Kansas Register

Kris W. Kobach, Secretary of State

Vol. 36, No. 16 **April 20, 2017** **Pages 305-354**

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Regulations

New State Laws

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State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

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

Effective 4-17-17 through 4-23-17

Term	Rate
1-89 days	0.91%
3 months	0.82%
6 months	0.94%
12 months	1.09%
18 months	1.17%
2 years	1.25%

Scott Miller
Director of Investments

Doc. No. 045322

(Published in the Kansas Register April 20, 2017.)

Summary Notice of Bond Sale
City of Goodland, Kansas
$2,435,000*
General Obligation Bonds, Series 2017

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the Notice of Bond Sale dated March 20, 2017 (the notice), facsimile, written and electronic bids will be received on behalf of the clerk of the city of Goodland, Kansas (the issuer), in the case of written or facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 A.M. (CDT), 10:00 a.m. (MDT), May 1, 2017, for the purchase of the above-referenced bonds (the bonds). No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of $5,000 or any integral multiple thereof. The bonds will be dated May 18, 2017, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2018	$160,000
2019	225,000
2020	235,000
2021	240,000
2022	245,000
2023	250,000
2024	260,000
2025	265,000
2026	275,000
2027	280,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2018.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of $48,700.

Delivery

The issuer will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about May 18, 2017, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2016 is $35,508,502. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is $6,925,000.

Approval of Bonds

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

Additional Information

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

Issuer – Written and Facsimile Bid and Good Faith Deposit Delivery Address:
Attn: Mary Volk, Clerk
204 W. 11th, P.O. Box 59
Goodland, KS 67735-0059
785-890-4500
Fax: 785-890-4532
mary.volk@cityofgoodland.org

Financial Advisor Address:
Piper Jaffray & Co.
Attn: Dustin Avey
11635 Rosewood St.
913-345-3375
Fax: 913-345-3393
dustin.j.avey@pjc.com

Dated March 20, 2017.

City of Goodland, Kansas

*** Subject to change, see the Notice**

Doc. No. 045341

(Published in the Kansas Register April 20, 2017.)

Summary Notice of Bond Sale
City of Medicine Lodge, Kansas
$2,000,000*
General Obligation Sales Tax Bonds, Series 2017A

(General obligation bonds payable from sales tax and unlimited ad valorem taxes)

Bids

Subject to the Notice of Bond Sale dated April 20, 2017 (the notice), facsimile, written and electronic bids will be received on behalf of the city of Medicine Lodge, Kansas (the issuer), in the case of written or facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CDT) May 1, 2017, for the purchase of the city of Medicine Lodge, Kansas, $2,000,000* General Obligation Sales Tax Bonds, Series 2017A (the bonds). No bid of less than 98.50 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of $5,000 or any integral multiple thereof. The bonds will be dated May 23, 2017 and will become due on September 1 in the years as follows:

Year	Principal Amount	Year	Principal Amount
2018	$90,000	2025	$165,000
2019	$150,000	2026	$170,000
2020	$150,000	2027	$175,000
2021	$155,000	2028	$180,000
2022	$155,000	2029	$190,000
2023	$160,000	2030	$95,000
2024	$165,000		

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2018.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

No good faith deposit is required to submit a bid for the bonds.

Delivery

The issuer will pay for preparation of the bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about May 23, 2017, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder, or elsewhere, at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2016 is $13,255,502. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is $6,348,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Jonathan P. Small, Chartered, Topeka, Kansas, bond counsel to the issuer, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

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

Issuer Address and Contact Information:

City Hall
Attn: City Clerk
144 West 1st
Medicine Lodge, KS 67104-1305
620-886-3908
Fax: 620-886-3900
Kandi@medicinelodge.ks.gov

Financial Advisor – Facsimile Bid Address:

Ranson Financial Consultants, LLC
200 W. Douglas, Suite 600
Wichita, KS 67202
316-264-3400
Fax: 316-265-5403

Dated April 20, 2017.

City of Medicine Lodge, Kansas
Kandi Williams, City Clerk

***Subject to change**

Doc. No. 045342

State of Kansas

Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 10:00 a.m. to 3:00 p.m. Wednesday, May 3, 2017, at the Kansas Medical Society, 623 SW 10th Ave., Topeka, KS 66612.

Susan Mosier, MD
Secretary of Health
and Environment

Doc. No. 045330

(Published in the Kansas Register April 20, 2017.)

Kansas WorkforceONE

Request for Proposals

The Kansas Association of Workforce Boards and Local Area I Workforce Investment Board, d/b/a Kansas WorkforceONE, 631 E. Crawford, Suite 206, Salina, KS 67401, is accepting bids from qualified entities to provide One-Stop Operator Services for the Kansas Local Area

I Workforce System established through the Workforce Innovation and Opportunity Act. To receive a Request for Proposal (RFP) including all specifications, call 785-493-8018. RFPs will be available for distribution on April 12, 2017. Bids must be received no later than 5:00 p.m. May 12, 2017. The Local Area I Workforce Development Board (LWDB) welcomes all interested parties to bid. The LWDB reserves the right to accept or reject any or all applications received or to negotiate with qualified bidders.

Deb Sheibler
Executive Director

Doc. No. 045333

(Published in the Kansas Register April 20, 2017.)

South Kansas and Oklahoma Railroad

Request for Proposals

Introduction and Purpose:

South Kansas and Oklahoma Railroad is seeking proposals for a contractor familiar and experienced in site civil work, track construction, switch installation, and crossing surface installation to prepare a cost estimate for a project located in Coffeyville, Kansas.

Project Information:

Kansas Department of Transportation – Project # 63 RF-0052-01
Railroad Connection Lead Installation
Location – Coffeyville, KS
South Kansas and Oklahoma Railroad – Coffeyville Sub

Instruction to Bidding Contractors:

Interested parties may request a bid package by sending requests to jostrander@watcocompanies.com. All bid package requests must be received by 5:00 p.m. (MDT) May 4, 2017. Requests received after the specified date and time will not be considered. All qualified requests will receive an electronic bid request package.

John Ostrander
Purchasing Manager

Doc. No. 045335

State of Kansas

Department for Children and Families

Request for Comments

The Kansas Department for Children and Families (DCF) will accept public comments on the State Fiscal 2018 Social Services Block Grant. A copy of the plan, paper or electronic, may be obtained by contacting Melanie Dixon by telephone at 785-296-6216, by email at Melanie.Dixon@.ks.gov, or under the Quick Links–Newsroom section of the DCF website: www.dcf.ks.gov/Newsroom. Comments must be submitted in writing and received by DCF by May 23, 2017.

