2011           \$149.10
  - Average payment rate July 1, 2010       \$145.44
  - Amount of change                               \$3.66
  - Percent of change                               2.51%
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$11 million.
- The state estimates that the proposed rates will continue to make quality care and services available under

the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:

- Service providers operating a total of 285 nursing facilities (representing 97% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 39 hospital-based long-term care units are also certified to participate in the Medicaid program;
  - There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 105 of the 105 counties in Kansas;
  - The statewide average occupancy rate for nursing facilities participating in Medicaid is 83.82%;
  - The statewide average Medicaid occupancy rate for participating facilities is 56.38%; and
  - The proposed rates would cover 96.6% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
- Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the proposed methodology will result in compliance with the federal regulation.

### IV. Request for Comments; Request for Copies

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver or fax their signed, written comments before the close of business on Friday, May 27, 2011, to:

Amanda Barta  
Nursing Facility Reimbursement Manager  
Kansas Department on Aging  
New England Building, 2nd Floor  
503 S. Kansas Ave.  
Topeka, KS 66603-3404  
Fax (785) 296-0256

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

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

Shawn Sullivan  
Secretary of Aging

Rod Siedlecki  
Secretary of Social and  
Rehabilitation Services

Dr. Andrew Allison  
KHPA Executive Director

Doc. No. 039367

## State of Kansas

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

The Kansas Department of Health and Environment has received an application to expand the Champlin Tire Recycling, Inc. waste tire monofill. The requested modification to expand the landfill would increase the permitted disposal volume from 201,000 cubic yards to 324,000 cubic yards while maintaining the landfill's 8.5-acre disposal area. The proposed landfill expansion would be constructed and operated in conformance with state solid waste regulations and accept only waste tires as defined by Kansas statutes. The proposed landfill expansion site is located at 1240 S. 190th St., southwest of Pittsburg in the S½ of the NE¼ and the N½ of the SE¼ of Section 14, in Township 31 South, Range 24 East in Crawford County.

The Crawford County Commission has previously certified that the landfill is consistent with the county's solid waste management plan and local land use restrictions or zoning. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to approve the proposed landfill expansion. However, a final decision to approve the expansion has not been made, and KDHE will consider information gathered during the public comment period before making a final decision. A copy of the administrative record, which includes the permit application, engineering drawings, draft permit and other information with respect to this permit action, will be available for public review through June 6, during normal business hours, at the following locations:

Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 S.W. Jackson, Suite 320  
Topeka, 66612  
Contact: Sam Sunderraj  
(785) 296-6563

Pittsburg Public Library  
308 N. Walnut St.  
Pittsburg, 66762  
Contact: Pat Clement, Library Director  
(620) 231-8110

A copy of the permit application also is available at the KDHE Southeast District Office, 1500 W. 7th, Chanute, 66720, where permit reviewer Charles Bowers can be contacted at (620) 431-2390. Additionally, the permit application form with primary application information is available for public viewing via the Internet at <http://www.kdheks.gov/waste>.

Anyone wishing to comment on the landfill's permit modification should submit written statements postmarked not later than June 6 to Charles Bowers at the Chanute address, by fax at (620) 431-1211, or by e-mail to [cbowers@kdheks.gov](mailto:cbowers@kdheks.gov). Mailed comments postmarked by June 6 and received within one week thereafter also will be considered.

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

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

Doc. No. 039378

## State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Goodrich Cabin Systems-PCI has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. 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.

Goodrich Cabin Systems-PCI, 3414 S. 5th St., Phoenix, AZ 85040, owns and operates a fiberglass manufacturing facility located at 1700 E. Essex Road, Hutchinson, KS 67501.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Ashley Eichman, (785) 296-1713, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ashley Eichman, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business June 6.

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 Sharon Burrell, Bureau of Air, not later than the close of business June 6 in order for the Secretary of Health and Environment to consider the request.

*(continued)*

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

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

Doc. No. 039371

State of Kansas

Department of Health  
and Environment

Notice Concerning Kansas/Federal Water  
Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-11-075

Application(s) for New or Expansion of Existing  
Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Kansas-Smith Farms, LLC Farms 3-4-GGPI 23179 #5 Road Plains, KS 67869	Kansas-Smith Farms, LLC Farms 3-4-GGPI 23179 #5 Road Plains, KS 67869

Legal Description	Receiving Water
N/2 of Section 21, T33S, R31W, Seward County	Cimarron River Basin
Kansas Permit No. A-CISW-H002	Federal Permit No. KS0118559

This is an application for a permit for expansion at an existing swine facility. The proposed expansion is an increase in animal unit capacity only and does not include construction of additional buildings. The facility proposes to expand from 10,151 animal units of swine to 12,139 animal units of swine and 60 animal units of goats. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-11-076/079

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Circle Bar Heifer Ranch, LLC Nathan & Vance Kells 842 60th Road Satanta, KS 67870	S/2 of Section 29, T27S, R33W, Haskell County	Upper Arkansas River Basin
Kansas Permit No. A-UAHS-C002	Federal Permit No. KS0096466	

This is a permit modification and reissuance for an expanding facility with a proposed maximum capacity of 19,500 head (19,500 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. Proposed modifications include the construction of additional open lot pens and associated collection channels. Modifications will also be made to Retention Structure 2. This facility has an approved nutrient management plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Galen W. Penner 2255 K-15 Hwy. Hillsboro, KS 67063	E/2 of Section 17, T19S, R02E, Marion County	Neosho River Basin
Kansas Permit No. A-NEMN-M006		

This permit is being reissued for a confined animal feeding operation for 140 head (196 animal units) of mature dairy cows, 35 head (35 animal units) of cattle weighing greater than 700 pounds and 30 head (15 animal units) of cattle weighing less than 700 pounds, for a total of 205 head (246 animal units) of dairy cattle. This represents an increase in the permitted animal units from the previous permit. The permit also contains modifications consisting of a vegetative buffer area in the north confinement pen.

Name and Address of Applicant	Legal Description	Receiving Water
KSU Modified Early Wean Swine Unit 232 Weber Hall Manhattan, KS 66506	NW/4 of Section 36, T09S, R07E, Riley County	Big Blue River Basin
Kansas Permit No. A-BBRL-S016		

This permit is being reissued to an existing facility with a maximum capacity of 400 head (40 animal units) of swine 55 pounds or less. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
MLS Ranch, Inc. Mark Schamberger 8999 N. Hwy. 23 Hoxie, KS 67740	NE/4 of Section 04, T07S, R28W, Sheridan County	Solomon River Basin
Kansas Permit No. A-SOSD-B008		

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



**Public Notice No. KS-Q-11-026**

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Country Club Acres, LLC P.O. Box 1460 Salina, KS 67401	Smoky Hill River via East Dry Creek	Groundwater Remediation

Kansas Permit No. I-SH33-PO11      Federal Permit No. KS0098809

Legal Description: SW¼ & SE¼, S9, T14S, R2W, Saline County

Facility Description The proposed action consists of a modification of an existing Kansas/NPDES Water Pollution Control permit for an existing groundwater remediation project. The proposed modification includes the addition of groundwater from Well SC-3, at the Scouler Elevator site, currently permitted in KDHE Permit I-SH33-PO08, to the treatment system permitted under this permit. Once Well SC-3 is connected, the groundwater from it will co-mingle with groundwater from recovery wells RW-1 and RW-2 for treatment by existing GWTS #1 and be discharged through Outfall 001X1. In addition of the existing parameters, the modification adds monitoring of chloride, sulfate and total phosphorus. All other terms and provisions of the existing permit will remain in effect.

**Public Notice No. KS-EG-11-004/007**

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the state of Kansas:

**Name and Address of Applicant**

Occidental Chemical Corporation  
P.O. Box 12283  
Wichita, KS 67277-2283

Facility Location: Wichita, Kansas

Well and Permit Number	Location
#3 / KS-01-173-004	NE¼, SW¼, SW¼, S27, T28S, R1W, Sedgwick County, KS
#7 / KS-01-173-006	NE¼, NW¼, SW¼, S27, T28S, R1W, Sedgwick County, KS
#8 / KS-01-173-007	SE¼, NW¼, SW¼, S27, T28S, R1W, Sedgwick County, KS
#9 / KS-01-173-008	SE¼, NE¼, SW¼, S27, T28S, R1W, Sedgwick County, KS

Facility Description: The proposed action is to reissue four existing Class I Hazardous Waste Disposal Well permits. The injection fluids consist of stormwater runoff, contaminated groundwater and process wastewater originating from this facility. Disposal is by gravity flow. Injection is to be made into the Arbuckle and Simpson formations from a bottom depth of approximately 4,727 feet to a top depth of approximately 3,838 feet below ground surface. The estimated maximum rate of injection to this disposal well is 864,000 gallons per day. The current facility injection volume of 2,520,000 gallons per day will not be increased. All construction, monitoring and operation of this well will meet the requirements that apply to Class I Hazardous Waste Disposal Wells under the Kansas UIC regulations, K.A.R. 28-46-1 through 28-46-44.

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

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

All comments regarding the draft documents or application notices received on or before June 4 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-075/079, KS-Q-11-026, KS-EG-11-004/007) and name of the applicant/permittee when preparing comments.

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

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

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

Doc. No. 039377

**State of Kansas**

**Board of Mortuary Arts**

**Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted by the Kansas State Board of Mortuary Arts at 10:30 a.m. Thursday, July 14, in Room 904, Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of eight amended and three new regulations of the Kansas State Board of Mortuary Arts. These regulations are proposed for adoption on a permanent basis.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Mack Smith, executive secretary, at (785) 296-3980. Persons with a hearing impairment may call the TDD service at (800) 766-3777 to request special accommodations. There is no designated disabled parking on the block.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed adminis-

*(continued)*

trative regulations. All interested parties may submit written comments prior to the hearing to Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts, Room 904, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3733, or by e-mail at [bomal@ksbma.ks.gov](mailto:bomal@ksbma.ks.gov). All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the board as a basis for approving, amending and approving, or rejecting the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

A summary of the proposed new and amended regulations and the economic impact follows:

**K.A.R. 63-1-6. General requirements relating to the practice of embalming, cremation and funeral directing.** This regulation is being amended to include crematory operators.

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

**K.A.R. 63-4-1. Payment of fees.** This regulation is being amended to include the crematory operator's biennial license and renewal fee.

Economic Impact Summary: Amendments would result in approximately \$1,240 of new income annually to the board by applicants for licensure and license renewals. The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses or the public.

**K.A.R. 63-6-2. Standards for approval.** This regulation is being amended to include crematory operators and continuing education requirements.

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

**K.A.R. 63-6-3. Post approval and review.** This regulation is being amended to include crematory operators and continuing education requirements.

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

**K.A.R. 63-7-1. Definitions.** This regulation is being amended to include crematory operators.

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

**K.A.R. 63-7-2. Crematory operator in charge; record-keeping.** This regulation is being amended to include crematory operators.

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

**K.A.R. 63-7-6. Licensure applications for crematories.** This regulation is being amended to require a roster of all crematory operators employed at the licensed crematory upon application and renewal.

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

**K.A.R. 63-7-7. Inspection of crematories.** This regulation is being amended to include information of possible violations as a reason for an inspection of a crematory.

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

**K.A.R. 63-7-9. Crematory operator's license; application requirements.** This new regulation defines the requirements for becoming a licensed crematory operator.

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

**K.A.R. 63-7-10. Crematory operator's initial license; biennial renewal.** This new regulation sets the initial license and renewal due dates and requirements.

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

**K.A.R. 63-7-11. Continuing education.** This new regulation sets up the continuing education requirements for crematory operators.

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

Copies of the complete text of the regulations and the respective economic impact statement may be obtained by contacting the Kansas State Board of Mortuary Arts at the address above or by calling (785) 296-3980. Copies also will be provided on the agency's Web site at <http://www.kansas.gov/ksbma/>.

Mack Smith  
Executive Secretary

Doc. No. 039373

## State of Kansas

### Department of Wildlife and Parks

#### Permanent Administrative Regulations

#### Article 7.—FISH AND FROGS

**115-7-9. Weigh-in black bass fishing tournaments.** (a) Each individual or organization conducting a weigh-in black bass fishing tournament shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(8) Only fish that meet the special length limit for the specific body of water where the weigh-in tournament is being conducted shall be weighed within the period beginning June 16 and ending August 31.