Phyllis Gilmore
Secretary

Doc. No. 045325

State of Kansas

Board of Indigents' Defense Services

Notice of Hearing

The State Board of Indigents' Defense Services will conduct a public hearing at 2:30 p.m. Friday, June 2, in the board's office, Suite 500, Jayhawk Tower, 700 SW Jackson, Topeka, to receive comments regarding the effect that continued proration of the hourly rate paid to assigned counsel will have on the quality of the representation afforded to indigent defendants and the availability of sufficient numbers of attorneys available in the judicial district, pursuant to K.A.R. 105-9-5. Additionally, comments regarding this issue may be sent in writing, and they will become part of the record.

The building is accessible for disabled persons. Persons who require an accommodation to participate in the public hearing may contact Patricia Scalia at the address above or 785-368-6295.

Patricia A. Scalia
State Director

Doc. No. 045329

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:00 a.m. Thursday, May 4, 2017, in the offices of Kansas Development Finance Authority (KDFA), 534 S. Kansas Ave., Suite 800, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 000977—Maximum Principal Amount: $251,200. Owner/Operator: Kirk and Renee Persinger; 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). The project is being financed by the lender for Kirk and Renee Persinger (the beginning farmer) and is located at the East Half of Section 8, Township 4, Range 23, Norton County, Kansas, approximately 8 miles south of Norton, Kansas, on Highway 283 and 2 miles west on Road T.

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

(continued)

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 project, and all written comments previously filed with the KDFA at its offices at 534 S. Kansas Ave., Suite 800, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Tim Shallenburger
President

Doc. No. 045338

State of Kansas

Department of Administration Procurement and Contracts

Notice to Bidders

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

05/03/2017	EVT0005041	Forklift, Off-Road
05/03/2017	EVT0005042	Aggregate, AB-3, Delivered to Harper County
05/03/2017	EVT0005043	Pavement Overlay, Lawrence
05/03/2017	EVT0005044	Fuel Storage Tanks, Aboveground
05/04/2017	EVT0005048	Supplemental Vehicle Bumpers
05/04/2017	EVT0005051	Refurbish Cessna 206H Aircraft
05/04/2017	EVT0005054	Explosive Ordnance Truck Body
05/12/2017	EVT0004973	Lansing Correctional Facility Reconstruction
05/15/2017	EVT0005032	Court Reporting
05/23/2017	EVT0005049	Public Water Suppliers (PWS) Technical Assistance
05/24/2017	EVT0005053	County Club Road Reclamation Project
06/01/2017	EVT0005027	WIHA U Post

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

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

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

State of Kansas

Department of Wildlife, Parks and Tourism

Notice of Requested Engineering Services

Notice is hereby given of the commencement of the selection process for the Woodson County State Fishing Lake (SFL) Spillway Repair Project engineering service with emphasis in spillway design. Woodson County SFL spillway after high-intensity rainfall caused major erosion and partial spillway failure at the south end of the spillway. Woodson County SFL Dam and Spillway construction was completed in 1936. The dam is classified as size-class "4", hazard-class "A" (Low Hazard) and is located on a tributary of Sandy Creek in Woodson County, Kansas (Section 14, Township 26 South, Range 14 East). The Woodson County SFL Repair Recommendation report was completed by Alfred Benesch & Company. The construction estimate for the spillway repairs is $1,562,000.

The Woodson County SFL Repair Recommendation report is available upon request. Contact Eric Blankenship at eric.blankenship@ks.gov or by phone at 785-296-3859.

To be considered, one (1) PDF file of the following should be provided: KDWPT Qualification KDWPT Form 751-754, inclusive, and information regarding similar projects. These forms maybe requested by emailing eric.blankenship@ks.gov. KDWPT professional Qualification DCC Form 750, for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and abbreviated project name in the title of the PDF document. Proposal should be less than 5 MB and follow the current KDWPT guidelines which will be provided upon request. Proposal should be sent on CD, DVD, or flash drive along with transmittal to Eric Blankenship, KDWPT Engineer Chief, 1020 S. Kansas Ave., Topeka, KS 66612. Proposal sent via email will no longer be accepted and paper copies of the proposal are no longer required. It is the proposer's responsibility to ensure proposal are received by the closing date and time. Delays in mail delivery or any other means of transmittal, including couriers or agents of the issuing entity, shall not excuse late proposal submissions. Proposals received after the date and time noted shall not be considered for selection. If you have any questions, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of Eric Blankenship by 2:00 p.m. on or before May 1, 2017.

Eric Blankenship, Engineer Chief
Department of Wildlife, Parks and Tourism

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

05/02/2017	A-013117	KDOT Ulysses Area Crew Shop Reroof
05/10/2017	A-013097	Topeka Workforce Center Reroof

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

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 045340

State of Kansas

Board of Regents Universities

Notice to Bidders

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

Emporia State University – Bid postings: http://www.emporia.edu/busaff/purchasing. Additional contact info: phone 620-

341-5145, fax: 620-341-5073, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801-5415.

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

Kansas State University – Bid postings: https://dfs.k-state.edu/rfq. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

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

University of Kansas – Electronic bid postings: http://www.procurement.ku.edu/. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: http://www.kumc.edu/finance/purchasing/bid-opportunities.html. Additional contact info: phone: 913-588-1115. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: 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.

Ephrom Marks
Associate Director of Procurement
Operations & Strategic Sourcing
The University of Kansas Procurement Services

Doc. No. 044666

State of Kansas

Department of Agriculture
Division of Conservation

Notice to Contractors

Sealed bids for the primary spillway replacement at Detention Dam 2-3B in Hodgeman County will be received by Pawnee Watershed Joint District No. 81, PO Box 367, 20476 SE Highway 283, Jetmore, KS 67854, until 7:00 p.m. May 15, 2017, at which time and place bids will be publicly opened and read aloud.

Description of Work: Excavate to remove existing primary spillway and install new primary spillway consisting of 48-inch diameter precast concrete manhole and 24-inch diameter PVC pipe. Estimated quantities include 3,770 cubic yards of excavation, 4,120 cubic yards of earthfill, 132 feet of 24-inch AWWA C905 PVC pipe, 50 cubic yards of rock riprap and appurtenant items. All work shall be completed in conformance with the project Construction Drawings, Construction Specifications, and Stormwater Pollution Prevention Plan.

Work Timing: The work is to commence within twenty (20) calendar days after the Notice to Proceed is issued. Completion of the work is desired within 120 days after such notice.

A copy of the Invitation to Bid, plans, and specifications can be reviewed and/or obtained from Pawnee Watershed Joint District No. 81, PO Box 367, 20476 SE Highway 283, Jetmore, KS 67854, 620-357-6420.

A site showing will be conducted by Pawnee Watershed Joint District No. 81 on May 8, 2017, from 1:00 p.m. to 2:30 p.m., at the site.