(b) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(c) Each tournament participant shall meet the following requirements:

(1) Ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution; and

(2) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(d) The provisions of paragraph (a)(7)(A) may be waived by the secretary within the period beginning September 1 and extending through June 15 if the proximity

proposed to the release site does not pose an inordinate risk to the wildlife resource and all other requirements of this regulation are met. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2010 Supp. 32-1002; effective Jan. 1, 2008; amended April 11, 2008; amended Nov. 19, 2010; amended May 20, 2011.)

Robin Jennison  
Acting Secretary of Wildlife  
and Parks

Doc. No. 039374

## State of Kansas

### Board of Pharmacy

#### Permanent Administrative Regulations

#### Article 2.—DRUGSTORES

##### **68-2-22. Electronic transmission of a prescription.**

(a) Each prescription drug order transmitted electronically shall be issued for a legitimate medical purpose by a prescriber acting within the course of legitimate professional practice.

(b) Each prescription drug order communicated by way of electronic transmission shall meet these requirements:

(1) Be transmitted to a pharmacist in a licensed pharmacy of the patient's choice, exactly as transmitted by the prescriber;

(2) identify the transmitter's phone number for verbal confirmation, the time and date of transmission, and the identity of the pharmacy intended to receive the transmission, as well as any other information required by federal and state laws and regulations;

(3) be transmitted by an authorized prescriber or the prescriber's designated agent; and

(4) be deemed the original prescription drug order, if the order meets the requirements of this regulation.

(c) Any prescriber may authorize an agent to communicate a prescription drug order orally or electronically to a pharmacist in a licensed pharmacy if the identity of the transmitting agent is included in the order.

(d) Each pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order communicated by way of electronic transmission, consistent with existing federal and state laws and regulations.

(e) All electronic equipment for receipt of prescription drug orders communicated by way of electronic transmission shall be maintained so as to ensure against unauthorized access.

(f) Persons other than those bound by a confidentiality agreement shall not have access to pharmacy records containing confidential information or personally identifiable information concerning the pharmacy's patients.

(g) If communicated by electronic transmission, the prescription drug order shall be maintained in hard copy or as an electronic document for the time required by existing federal or state laws and regulations, whichever is longer.

(continued)

(h) Any prescription drug order, including that for any controlled substance listed in schedules III, IV, and V and, in certain situations, that for any controlled substance listed in schedule II, may be communicated by way of electronic transmission, if all requirements of K.A.R. 68-20-10a are met.

(i) After the pharmacist views the prescription drug order, this order shall be immediately reduced to a hard copy or an electronic document and shall contain all information required by federal and state laws and regulations.

(j) Each electronic prescription drug order created and transmitted in conformance with 21 CFR part 1311 shall be considered an original, written, signed prescription drug order even if the order is transmitted electronically. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2009 Supp. 65-1642; effective Feb. 5, 1999; amended Dec. 27, 1999; amended June 2, 2006; amended Oct. 23, 2009; amended May 20, 2011.)

#### Article 20.—CONTROLLED SUBSTANCES

**68-20-10a. Electronic transmission of a controlled substance prescription.** (a) Each prescription drug order transmitted electronically shall be issued for a legitimate medical purpose by a prescriber acting within the course of legitimate professional practice.

(b) Each prescription drug order communicated by way of electronic transmission shall fulfill all the requirements of K.A.R. 68-2-22.

(c) If communicated by electronic transmission, the prescription drug order shall be maintained in hard copy for the time required by existing federal and state laws and regulations.

(d) A prescription drug order, including that for any controlled substance listed in schedules III, IV, and V and, in certain situations, that for any controlled substance listed in schedule II, may be communicated by electronic transmission.

(e) The electronic transmission of a prescription drug order for any schedule II controlled substance shall meet these requirements:

(1) A prescription drug order for any schedule II controlled substance may be communicated by the prescriber or that prescriber's designated agent by way of electronic transmission if the original, written, signed prescription drug order is presented to the pharmacist for review before the actual dispensing of the controlled substance, except as noted in this subsection.

(2) A prescription drug order for any schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be communicated by the prescriber or that prescriber's designated agent to the pharmacy by way of electronic transmission. The hard copy of this electronic transmission shall serve as the original, written prescription drug order for purposes of this subsection, and the hard copy shall be maintained as such.

(3) A prescription drug order for any schedule II controlled substance for a resident of a nursing facility, a nursing facility for mental health, or an assisted living facility may be communicated by the prescriber or that prescriber's designated agent by way of electronic trans-

mission. The hard copy of this electronic transmission shall serve as the original, written prescription drug order for purposes of this subsection, and the hard copy shall be maintained as such.

(4) A prescription drug order for any schedule II controlled substance for a patient released by a registered institution to a home hospice setting that continues to provide daily skilled nursing care to the home hospice setting may be transmitted by the prescriber or that prescriber's designated agent by way of electronic transmission to the dispensing pharmacy. The hard copy of this electronic transmission shall serve as the original, written prescription drug order for purposes of this subsection, and the hard copy shall be maintained as such.

(5) In the case of an emergency situation, a prescription drug order for any schedule II controlled substance may be communicated by the prescriber by way of electronic transmission if the following requirements are met:

(A) 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 written prescription drug order signed by the prescriber.

(B) After the pharmacist views the prescription drug order, this order shall be immediately reduced to a hard copy and shall contain all information required by federal and state laws and regulations.

(C) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order communicated by way of electronic transmission, consistent with existing federal and state laws and regulations.

(D) (i) Within seven days after authorizing an emergency prescription drug order, the prescriber shall cause a written prescription drug order for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to all other federal and state laws and regulations, the prescription drug order shall have written on its face "authorization for emergency dispensing" and the date of the transmitted prescription drug order.

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

(iii) Upon receipt, the dispensing pharmacist shall attach this written prescription drug order to the hard copy of the electronically transmitted prescription drug order. The pharmacist shall notify the nearest office of the U.S. drug enforcement administration (DEA) if the prescriber fails to deliver a written prescription drug order.