All bids must be accompanied by a certified check, cashier's check, or a Bid Bond for not less than 5 percent (5%) of the total bid price (including alternates), made payable to Pawnee Watershed Joint District No. 81.

For any questions pertaining to the project listed above, contact Mr. Hakim Saadi, P.E. Watershed Program Manager, at 785-291-3099 or hakim.saadi@ks.gov.

Robert Reschke
Executive Director

Doc. No. 045334

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-17-058

Application for New or Expansion of Existing Swine Facility

Name and Address of Applicant

N & B Pork – Woodlawn Site
2143 J Road
Seneca, KS 66538

Owner of Property Where Facility Will Be Located

Neal and Brenda Hammes
2143 J Road
Seneca, KS 66538

Legal Description
SW/4 of Section 29, T03S, R14E, Nemaha County

Receiving Water
Kansas River Basin

Kansas Permit No. A-KSNM-S042

(continued)

This is notification that KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 2,490 head (996 animal units) of swine weighing more than 55 pounds each. The complete application can be viewed at the office of the Nemaha County Clerk, the KDHE District Office in Lawrence, Kansas, or the KDHE Main Office in Topeka, Kansas. A permit to operate the proposed swine waste management system will not be issued without additional public notice.

Public Notice No. KS-AG-17-059

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Neal and Brenda Hammes N & B Pork – Woodlawn Site 2143 J Road Seneca, KS 66538	SW/4 of Section 29, T03S, R14E, Nemaha County	Kansas River Basin

Kanas Permit No. A-KSNM-S042

This is a new permit for a new facility for 2,490 head (996 animal units) of swine weighing greater than 55 lbs. The proposed facility will consist of two enclosed swine buildings with underground concrete manure storage.

Public Notice No. KS-Q-17-035/037

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Burden, City of PO Box 37 Burden, KS 67019	Silver Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-AR14-OO02 Federal Permit No. KS0088455

Legal Description: SE¼, NE¼, NW¼, S34, T31S, R6E, Cowley County, KS

The proposed action consists of reissuing an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, and pH. Contained in the permit is a schedule of compliance requiring the permittee to submit an engineering report containing schedule for improvements, if necessary, to bring this facility into consistent compliance with permit requirements.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Leavenworth County 300 Walnut, Suite 700 Leavenworth, KS 66048	Stranger Creek via Nine Mile Creek via	Pit De-Watering and Stormwater Runoff

Kansas Permit No. I-KS71-PO03 Federal Permit No. KS0088439

Legal Description: SW¼, S6, and NW¼, S7, T11S, R21E, Leavenworth County, KS

Facility Name: Tonganoxie Quarry

The proposed action is to reissue an existing permit for discharge during quarrying operations. This is a limestone quarrying and crushing operation, with no rock washing. Outfalls 001A1, 002A1 and 003A1 consists of storm water runoff. Outfall 003A1 will discharge via a sedimentation basin. The permit contains generic language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mineral-Right, Inc. PO Box 427 Phillipsburg, KS 67661	Deer Creek via Plotner Creek	Pit De-Watering and Stormwater Runoff

Kansas Permit No. I-SO31-PO04 Federal Permit No. KS0088277

Legal Description: NE¼, S27, T3S, R18W, Phillips County, KS

The proposed action consists of a modification of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. This is a zeolite production facility, which is primarily used in the water conditioning industry. The discharge consists of wash water that has been settled and pH neutralized. A portion of the process wash water is directed to the city sanitary sewer system, after treatment in a settling pit, while the remaining wash water is directed to Outfall 001A1. The proposed permit modification contains monitoring for total suspended solids when the plant is not operating in addition to the limits required during operations. All other terms and conditions of the original permit remain in effect.

Public Notice No. KS-PT-17-003/005

The requirements of the draft permits public noticed below are pursuant to the Kansas Administrative Regulations 28-16-82 through 28-16-98, and U.S. Environmental Protection Agency Pretreatment Regulation 40 CFR 403.

Name and Address of Applicant	Receiving Facility	Type of Discharge
GBW Railcar Services, LLC One Center Pointe Drive, Suite 200 Lake Oswego, OR 97035	Neodesha MWWTP	Process Wastewater

Kansas Permit No. P-VE29-OO03 Federal Tracking No. KSP000094

Facility Name: GBW Railcar Services, LLC

Facility Location: 701 Klayder Drive, Neodesha, KS 66757

The proposed action consists of reissuing an existing pretreatment permit for an existing facility. This facility repairs and rebuilds tank and hopper railcars and has a primary Standard Industrial Classification (SIC) code of 4789. Approximately 50 percent of the railcars cleaned contain petroleum products, 32 percent contain food-grade products, and 18 percent contain chemical products. On average, approximately 11,750 gallons per day of process wastewater is expected to be generated from the railcar cleaning process. Since this area does not have a roof, contaminated storm-water runoff is also considered process wastewater. Process wastes can be neutralized and treated using a DAF system, if necessary, before being discharged to the city sanitary sewer. The proposed permit contains limits for fluoranthene, phenanthrene, SGT-HEM, and pH, as well as monitoring of flow.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Great Plains Manufacturing, Inc. 1525 E. North St. Salina, KS 67402-5060	Tipton MWWTP	Process Wastewater

Kansas Permit No. P-SO42-OO01 Federal Tracking No. KSP000098

Facility name: Great Plains Manufacturing, Inc.

Facility Location: 607 Main St., Tipton, KS 67485

The proposed action consists of reissuing an existing pretreatment permit for an existing facility. This facility manufactures various types of farm tillage equipment. Steel parts are welded, phosphated, and painted to produce the final product. Regulated wastes consist of wastewater from a conversion coating (phosphating) operation, which is a pressure spray gun system in a wash booth. Spent phos-

phating wastes are sent to a recirculation tank and then sent to tanks for treatment. Outfall 001 consists of treated wash-water from the treatment system. The proposed permit contains limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH, as well as monitoring of flow.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Rafter M Trailers 451 Highway 9 Waterville, KS 66548	Waterville POTW	Process Wastewater

Kansas Permit No. P-BB22-OO02 Federal Tracking No. KSP000089

The proposed action consists of reissuing an existing pretreatment permit for an existing facility. This facility manufactures metal trailers that transport livestock and other agricultural products. Steel parts are welded, phosphate, and painted to produce the final product. The phosphating solution is applied using a pressure spray gun system. Phosphating is considered to be a conversion coating operation, which is one of the six core processes under the Metal Finishing Standard. The proposed permit contains limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH, as well as monitoring of flow.