(f) Each electronic prescription drug order created and transmitted in conformance with 21 CFR part 1311 shall be considered an original, written, signed prescription drug order even if the order is transmitted electronically. (Authorized by and implementing K.S.A. 65-1630, K.S.A. 2009 Supp. 65-1642, K.S.A. 2009 Supp. 65-4102, and K.S.A. 65-4123; effective Feb. 5, 1999; amended Dec. 27, 1999; amended April 23, 2010; amended May 20, 2011.)

Debra Billingsley  
Executive Secretary

Doc. No. 039375

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2010 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

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

**AGENCY 3: KANSAS STATE TREASURER**

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

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-3-47	Amended (T)	V. 30, p. 25
4-3-47	Amended	V. 30, p. 411
4-3-48	Revoked	V. 30, p. 411
4-3-50	Amended	V. 30, p. 411
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023
4-10-1	Amended	V. 29, p. 254
4-10-1a	New	V. 29, p. 255
4-10-1b	New	V. 29, p. 255
4-10-2a through 4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f through 4-10-2k	Revoked	V. 29, p. 256
4-10-4	Revoked	V. 29, p. 256
4-10-4a through 4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
4-10-6	Revoked	V. 29, p. 259
4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
4-10-15	Revoked	V. 29, p. 260
4-10-16	Amended	V. 29, p. 260
4-10-17	Revoked	V. 29, p. 261
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71
4-13-17	Amended	V. 29, p. 72
4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72

4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-25	Amended	V. 29, p. 1242
4-13-25b through 4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
4-13-25j	Amended	V. 29, p. 1246
4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
4-13-25m	New	V. 29, p. 1247
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
4-13-62	Amended	V. 29, p. 73

4-27-1 through 4-27-22	New	V. 29, p. 706-720
4-28-1	Amended	V. 29, p. 720
4-28-2	Amended	V. 29, p. 720
4-28-8	Amended	V. 29, p. 721
4-28-11	Amended	V. 29, p. 722
4-28-12	Amended	V. 29, p. 722
4-28-18 through 4-28-30	New	V. 29, p. 723-725

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

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

**AGENCY 7: SECRETARY OF STATE**

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

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

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

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

14-6-2a	Revoked	V. 29, p. 1306
14-6-3	Revoked	V. 29, p. 1306
14-6-4	Amended	V. 29, p. 1306
14-11-1	New	V. 29, p. 1307
14-11-4	New	V. 29, p. 1307
14-11-5	Amended	V. 29, p. 1307
14-11-6	Amended	V. 29, p. 1307
14-11-7	Amended	V. 29, p. 1307
14-11-9	Amended	V. 29, p. 1307
14-11-10a	Revoked	V. 29, p. 1307
14-11-10b	Revoked	V. 29, p. 1308
14-11-10d	Revoked	V. 29, p. 1308
14-11-11	Revoked	V. 29, p. 1633
14-11-14	Revoked	V. 29, p. 1308
14-11-15	Amended	V. 29, p. 1308
14-11-16	Amended	V. 29, p. 1308
14-11-22	New	V. 29, p. 1633
14-11-23 through 14-11-29	New	V. 29, P. 1308-1310
14-11-27	Revoked	V. 29, p. 1730
14-16-25	New	V. 29, p. 1310

14-19-27	Amended	V. 29, p. 1310
14-19-38	New	V. 29, p. 1311
14-19-39	New	V. 29, p. 1311
14-20-29	Amended	V. 29, p. 1311
14-20-40	New	V. 29, p. 1312
14-20-41	New	V. 29, p. 1312
14-21-12	Amended	V. 29, p. 1313
14-21-21	New	V. 29, p. 1313
14-21-22	New	V. 29, p. 1313
14-23-2	Amended	V. 29, p. 1314
14-23-5	Amended	V. 29, p. 1314
14-23-8	Amended	V. 29, p. 1314
14-23-10	Amended	V. 29, p. 1315
14-24-1 through 14-24-6	Revoked	V. 29, p. 1315

**AGENCY 16: KANSAS ATTORNEY GENERAL**

Reg. No.	Action	Register
16-11-1 through 16-11-5	Amended	V. 29, p. 1813-1815
16-11-6	Revoked	V. 29, p. 1816
16-11-7	Amended	V. 29, p. 1816
16-11-8	Amended	V. 29, p. 1816

**AGENCY 19: GOVERNMENTAL ETHICS COMMISSION**

Reg. No.	Action	Register
19-6-1	Amended	V. 29, p. 112
19-22-1	Amended	V. 30, p. 92
19-23-1	Amended	V. 30, p. 92
19-30-4	Revoked	V. 30, p. 92

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-1-1	Amended	V. 30, p. 46
22-1-2	Amended	V. 30, p. 46
22-1-3	Amended	V. 30, p. 46
22-8-13	Amended	V. 30, p. 47
22-10-3	Amended	V. 30, p. 47
22-11-6	Revoked	V. 30, p. 48
22-11-8	Amended	V. 30, p. 48
22-15-7	Revoked	V. 30, p. 49
22-18-3	Amended	V. 30, p. 49

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-39-100	Amended	V. 29, p. 1772
26-39-101	Amended	V. 29, p. 1775
26-39-105	Amended	V. 29, p. 1777
26-40-301 through 26-40-305	New	V. 29, p. 1777-1793

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

Reg. No.	Action	Register
28-1-27	New	V. 30, p. 111
28-1-30	New	V. 30, p. 369
28-1-31	New	V. 30, p. 370
28-1-32	New	V. 30, p. 370
28-4-92	Amended (T)	V. 29, p. 1348
28-4-92	Amended	V. 29, p. 1705
28-4-370 through 28-4-379	Revoked	V. 29, p. 1024
28-4-503	Amended	V. 29, p. 1662
28-4-505	Amended	V. 29, p. 1662
28-4-514	Amended	V. 29, p. 1663
28-4-520	New	V. 29, p. 1663
28-4-521	New	V. 29, p. 1663
28-4-1300 through 28-4-1318	New	V. 29, p. 1024-1032
28-16-28g	Amended	V. 29, p. 181
28-19-200a	New	V. 29, p. 1634
28-19-202	Amended	V. 29, p. 1509
28-19-325	New	V. 29, p. 1634
28-19-350	Amended	V. 29, p. 1635
28-19-517	Amended	V. 29, p. 1510