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

All comments regarding the draft documents or application notices received on or before **May 20, 2017**, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-17-058/059, KS-Q-17-035/037, KS-PT-17-003/005) 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, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045339

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Air Quality Class I Operating Permit Renewal

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

Hamm Sanitary Landfill – Jefferson County, 609 Perry Place, PO Box 17, Perry, KS 66073-0017, owns and operates a municipal solid waste landfill located at 16984 3rd St., Lawrence, KS 66044.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours, 8:00 a.m. to 5:00 p.m., at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Northeast District Office (NEDO), 800 W. 24th St., Lawrence, KS 66046. To obtain or review the proposed permit and supporting documentation, contact Amid Paudyal, 785-296-0912, at the KDHE central office or Pat Simpson, 785-842-4600, at the NEDO. The standard departmental cost will be assessed for any copies requested.

Written comments or questions regarding the proposed permit may be directed to Amid Paudyal, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than noon Monday, May 22, 2017.

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 Amid Paudyal, KDHE, BOA, no later than noon Monday, May 22, 2017, in order for the secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 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 im-

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

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045331

State of Kansas

Secretary of State

Notice of Forfeiture

In accordance with Kansas statutes, the following business entities organized under the laws of Kansas and the foreign business entities authorized to do business in Kansas were forfeited during the month of March 2017 for failure to timely file an annual report and pay the annual report fee.

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

Domestic Business Entities

A and T Properties LLC., Basehor, KS
Acacia Fund, Overland Park, KS
Access Sport Adventures Foundation, Leawood, KS
Ace Management, Inc., Wichita, KS
Apex Concrete Construction, Inc., Olathe, KS
Beall Family Properties, LLC, Lansing, KS
Beller Dance Studio, Inc., Overland Park, KS
Bethel Friends Church, Inc., Hugoton, KS
BKMD Medical Corp., Wichita, KS
Blue Valley Band Stand Club, Inc., Stilwell, KS
Bonner Springs Elementary School Parent Teacher Organization, Inc., Bonner Springs, KS
Brougham Elementary PTO Club, Olathe, KS
Bruring Investments, Inc., Wichita, KS
Buy Sell Trade Co., Topeka, KS
C & C Software, Inc., Wichita, KS
Care.2.Inspire, Inc., Leavenworth, KS
Catholic Housing of Wyandotte County, Inc., Kansas City, KS
CIS Fast D & D, Inc., Newton, KS
Classical Conversations of Kansas Inc., Lawrence, KS
Community Operations Recovery Empowerment, Inc., Wichita, KS
Donle Air Inc., Hollister, MO
Egan Institute for Disability Advocacy and Policy, Kechi, KS
Equine Travelers of America, Inc., Arkansas City, KS
Fifth District Dental Society, Overland Park, KS
Ford County Kids Count, Inc., Dodge City, KS
Forum Theatre Company, Wichita, Wichita, KS
Friends of the Carbondale City Library, Inc., Carbondale, KS
GKCAHU Inc., Kansas City, MO
Good Shepherd Family Church, Inc., Topeka, KS
Grace Revolution Church of the Nazarene, Paola, KS
High Plains Independence, Inc., Hays, KS
International Society for Zinc Biology, Inc., Hershey, PA
James William Miesse Post No. 22 of the American Legion, Inc., Marion, KS
Johnson County Bar Association, Olathe, KS
Junction City Little Theatre, Inc., Junction City, KS
K-State Diagnostic and Analytical Services, Inc., Manhattan, KS
Kansas Alpha Alumni Association, Lawrence, KS
Kansas Alpha of Phi Delta Theta Alumni Corporation, Kansas City, MO
Kansas Association of Wheat Growers, Manhattan, KS
Kansas C.A.R.E.S. Foundation, Olathe, KS
Kansas City Presidents' Organization, Overland Park, KS
Kansas City Telangana Cultural Association, Overland Park, KS
Kansas Congress of Parents & Teachers (Kansas PTA), Topeka, KS
Kansas Department of the American Legion, Topeka, KS
Kansas District Christian Methodist Episcopal Church, Wichita, KS
Kansas Economic Solutions Institute, Inc., Topeka, KS
Kansas Interscholastic Athletic Administrators Association, Wichita, KS
Kansas Kids Hunt Inc., Paola, KS
Kansas Specialty Dog Service, Inc., Washington, KS
Krohe Electronics Corporation, Topeka, KS
KU Chem Club, Lawrence, KS
Landlords Unlimited, Inc., Wichita, KS
Leavenworth Church of the Nazarene, Inc., Leavenworth, KS
LoDo Racing Foundation, Junction City, KS
Lutheran School Association, Topeka, KS
Lyons Creek Enterprises, Inc., Junction City, KS
Marshall County Habitat for Humanity Association, Marysville, KS
Mercy Community Health Foundation, Inc., Manhattan, KS
Mid-Kansas Chapter of the Construction Specification Institute, Wichita, KS
Mid-Kansas Transit District, Inc., Anthony, KS
Miss Flint Hills Scholarship Organization, Inc., Emporia, KS
Montgomery County Theatre of Coffeyville, Inc., Coffeyville, KS
M.Sgt. Luis Romero Jr. Unit, Mission, KS
Never Too Much KC, Inc., Kansas City, KS
New Horizons Missionary Baptist Church Inc., Kansas City, KS
Nicodemus Flour Co-Op, Inc., Nicodemus, KS
Original Pizza of Kansas, Inc., Overland Park, KS
Osaki Japanese Inc., Hays, KS
Partnership in Collaboration–Kansas, Inc., Topeka, KS
Pittsburg Unified School District #250 Foundation, Pittsburg, KS
Premier Life Settlements, LLC, Prairie Village, KS
Progression Partners Inc., Wichita, KS
Quisenberry Furniture and Funeral Home, Inc., Tonganoxie, KS
R & C Properties, LLC, Lansing, KS
Retired Teachers, Incorporated, Dodge City, KS
Ronald M. Jackson, O.D., Chartered, Wichita, KS
Rotary Club of Oswego Kansas 2461, Oswego, KS
Running on Faith Trucking, Inc., Kansas City, KS
S & S Oil, L.C., Chase, KS
Seltzer Elementary PTO, Inc., Wichita, KS
South Central Kansas Transit Council, Inc., Winfield, KS
St. James CME Church, Leavenworth, KS
Stockton Educational Endowment Association, Inc., Stockton, KS
Sunrise Point Elementary Parent Teacher Organization, Inc., Overland Park, KS
Syracuse Lions Club, Inc., Syracuse, KS
The Amazing 100 Miles Tourism Coalition, Wilson, KS
The American Legion Boys' State of Kansas, Inc., Topeka, KS
The Christian Academy & Agricultural College Preparatory School, Topeka, KS
The Clearwater Lions Club, Clearwater, KS
The Foster Student Foundation, Overland Park, KS
The Kansas Association of Christian Schools, Inc., Manhattan, KS
The Optimist Club of Garden City, Kansas, Garden City, KS
The Ridge Community Church, Shawnee, KS
Topeka PC Users Club, Topeka, KS
Topeka Police Athletic League, Inc., Topeka, KS
Twin River Aerie Club #3448, Neodesha, KS
Unified Support Agency, Inc., (U.S.A., Inc.), Hugoton, KS
Victory Hills Church of the Nazarene, Kansas City, KS
Vieve Company, Lawrence, KS
Vision and Voice, Inc., Mission, KS
W. M. Martin Farms, Inc., Pratt, KS
Wathena Lions Club, Wathena, KS
Wichita American Marketing Association, Wichita, KS
Young Guns Association, Dodge City, KS
1.106 Institute, Fort Scott, KS
3 Wish Foundation Inc., Kansas City, KS

Foreign Business Entities

American Family Association, Inc., Tupelo, MS
Art of Living Foundation, Fairfield, IA
ASM Research, LLC, Fairfax, VA
Astronomical Society of Kansas City, Overland Park, KS
Back To the Bible, Lincoln, NE
Boys Hope Girls Hope of Kansas City, Inc., Prairie Village, KS
CHADD, Inc., (Children & Adults with Attention Deficit/Hyperactivity Disorder), Lanham, MD
Cloudbitz Inc., Toronto, ON
Experience Works, Inc., Arlington, VA
G.N.C. Enterprises, Inc., Kansas City, MO
Heartland Spiritual Alliance, Kansas City, MO
Home of Hope, Inc., Vinita, OK
Kansas City Chess Foundation, Overland Park, KS
Kappa Epsilon Foundation, Inc., Overland Park, KS
Kappa Epsilon Fraternity, Inc., Overland Park, KS
Lafayette Lifeplans of Hiawatha, Inc., Alpharetta, GA
Maruka U.S.A. Inc., Pine Brook, NJ
MFA Oil Biomass LLC, Columbia, MO
MHM Support Services, Chesterfield, MO
Micron Semiconductor Products, Inc., Boise, ID
Northland Property Investments, LLC, Kansas City, MO
Parkinson's Disease Foundation, Inc., New York, NY
SER-Jobs for Progress National, Inc., Irving, TX
Service by Air, Inc., Woodbury, NY
Touchstone Minerals, Inc., Andover, KS
Tri-Dim Filter Corporation, Louisa, VA
W. Scott and Company, Saint Joseph, MO

Kris W. Kobach
Secretary of State

Doc. No. 045303

State of Kansas

Department for Aging and Disability Services Department of Health and Environment Division of Health Care Finance

Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2018; Methodology for Calculating Proposed Rates, and Rate Justifications; Request for Written Comments; Notice of Intent to Amend the Medicaid State Plan

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The Secretary acts on behalf of the Kansas Department of Health and Environment Division of Health Care Finance (DHCF), the single state Medicaid agency.

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department on Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2018, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. KDADS and DHCF are also providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2017.

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

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

A. The following portions of the Kansas Medicaid State Plan maintained by DHCF are being revised:
   1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;

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 provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2017. The 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 and Disability Services
New England Building, Second 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 12 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, Retroactive Rate Adjustments, and Budget 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

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providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers' accounting records.

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

Calendar Year End Cost Reports:

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

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

Projected Cost Reports:

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

2) Rate Determination

Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2014, 2015, and 2016.

If the current provider has not submitted a calendar year report during the base cost data period, 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 December 31, 2017. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

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

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

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

Rates for New Construction and New Facilities (New Enrollment Status)

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

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to December 31, 2017. 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 December 31, 2017. 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 2014-2016. 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 December 31, 2017. 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 December 31, 2017. 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 the base cost data period.

All cost data used to set rates for facilities reentering the program shall be adjusted to December 31, 2017. 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 December 31, 2017. The provider shall remain in reenrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

3) Quarterly Case Mix Index Calculation

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

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

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

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

Rates will be adjusted for case mix twice annually using case mix data from the two quarters preceding the rate effective date. The case mix averages used for the rate adjustments will be the simple average of the case mix averages for each quarter. The resident listing cut-off for calculating the average CMIs for each quarter will be the first day of the quarter. The following are the dates for the resident listings and the rate periods in which the average Medicaid CMIs will be used in the semi-annual rate-setting process.

Rate Effective Date:	Cut-Off Dates for Quarterly CMI:
July 1	January 1 and April 1
January 1	July 1 and October 1

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

4) Resident Days

Facilities with 60 beds or less:

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

Facilities with more than 60 beds:

For facilities with more than 60 beds, the allowable historic per diem costs for the Direct Health Care cost center and for food and utilities in the Indirect Health Care cost center are determined by dividing the allowable resident related expenses by the actual resident days during the

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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 December 31, 2017. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

The IHS Global Insight, CMS Nursing Home without Capital Market Basket Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables 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 2016 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 is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2017.

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 December 31, 2017. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket Index.

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

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

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

Direct Health Care Cost Center Limit:

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

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

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

The first step is to normalize each facility's inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the statewide average CMI for the cost report year by the facility's cost report period CMI, then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

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

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is $60 and the upper payment limit is based on 130% of the median, then the upper payment limit for the statewide average CMI would be $78 (**D**=130% × $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 facility's Medicaid CMI is determined by averaging the facility average Medicaid CMI from the two quarters preceding the rate effective date. The Medicaid CMI is then divided by the statewide average CMI for the cost data period. Finally, this result, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

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The Medicaid Acuity Adjustment is calculated semi-annually 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 Heath Care Cost is $60.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the result by the Allowable Direct Health Care Cost. In this case that would result in $54.00 (0.9000/1.0000 x $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 semi-annual adjustment rose to 1.1000, the Medicaid Acuity Adjustment would be $66.00 (1.1000/1.0000 x $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 the 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 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. 129-10-25).

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

9) Incentive Factors

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

Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by six per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a $2.25 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a $0.20 per diem add-on. Providers that achieve a turnover rate at or below the 75th percentile will earn a $2.25 per diem add-on as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers that have a turnover rate greater than the 75th percentile but that reduce their turnover rate by 10% or more will receive a per diem add-on of $0.20 as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Finally, providers that have a Medicaid occupancy percentage of 60% or more will receive a $1.00 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

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

Incentive Outcome	Incentive Add-Ons
CMI adjusted staffing ratio ≥ 75th percentile (5.27), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	$2.25 $0.20
Staff turnover rate ≤ 75th percentile, 46% or Staff turnover rate > 75th percentile but reduced ≥ 10% Contracted labor < 10% of total direct health care labor costs	$2.25 $0.20
Medicaid occupancy ≥ 60%	$1.00
Total Incentive Add-on Available	$5.50

The Culture Change/Person-Centered Care Incentive Program

The Culture Change/Person-Centered Care Incentive Program (PEAK 2.0) includes six different incentive levels to recognize homes that are either pursuing culture change, have made major achievements in the pursuit of culture change, have met minimum competencies in person-centered care, have sustained person-centered care, or are mentoring others in person-centered care.