(continued)

28-19-645a	New (T)	V. 30, p. 232	28-23-78			28-36-70		
28-19-712	New	V. 29, p. 866	through			through		
28-19-712a			28-23-80	Revoked	V. 29, p. 727	28-36-89	Revoked	V. 29, p. 727
through			28-31-1	Revoked	V. 30, p. 414	28-36-101		
28-19-712d	New	V. 29, p. 867	28-31-2	Revoked	V. 30, p. 414	through		
28-19-713	New	V. 29, p. 867	28-31-3	Revoked	V. 30, p. 414	28-36-109	Revoked	V. 29, p. 727
28-19-713a			28-31-4	Amended	V. 30, p. 414	28-39-162	Revoked	V. 29, p. 1777
through			28-31-5	Revoked	V. 30, p. 415	28-39-162a	Revoked	V. 29, p. 1777
28-19-713d	New	V. 29, p. 867, 868	28-31-6	Amended	V. 30, p. 415	28-39-162b	Revoked	V. 29, p. 1777
28-19-720	Amended	V. 29, p. 1510	28-31-7	Revoked	V. 30, p. 415	28-39-162c	Revoked	V. 29, p. 1777
28-19-728	Revoked	V. 29, p. 1511	28-31-8	Revoked	V. 30, p. 415	28-43-1		
28-19-728a			28-31-8b	Revoked	V. 30, p. 415	through		
through			28-31-9	Revoked	V. 30, p. 415	28-43-11	Revoked	V. 29, p. 1137
28-19-728f	Revoked	V. 29, p. 1511	28-31-10	Amended	V. 30, p. 415	28-46-1	Amended	V. 29, p. 1138
28-19-735	Amended	V. 29, p. 1511	28-31-12	Amended	V. 30, p. 416	28-46-2a	Amended	V. 29, p. 1138
28-19-750	Amended	V. 29, p. 1511	28-31-13	Amended	V. 30, p. 417	28-46-3		
28-19-750a	Amended	V. 29, p. 1511	28-31-14	Revoked	V. 30, p. 417	through		
28-21-1	Revoked	V. 29, p. 725	28-31-15	Revoked	V. 30, p. 417	28-46-22	Amended	V. 29, p. 1139-1141
28-21-6	Revoked	V. 29, p. 725	28-31-16	Revoked	V. 30, p. 417	28-46-27	Amended	V. 29, p. 1141
28-21-7	Revoked	V. 29, p. 725	28-31-100	New	V. 30, p. 417	28-46-28	Amended	V. 29, p. 1141
28-21-8	Revoked	V. 29, p. 725	28-31-100a	New	V. 30, p. 418	28-46-29	Amended	V. 29, p. 1141
28-21-9	Revoked	V. 29, p. 725	28-31-100d	New	V. 30, p. 418	28-46-29a	New	V. 29, p. 1142
28-21-10	Revoked	V. 29, p. 726	28-31-100e	New	V. 30, p. 419	28-46-30	Amended	V. 29, p. 1142
28-21-11	Revoked	V. 29, p. 726	28-31-100f	New	V. 30, p. 420	28-46-30a	New	V. 29, p. 1142
28-21-20a	Revoked	V. 29, p. 726	28-31-100p	New	V. 30, p. 420	28-46-30b	New	V. 29, p. 1144
28-21-21a	Revoked	V. 29, p. 726	28-31-100q	New	V. 30, p. 420	28-46-31	Amended	V. 29, p. 1144
28-21-22a	Revoked	V. 29, p. 726	28-31-100r	New	V. 30, p. 420	28-46-33	Amended	V. 29, p. 1144
28-21-23a	Revoked	V. 29, p. 726	28-31-100s	New	V. 30, p. 421	28-46-34	Amended	V. 29, p. 1145
28-21-24a	Revoked	V. 29, p. 726	28-31-124	New	V. 30, p. 422	28-46-35	Amended	V. 29, p. 1145
28-21-25a	Revoked	V. 29, p. 726	28-31-124a	New	V. 30, p. 423	28-46-40	Amended	V. 29, p. 1145
28-21-26a	Revoked	V. 29, p. 726	28-31-124b	New	V. 30, p. 423	28-46-41	Amended	V. 29, p. 1145
28-21-27a	Revoked	V. 29, p. 726	28-31-124c	New	V. 30, p. 423	28-46-44	Amended	V. 29, p. 1145
28-21-28a	Revoked	V. 29, p. 726	28-31-124d	New	V. 30, p. 424	28-46-45	New	V. 29, p. 1145
28-21-29a	Revoked	V. 29, p. 726	28-31-124e	New	V. 30, p. 424	28-53-1	Amended	V. 30, p. 463
28-21-30a	Revoked	V. 29, p. 726	28-31-260	New	V. 30, p. 425	28-53-2	Amended	V. 30, p. 463
28-21-31a	Revoked	V. 29, p. 726	28-31-260a	New	V. 30, p. 426	28-53-4	Amended	V. 30, p. 463
28-21-32a	Revoked	V. 29, p. 726	28-31-261	New	V. 30, p. 426	28-61-1	Amended	V. 29, p. 419
28-21-33a	Revoked	V. 29, p. 726	28-31-261a	New	V. 30, p. 427	28-61-2	Amended	V. 30, p. 336
28-21-34a	Revoked	V. 29, p. 726	28-31-262	New	V. 30, p. 427	28-61-3	Amended	V. 30, p. 337
28-21-35a	Revoked	V. 29, p. 726	28-31-262a	New	V. 30, p. 427	28-61-4	Amended	V. 30, p. 337
28-21-40a	Revoked	V. 29, p. 726	28-31-263	New	V. 30, p. 428	28-61-5	Amended	V. 29, p. 420
28-21-41a	Revoked	V. 29, p. 726	28-31-263a	New	V. 30, p. 429	28-61-8	Amended	V. 29, p. 422
28-21-42a	Revoked	V. 29, p. 726	28-31-264	New	V. 30, p. 429	28-72-1	Revoked	V. 29, p. 357
28-21-43a	Revoked	V. 29, p. 726	28-31-264a	New	V. 30, p. 431	28-72-1a	New	V. 29, p. 357