Each incentive level has a specific pay-for-performance incentive per diem attached to it that homes can earn by meeting defined outcomes. The first three levels (Level 0 – Level 2) are intended to encourage quality improvement for homes that have not yet met the minimum competency requirements for a person-centered care home. Homes can earn the Level 1 and Level 2 incentives simul-

taneously as they progress toward the minimum competency level.

Level 3 recognizes those homes that have attained a minimum level of core competency in person-centered care. Level 4 and Level 5 are reserved for those homes that have demonstrated sustained person-centered care for multiple years and have gone on to mentor other homes in their pursuit of person-centered care. The table below provides a brief overview of each of the levels.

Level & Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 0 The Foundation $0.50	Home completes the KCCI evaluation tool according to the application instructions. Home participates in all required activities noted in "The Foundation" timeline and workbook. Homes that do not complete the requirements at this level must sit out of the program for one year before they are eligible for reapplication.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 1 Pursuit of Culture Change $0.50	Homes should submit the KCCI evaluation tool (annually). Home submits an action plan addressing 4 PEAK 2.0 cores in Domains 1-4. The home self-reports progress on the action planned cores via phone conference with the PEAK team. The home may be selected for a random site visit. The home must participate in the random site visit, if selected, to continue incentive payment. Homes should demonstrate successful completion of 75% of core competencies selected. A home can apply for Levels 1 & 2 in the same year. Homes that do not achieve Level 2 with three consecutive years of participation at Level 1 may return to a Level 0 or sit out for two years depending on KDADS and KSU's recommendation.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 2 Culture Change Achievement $1.00	This is a bridge level to acknowledge achievement in Level 1. Homes may receive this level at the same time they are working on other PEAK core areas at Level 1. Homes may receive this incentive for up to 3 years. If Level 3 is not achieved at the end of the third year, homes may start back at Level 0 or 1 depending on KDADS and KSU's recommendation.	Available beginning July 1 following confirmed completion of action plan goals. Incentive is granted for one full fiscal year.
Level 3 Person-Centered Care Home $2.00	Demonstrates minimum competency as a person-centered care home (see KDADS full criteria). This is confirmed through a combination of the following: High score on the KCCI evaluation tool. Demonstration of success in other levels of the program. Performing successfully on a Level 2 screening call with the KSU PEAK 2.0 team. Passing a full site visit.	Available beginning July 1 following confirmed minimum competency as a person-centered care home. Incentive is granted for one full fiscal year. Renewable bi-annually.
Level 4 Sustained Person-Centered Care Home $3.00	Homes earn person-centered care home award two consecutive years.	Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies. Incentive is granted for two fiscal years. Renewable bi-annually.
Level 5 Person-Centered Care Mentor Home $4.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:

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

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to seven dollars and fifty cents. 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 3.94, which is 120% of the statewide NFMH median of 2.28. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.61, 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 $20.51, or 90% of the statewide median of $22.79.

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 50%, 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 50% but equal to or below 68%, 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 73%, the 75th percentile

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statewide will earn two points. Providers with staff retention rates below 73% but at or above 59%, 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% (3.94) of NF-MH median (2.28), or CMI adjusted staffing ratio between 110% (3.61) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < $20.51, 90% of NF-MH median, $22.79	1
Staff turnover rate ≤ 75th percentile, 50% Staff turnover rate ≤ 50th percentile, 68% Contracted labor < 10% of total direct health care labor costs	2, or 1
Staff retention ≥ 75th percentile, 73% Staff retention ≥ 50th percentile, 59%	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 quarterly to determine each provider's eligibility for incentive factor payments. In order to qualify for an incentive factor payment 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 be eligible to receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level "F" will be eligible to receive 100% of the calculated incentive factor. The survey and certification review period will be the 12-month period ending one quarter prior to the incentive eligibility review date. The following table lists the incentive eligibility review dates and corresponding review period end dates.

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

10) Rate Effective Date

Rate effective dates are determined in accordance with K.A.R. 129-10-19. 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.

12) Budget Adjustments

Effective for dates of service on or after July 1, 2017, the calculated per diem reimbursement for all nursing facilities shall be reduced by an amount equal to 7.95%. This includes a 4.47% reduction made effective July 1, 2016 and an additional 3.48% reduction to keep the cost of the program budge neutral, while updating the base years to 2014 through 2016 and inflation through December 31, 2017. The per diem reduction will be calculated for each nursing facility by multiplying the total calculated per diem rate for each provider by 7.95%. The per diem reduction amount will be subtracted from each nursing facility's total calculated per diem to determine the facility's final rate.

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, 2017.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	$38.46
Indirect Health Care	115% of the Median Cost	$54.33
Direct Health Care	130% of the Median Cost	$122.14
Real and Personal Property Fee	105% of the Median Fee	$9.70

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 1.0200, which is the statewide average.

B. Case Mix Index: These proposed rates are based upon each nursing facility's Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with a cutoff dates of January 1, 2017 and April 1, 2017. The CMI calculations use the July 1, 2014 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its proposed per diem rate.

C. Proposed Rates: 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.

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	183.99	0.9791
Alma Manor	Alma	164.01	0.8368
Life Care Center of Andover	Andover	178.15	1.1773

Victoria Falls SNF	Andover	185.47	0.9755
Anthony Community Care Center	Anthony	156.70	0.9408
Arkansas City Presbyterian Manor	Arkansas City	188.81	1.0691
Medicalodges Arkansas City	Arkansas City	179.11	1.0215
Arma Operator, LLC	Arma	166.07	1.1952
Atchison Senior Village	Atchison	193.82	0.9557
Dooley Center	Atchison	182.74	0.7186
Medicalodges Atchison	Atchison	190.19	1.0509
Attica Long Term Care	Attica	188.50	0.9319
Good Samaritan Society-Atwood	Atwood	195.33	0.9637
Lake Point Nursing Center	Augusta	157.99	1.0065
Baldwin Care Center	Baldwin City	158.60	1.0053
Quaker Hill Manor	Baxter Springs	155.92	1.0484
Belleville Healthcare Center	Belleville	144.79	0.8867
Great Plains of Republic County, Inc	Belleville	206.94	1.0431
Hilltop Lodge Nursing Home	Beloit	157.09	0.9092
Mitchell County Hospital LTCU	Beloit	183.83	0.9164
Bonner Springs Nursing and Rehab Center	Bonner Springs	167.38	1.0920
Hill Top House	Bucklin	180.93	0.9751
Buhler Sunshine Home, Inc.	Buhler	214.73	1.0486
Life Care Center of Burlington	Burlington	150.92	0.9561
Eastridge Nursing Home	Centralia	198.74	0.9530
Diversicare of Chanute	Chanute	162.34	1.0939
Heritage Health Care Center	Chanute	152.07	1.0429
Chapman Valley Manor	Chapman	150.11	0.8510
Cheney Golden Age Home Inc.	Cheney	177.99	0.9946
Cherryvale Care Center	Cherryvale	144.74	1.1149
Chetopa Manor	Chetopa	145.13	0.9584
The Shepherd's Center	Cimarron	174.81	0.9550
Clay Center Presbyterian Manor	Clay Center	195.32	1.1417
Medicalodges Clay Center	Clay Center	198.98	0.9510
Clearwater Nursing and Rehabilitation Center	Clearwater	175.33	1.0659
Park Villa Nursing Home	Clyde	152.52	0.9467
Coffeyville Regional Medical Center	Coffeyville	170.69	0.6650
Medicalodges Coffeyville	Coffeyville	190.68	1.0713
Windsor Place	Coffeyville	166.10	1.0315
Colby Operator, LLC	Colby	165.74	1.2192
Prairie Senior Living Complex	Colby	195.10	0.8767
Pioneer Lodge	Coldwater	156.84	0.8446
Medicalodges Columbus	Columbus	178.26	0.9821
Mt Joseph Senior Village, LLC	Concordia	152.01	1.0555
Sunset Home, Inc.	Concordia	173.99	0.9847
Spring View Manor	Conway Springs	149.99	0.8963
Chase County Care & Rehabilitation Center	Cottonwood Falls	148.94	1.0041
Diversicare of Council Grove	Council Grove	150.54	1.0323
Hilltop Manor Nursing Center	Cunningham	165.10	1.1441
Derby Health and Rehabilitation	Derby	198.85	1.1060
Westview of Derby	Derby	127.88	0.9612
Hillside Village	DeSoto	170.04	0.9758
Good Samaritan Society-Dodge City	Dodge City	185.99	0.8889
Manor of the Plains	Dodge City	191.28	1.0839
Trinity Manor	Dodge City	183.33	1.0332
Medicalodges Douglass	Douglass	167.31	0.9418
Downs Care & Rehabilitation Center, LLC	Downs	149.68	0.9955
Country Care Home	Easton	155.47	0.9958
Edwardsville Care & Rehabilitation Center	Edwardsville	138.47	0.7195
Kaw River Care & Rehabilitation Center, LLC	Edwardsville	185.47	1.1200
Parkway Care & Rehabilitation Center, LLC	Edwardsville	166.76	0.9959
El Dorado Care & Rehabilitation Center, LLC	El Dorado	166.57	0.9348
Lakepoint Nursing Center-El Dorado	El Dorado	149.13	1.0324
Morton County Senior Living Community	Elkhart	172.77	1.0139
Woodhaven Care Center	Ellinwood	179.30	0.9919
Good Samaritan Society-Ellis	Ellis	172.14	1.0710
Good Samaritan Society-Ellsworth Village	Ellsworth	163.04	1.0391
Emporia Presbyterian Manor	Emporia	198.14	1.1207
Flint Hills Care Center, Inc.	Emporia	139.35	0.9808
Holiday Resort	Emporia	154.28	0.9716
Enterprise Estates Nursing Center, Inc.	Enterprise	158.92	1.0340
Eskridge Care & Rehabilitation Center, LLC	Eskridge	123.45	0.6796
Medicalodges Eudora	Eudora	164.10	0.9654
Eureka Nursing Center	Eureka	164.68	1.1206
Kansas Soldiers' Home	Fort Dodge	194.90	0.9933
Fort Scott Manor	Fort Scott	132.88	0.8837
Medicalodges Fort Scott	Fort Scott	175.91	1.0281
Fowler Residential Care	Fowler	189.62	0.8775
Frankfort Community Care Home, Inc.	Frankfort	166.10	0.9867
Medicalodges Frontenac	Frontenac	162.63	1.0756
Galena Nursing Home	Galena	154.55	1.0408
Garden Valley Retirement Village	Garden City	154.32	0.9634
Homestead Health & Rehabilitation	Garden City	185.33	0.9711
Meadowbrook Rehabilitation Hospital, LTCU	Gardner	227.70	1.1798
Medicalodges Gardner	Gardner	147.82	0.8571
Anderson County Hospital	Garnett	189.47	0.8454
Parkview Heights	Garnett	175.05	0.8894
Medicalodges Girard	Girard	170.48	0.9734
The Nicol Home, Inc.	Glasco	160.73	0.9622