28-21-44a	Revoked	V. 29, p. 726	28-31-265	New	V. 30, p. 432	28-72-1c	New	V. 29, p. 357
28-21-50a	Revoked	V. 29, p. 726	28-31-265a	New	V. 30, p. 433	28-72-1d	New	V. 29, p. 358
28-21-51a	Revoked	V. 29, p. 726	28-31-266	New	V. 30, p. 433	28-72-1e	New	V. 29, p. 358
28-21-52a	Revoked	V. 29, p. 726	28-31-267	New	V. 30, p. 434	28-72-1g	New	V. 29, p. 358
28-21-53a	Revoked	V. 29, p. 726	28-31-267a	New	V. 30, p. 434	28-72-1h	New	V. 29, p. 358
28-21-54a	Revoked	V. 29, p. 726	28-31-268	New	V. 30, p. 434	28-72-1i	New	V. 29, p. 359
28-21-55a	Revoked	V. 29, p. 726	28-31-270	New	V. 30, p. 434	28-72-1k	New	V. 29, p. 359
28-21-56a	Revoked	V. 29, p. 726	28-31-270a	New	V. 30, p. 435	28-72-1l	New	V. 29, p. 359
28-21-57a	Revoked	V. 29, p. 726	28-31-273	New	V. 30, p. 436	28-72-1m	New	V. 29, p. 360
28-21-58a	Revoked	V. 29, p. 726	28-31-279	New	V. 30, p. 436	28-72-1n	New	V. 29, p. 360
28-21-59a	Revoked	V. 29, p. 726	28-31-279a	New	V. 30, p. 437	28-72-1o	New	V. 29, p. 360
28-21-60a	Revoked	V. 29, p. 726	28-35-135l	Amended	V. 30, p. 195	28-72-1p	New	V. 29, p. 360
28-21-61a	Revoked	V. 29, p. 726	28-35-135t	Amended	V. 30, p. 196	28-72-1r	New	V. 29, p. 361
28-21-62a	Revoked	V. 29, p. 726	28-35-135w	Amended	V. 30, p. 197	28-72-1s	New	V. 29, p. 361
28-21-63	Revoked	V. 29, p. 726	28-35-175a	Amended	V. 30, p. 198	28-72-1t	New	V. 29, p. 361
28-21-64	Revoked	V. 29, p. 726	28-35-178b	Amended	V. 30, p. 198	28-72-1v	New	V. 29, p. 361
28-21-70a	Revoked	V. 29, p. 726	28-35-178e	Amended	V. 30, p. 200	28-72-1x	New	V. 29, p. 361
28-21-71a	Revoked	V. 29, p. 726	28-35-178j	Amended	V. 30, p. 201	28-72-2	Amended	V. 29, p. 361
28-21-72a	Revoked	V. 29, p. 726	28-35-180b	Amended	V. 30, p. 201	28-72-3	Amended	V. 29, p. 362
28-21-82			28-35-181a	Amended	V. 30, p. 203	28-72-4	Amended	V. 29, p. 362
through			28-35-181e	Revoked	V. 30, p. 203	28-72-4a	Amended	V. 29, p. 366
28-21-85	Revoked	V. 29, p. 726	28-35-181j	Amended	V. 30, p. 203	28-72-4b	Revoked	V. 29, p. 368
28-23-4	Revoked	V. 29, p. 726	28-35-181m	Amended	V. 30, p. 204	28-72-4c	Amended	V. 29, p. 368
28-23-9	Revoked	V. 29, p. 726	28-35-181o	Amended	V. 30, p. 205	28-72-5	Amended	V. 29, p. 369
28-23-10	Revoked	V. 29, p. 726	28-35-192b	Amended	V. 30, p. 206	28-72-6	Amended	V. 29, p. 370
28-23-20			28-35-192c	Amended	V. 30, p. 206	28-72-6a	New	V. 29, p. 371
through			28-35-192d	Revoked	V. 30, p. 207	28-72-7	Amended	V. 29, p. 373
28-23-24	Revoked	V. 29, p. 726	28-35-192e	Amended	V. 30, p. 207	28-72-7a	New	V. 29, p. 373
28-23-26			28-35-192g	Amended	V. 30, p. 207	28-72-8	Amended	V. 29, p. 374
through			28-35-194a	Amended	V. 30, p. 207	28-72-9	Amended	V. 29, p. 375
28-23-32	Revoked	V. 29, p. 726	28-35-212a	Amended	V. 30, p. 208	28-72-10	Amended	V. 29, p. 376
28-23-34			28-35-216a	Amended	V. 30, p. 209	28-72-10a	New	V. 29, p. 377
through			28-35-225b	New	V. 30, p. 210	28-72-11	Amended	V. 29, p. 378
28-23-36	Revoked	V. 29, p. 727	28-35-231c	Amended	V. 30, p. 210	28-72-12	Amended	V. 29, p. 378
28-23-41			28-35-242	Amended	V. 30, p. 210	28-72-13	Amended	V. 29, p. 379
through			28-35-264	Amended	V. 30, p. 210	28-72-14	Amended	V. 29, p. 379
28-23-55	Revoked	V. 29, p. 727	28-35-334	Amended	V. 30, p. 211	28-72-15	Amended	V. 29, p. 380
28-23-70	Revoked	V. 29, p. 727	28-35-346	Amended	V. 30, p. 212	28-72-16	Amended	V. 29, p. 380
28-23-71	Revoked	V. 29, p. 727	28-35-411	Amended	V. 30, p. 212	28-72-17	Amended	V. 29, p. 381
28-23-73	Revoked	V. 29, p. 727	28-36-30	Revoked	V. 29, p. 727	28-72-18	Amended	V. 29, p. 382
28-23-75	Revoked	V. 29, p. 727	28-36-31	Revoked	V. 29, p. 727	28-72-18a	Amended	V. 29, p. 383

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

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-5-118a	Revoked	V. 29, p. 239

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

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

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

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

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

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

**AGENCY 49: DEPARTMENT OF LABOR**

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

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

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

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

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

**AGENCY 60: BOARD OF NURSING**

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

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

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

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

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

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-7-11	Amended	V. 29, p. 1053
68-7-21	New	V. 29, p. 465
68-20-10a	Amended	V. 29, p. 466
68-20-24	New (T)	V. 30, p. 357
68-20-25	New (T)	V. 30, p. 357
68-20-26	New (T)	V. 30, p. 357
68-20-27	New (T)	V. 30, p. 357
68-21-1 through 68-21-7	New	V. 29, p. 1417-1420
68-21-2	Amended	V. 30, p. 370

**AGENCY 71: KANSAS DENTAL BOARD**

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

**AGENCY 74: BOARD OF ACCOUNTANCY**

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

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-219	Amended	V. 29, p. 1099
82-3-101a	New	V. 29, p. 1508
82-3-311a	New	V. 29, p. 181
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
82-4-2	Amended	V. 29, p. 1443
82-4-3a	Amended	V. 29, p. 1443
82-4-3d	Amended	V. 29, p. 1444
82-4-3f	Amended	V. 29, p. 1390
82-4-3n	New	V. 29, p. 1444
82-4-3o	New	V. 29, p. 1445
82-4-6a	Amended	V. 29, p. 1446
82-4-8h	Amended	V. 29, p. 1446
82-4-21	Amended	V. 29, p. 1446
82-4-22	Amended	V. 29, p. 1446
82-4-23	Amended	V. 29, p. 1447
82-4-24a	Amended	V. 29, p. 1447
82-4-26	Amended	V. 29, p. 1447
82-4-26a	Amended	V. 29, p. 1447
82-4-27	Amended	V. 29, p. 1447
82-4-27a	Amended	V. 29, p. 1448
82-4-27c	Amended	V. 29, p. 1448
82-4-27e	Amended	V. 29, p. 1449
82-4-28	Revoked	V. 29, p. 1449
82-4-28a	Revoked	V. 29, p. 1449
82-4-28b	Revoked	V. 29, p. 1449
82-4-30a	Amended (T)	V. 29, p. 702
82-4-30a	Amended	V. 29, p. 1392
82-4-31	Revoked	V. 29, p. 1450
82-4-32	Amended	V. 29, p. 1450
82-4-33	Amended	V. 29, p. 1450
82-4-35	Amended	V. 29, p. 1450
82-4-35a	Amended	V. 29, p. 1450

82-4-37	Revoked	V. 29, p. 1450
82-4-40	Amended	V. 29, p. 1450
82-4-42	Amended	V. 29, p. 1450
82-4-48	Amended	V. 29, p. 1451
82-4-48a	Amended	V. 29, p. 1451
82-4-53	Amended	V. 29, p. 1451
82-4-54	Amended	V. 29, p. 1452
82-4-55	Amended	V. 29, p. 1452
82-4-56a	Amended	V. 29, p. 1452
82-4-57	Amended	V. 29, p. 1453
82-4-58	Amended	V. 29, p. 1453
82-4-62	Revoked	V. 29, p. 1453
82-4-63	Amended	V. 29, p. 1453
82-4-65	Amended	V. 29, p. 1453
82-4-77	Amended	V. 29, p. 1454
82-16-1 through 82-16-6	New	V. 29, p. 1598-1601
82-17-1 through 82-17-5	New	V. 29, p. 1136, 1137

**AGENCY 88: BOARD OF REGENTS**

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

**AGENCY 91: DEPARTMENT OF EDUCATION**

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

**AGENCY 92: DEPARTMENT OF REVENUE**

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

**AGENCY 94: COURT OF TAX APPEALS**

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

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

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

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

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

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-29-1	Amended	V. 29, p. 598
100-49-4	Amended	V. 29, p. 651
100-55-1	Amended	V. 29, p. 704

(continued)

100-55-7	Amended	V. 29, p. 651
100-69-12	New	V. 29, p. 704
100-72-2	Amended	V. 29, p. 705
100-73-2	Amended	V. 29, p. 598

**AGENCY 102: BEHAVIORAL SCIENCES  
REGULATORY BOARD**

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

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

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

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

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

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

Reg. No.	Action	Register
109-1-1a	New (T)	V. 30, p. 138
109-5-1	Amended (T)	V. 30, p. 138
109-5-1a	New (T)	V. 30, p. 139
109-5-1b	New (T)	V. 30, p. 139
109-5-1d	New (T)	V. 30, p. 139
109-5-1e	New (T)	V. 30, p. 139
109-5-1f	New (T)	V. 30, p. 139
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-7a	New (T)	V. 30, p. 139
109-5-7b	New (T)	V. 30, p. 140
109-5-7d	New (T)	V. 30, p. 141
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-8-1	Amended (T)	V. 30, p. 141
109-10-1a	New (T)	V. 30, p. 141
109-10-1b	New (T)	V. 30, p. 142
109-10-1d	New (T)	V. 30, p. 142
109-10-1e	New (T)	V. 30, p. 142
109-10-1f	New (T)	V. 30, p. 142
109-10-1g	New (T)	V. 30, p. 142
109-10-6	Amended (T)	V. 30, p. 143
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-1a	New (T)	V. 30, p. 143
109-11-3	Amended	V. 29, p. 1284
109-11-3a	New (T)	V. 30, p. 144
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-11-6a	New (T)	V. 30, p. 144
109-15-2	Amended	V. 29, p. 1285

**AGENCY 110: DEPARTMENT OF COMMERCE**

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

**AGENCY 111: KANSAS LOTTERY**

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

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-230	Amended	V. 30, p. 232
111-2-231	Amended	V. 30, p. 233
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-2-234	New	V. 29, p. 746
111-2-235 through 111-2-240	New	V. 29, p. 1214, 1215
111-2-241	New	V. 29, p. 1247
111-2-242	New	V. 29, p. 1247
111-2-243 through 111-2-248	New	V. 29, p. 1512, 1513
111-2-247	Amended	V. 30, p. 233
111-2-248	Amended	V. 30, p. 233
111-2-249 through 111-2-252	New	V. 30, p. 233, 234
111-2-249	Amended	V. 30, p. 357
111-2-253	New	V. 30, p. 241
111-2-254	New	V. 30, p. 241
111-2-255	Amended	V. 30, p. 358
111-4-2899 through 111-4-2907	New	V. 29, p. 9-14
111-4-2908 through 111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912 through 111-4-2923	New	V. 29, p. 153-157
111-4-2924 through 111-4-2930	New	V. 29, p. 216-222
111-4-2931 through 111-4-2938	New	V. 29, p. 467-473
111-4-2939 through 111-4-2948	New	V. 29, p. 569-575
111-4-2949 through 111-4-2984	New	V. 29, p. 746-769
111-4-2949 through 111-4-2984	New	V. 29, p. 746-769
111-4-2985 through 111-4-2988	New	V. 29, p. 1180-1183
111-4-2989	New	V. 29, p. 1216
111-4-2990	New	V. 29, p. 1217
111-4-2991	New	V. 29, p. 1218
111-4-2992 through 111-4-3011	New	V. 29, p. 1248-1259
111-4-3012 through 111-4-3022	New	V. 29, p. 1513-1522
111-4-3023 through 111-4-3027	New	V. 30, p. 234-237
111-4-3028 through 111-4-3031	New	V. 30, p. 241-243

111-4-3032 through 111-4-3045	New	V. 30, p. 249-258
111-4-3046 through 111-4-3054	New	V. 30, p. 358-364
111-5-175 through 111-5-179	New	V. 29, p. 157-159
111-5-180 through 111-5-194	New	V. 29, p. 222-228
111-5-181	Amended	V. 29, p. 1522
111-5-184	Amended	V. 29, p. 1523
111-5-186	Amended	V. 29, p. 1524
111-5-194	Amended	V. 29, p. 1525
111-7-243 through 111-7-248	New	V. 30, p. 259, 260
111-9-162	New	V. 29, p. 229
111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-9-165	New	V. 29, p. 769
111-9-166	New	V. 29, p. 1184
111-9-167	New	V. 29, p. 1526
111-9-168	New	V. 29, p. 1526
111-9-169	New	V. 29, p. 1527
111-9-170	New	V. 30, p. 261
111-15-1	Amended	V. 30, p. 238
111-15-3	Amended	V. 30, p. 365
111-201-1 through 111-201-17	New	V. 29, p. 73-79
111-301-1 through 111-301-6	New	V. 29, p. 79, 80
111-301-7 through 111-301-12	New	V. 30, p. 244-248
111-301-13 through 111-301-20	New	V. 30, p. 366-368
111-302-1 through 111-302-6	New	V. 29, p. 82-86
111-302-4	Amended	V. 30, p. 249
111-303-1 through 111-303-5	New	V. 29, p. 87-89
111-304-1 through 111-304-6	New	V. 29, p. 89-91
111-305-1 through 111-305-6	New	V. 29, p. 474, 475
111-306-1 through 111-306-6	New	V. 29, p. 1185-1187
111-306-4	Amended	V. 29, p. 1260
111-306-6	Amended	V. 29, p. 1219
111-307-1 through 111-307-7	New	V. 29, p. 1189-1191
111-308-1 through 111-308-7	New	V. 29, p. 1261-1263
111-309-1 through 111-309-6	New	V. 29, p. 1528-1530
111-310-1 through 111-310-6	New	V. 29, p. 1530-1532
111-311-1 through 111-311-7	New	V. 29, p. 1532-1535
111-312-1 through 111-312-6	New	V. 30, p. 239, 240
111-312-6	Amended	V. 30, p. 368
111-312-8	Amended	V. 30, p. 368

**AGENCY 112: RACING AND GAMING  
COMMISSION**

Reg. No.	Action	Register
112-101-6	Amended	V. 30, p. 290
112-102-8	Amended	V. 30, p. 290



112-103-2	Amended	V. 30, p. 291
112-103-4	Amended	V. 30, p. 292
112-103-5	Amended	V. 30, p. 292
112-103-8	Amended	V. 30, p. 292
112-103-15	Amended	V. 30, p. 292
112-104-1	Amended	V. 30, p. 293
112-104-8	Amended	V. 30, p. 294
112-104-13	Amended	V. 30, p. 295
112-104-14	Amended	V. 30, p. 297
112-104-15	Amended	V. 30, p. 297
112-104-16	Amended	V. 30, p. 298
112-104-32	Amended	V. 30, p. 300
112-105-1	Amended	V. 30, p. 301
112-105-2	Amended	V. 30, p. 301
112-105-3	Amended	V. 30, p. 301
112-106-1	Amended	V. 30, p. 301
112-106-2	Amended	V. 30, p. 303
112-106-5	Amended	V. 30, p. 303
112-106-6	Amended	V. 30, p. 304
112-107-3	Amended	V. 30, p. 304
112-107-5	Amended	V. 30, p. 307
112-107-10	Amended	V. 30, p. 308
112-107-21	Amended	V. 30, p. 309
112-107-22	Amended	V. 30, p. 310
112-108-18	Amended	V. 30, p. 311
112-108-36	Amended	V. 30, p. 312
112-108-55	Amended	V. 30, p. 313
112-110-3	Amended	V. 30, p. 313
112-112-1	Amended	V. 30, p. 314
112-112-3	Amended	V. 30, p. 314
112-112-4	Amended	V. 30, p. 314
112-112-7	Amended	V. 30, p. 315
112-112-9	Amended	V. 30, p. 315

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

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1602
115-2-2	Amended	V. 30, p. 331

115-2-3	Amended	V. 30, p. 331
115-2-3a	Amended	V. 29, p. 1603
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-6b	New	V. 30, p. 332
115-4-11	Amended	V. 30, p. 332
115-7-1	Amended	V. 29, p. 1606
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 29, p. 1607
115-8-1	Amended	V. 29, p. 1092
115-16-5	Amended	V. 30, p. 334
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

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

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

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

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

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

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

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

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

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

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

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

**Kansas Register**  
**Secretary of State**  
**1st Floor, Memorial Hall**  
**120 S.W. 10th Ave.**  
**Topeka, KS 66612-1594**

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