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Medicalodges Goddard	Goddard	193.03	0.9995
Bethesda Home	Goessel	192.06	0.9619
Good Samaritan Society-Sherman County	Goodland	188.31	0.9858
Cherry Village Benevolence	Great Bend	147.12	0.9999
Great Bend Health and Rehabilitation Center	Great Bend	140.78	1.0561
Halstead Health and Rehabilitation Center	Halstead	209.20	1.0225
Haviland Operator, LLC	Haviland	103.38	0.7081
Good Samaritan Society-Hays	Hays	180.24	1.0167
Via Christi Village-Hays	Hays	177.30	1.0210
Diversicare of Haysville	Haysville	156.08	1.1101
Legacy at Herington	Herington	153.73	0.9756
Schowalter Villa	Hesston	208.77	1.0163
Maple Heights of Hiawatha	Hiawatha	147.57	0.9981
Highland Healthcare and Rehabilitation Center	Highland	142.82	1.1099
Dawson Place, Inc.	Hill City	164.41	0.8734
Parkside Homes, Inc.	Hillsboro	180.15	0.9229
Salem Home	Hillsboro	181.49	0.9885
Medicalodges Jackson County	Holton	178.84	0.9444
Mission Village Living Center	Horton	133.17	0.8846
Sheridan County Hospital	Hoxie	186.98	0.8668
Pioneer Manor	Hugoton	207.84	0.8990
Diversicare of Hutchinson	Hutchinson	168.92	1.0746
Good Samaritan Society-Hutchinson Village	Hutchinson	198.63	1.0114
Hutchinson Operator, LLC	Hutchinson	172.09	1.1795
Wesley Towers	Hutchinson	202.73	0.9654
Medicalodges Independence	Independence	172.09	0.9597
Montgomery Place Nursing Center, LLC	Independence	157.80	1.0585
Pleasant View Home	Inman	166.83	0.8843
Windsor Place at Iola, LLC	Iola	188.23	1.1050
Hodgeman Co Health Center-LTCU	Jetmore	215.16	1.1350
Stanton County Hospital- LTCU	Johnson	188.85	0.8634
Valley View Senior Life	Junction City	174.06	1.0054
Big Blue Healthcare, Inc	Kansas City	204.23	1.0571
Golden Oaks Healthcare, Inc.	Kansas City	269.18	1.7575
Kansas City Transitional Care Center	Kansas City	232.51	1.0884
Lifecare Center of Kansas City	Kansas City	170.85	1.0047
Medicalodges Post Acute Care Center	Kansas City	173.28	1.0608
Providence Place	Kansas City	229.98	1.0428
The Wheatlands	Kingman	161.35	0.9604
Medicalodges Kinsley	Kinsley	195.67	0.9942
Kiowa District Manor	Kiowa	192.26	0.9250
Locust Grove Village	LaCrosse	174.12	0.9160
Rush Co. Memorial Hospital	LaCrosse	175.94	0.8522
High Plains Retirement Village	Lakin	205.44	0.9864
Lansing Care & Rehabilitation Center, LLC	Lansing	169.63	1.0069
Twin Oaks Health & Rehabilitation	Lansing	203.82	1.1019
Diversicare of Larned	Larned	143.38	1.0049
Brandon Woods at Alvamar	Lawrence	193.42	0.9824
Lawrence Presbyterian Manor	Lawrence	176.69	0.9279
Pioneer Ridge Retirement Community	Lawrence	200.39	1.0184
Medicalodges Leavenworth	Leavenworth	176.72	0.8956
Delmar Gardens of Lenexa	Lenexa	151.50	0.9363
Lakeview Village	Lenexa	228.93	1.1972
The Covenant Place of Lenexa	Lenexa	178.57	0.9409
Leonardville Nursing Home	Leonardville	157.30	0.8927
Wichita County Health Center	Leoti	171.09	0.7367
Good Samaritan Society-Liberal	Liberal	167.44	0.9702
Wheatridge Park Care Center	Liberal	176.34	0.9478
Lincoln Park Manor, Inc.	Lincoln	171.90	1.0641
Bethany Home Association	Lindsborg	204.68	1.0211
Linn Community Nursing Home	Linn	147.40	0.9467
Sandstone Heights Nursing Home	Little River	195.21	0.9313
Logan Manor Community Health Service	Logan	175.93	1.0378
Louisburg Care Center	Louisburg	176.41	1.0329
Good Samaritan Society-Lyons	Lyons	167.70	0.9143
Meadowlark Hills Retirement Community	Manhattan	189.60	0.9452
Stoneybrook Retirement Community	Manhattan	173.28	0.9730
Via Christi Village Manhattan, Inc	Manhattan	167.18	1.0219
St. Luke Living Center	Marion	177.18	0.9300
Riverview Estates, Inc.	Marquette	172.02	0.8876
Cambridge Place	Marysville	154.87	0.9579
McPherson Operator, LLC	McPherson	166.47	1.2333
The Cedars, Inc.	McPherson	193.09	0.9627
Meade District Hospital, LTCU	Meade	204.21	0.9670
Trinity Nursing & Rehabilitation Center	Merriam	175.56	1.0366
Good Samaritan Society-Minneapolis	Minneapolis	172.89	0.9543
Great Plains of Ottawa County, Inc.	Minneapolis	175.91	0.8990
Minneola District Hospital-LTCU	Minneola	203.41	0.9880
Bethel Home, Inc.	Montezuma	188.88	0.9150
Moran Manor	Moran	147.08	1.1242
Moundridge Manor, Inc.	Moundridge	178.59	0.8949
Pine Village	Moundridge	181.34	1.0114
Mt. Hope Nursing Center	Mt. Hope	166.37	0.9708
Villa Maria, Inc.	Mulvane	167.02	1.0841
Neodesha Care & Rehabilitation Center, LLC	Neodesha	144.03	1.0711
Ness County Hospital District #2	Ness City	184.24	0.8438

Asbury Park	Newton	185.95	0.9437
Kansas Christian Home	Newton	186.82	0.9614
Newton Presbyterian Manor	Newton	197.99	0.9413
Bethel Care Center	North Newton	202.16	1.0167
Andbe Home, Inc.	Norton	165.44	0.9316
Village Villa	Nortonville	145.08	1.0065
Logan County Manor	Oakley	202.82	0.9716
Good Samaritan Society-Decatur County	Oberlin	185.06	0.9275
Aberdeen Village, Inc.	Olathe	202.96	0.9596
Azria Health at Olathe	Olathe	186.08	0.8642
Evergreen Community of Johnson County	Olathe	200.74	0.9152
Good Samaritan Society-Olathe	Olathe	193.04	0.9448
Nottingham Health & Rehabilitation	Olathe	204.55	1.1207
Pinnacle Ridge Nursing and Rehab Center	Olathe	172.76	1.0500
Two Trails Healthcare, Inc	Olathe	243.78	1.3590
Villa St. Francis	Olathe	189.24	1.0486
Onaga Operator, LLC	Onaga	170.29	1.2326
Osage Nursing & Rehabilitation Center	Osage City	163.27	1.0790
Peterson Health Care	Osage City	127.97	0.9305
Life Care Center of Osawatomie	Osawatomie	185.27	1.1549
Parkview Care Center	Osborne	153.29	0.9916
Hickory Pointe Care & Rehabilitation Center	Oskaloosa	156.03	0.9375
Oswego Operator, LLC	Oswego	161.83	1.3242
Ottawa Retirement Village	Ottawa	144.44	1.0510
Brookside Manor	Overbrook	140.08	0.9394
Delmar Gardens of Overland Park	Overland Park	186.00	1.0092
Garden Terrace at Overland Park	Overland Park	170.96	1.0507
Indian Creek Healthcare Center	Overland Park	156.25	1.0358
Leisure Terrace	Overland Park	174.24	1.0301
Maple Hills Healthcare, Inc	Overland Park	220.48	1.2138
Overland Park Nursing & Rehabilitation	Overland Park	191.66	1.0275
Promise Skilled Nursing of Overland Park	Overland Park	235.91	1.4758
Stratford Commons Rehabilitation & HCC	Overland Park	209.94	1.0177
Tallgrass Creek, Inc.	Overland Park	236.99	1.2750
Villa Saint Joseph	Overland Park	219.87	1.0098
Village Shalom, Inc.	Overland Park	202.95	1.0475
ML-OP Oxford, LLC	Oxford	127.17	0.9909
Medicalodges Paola	Paola	117.85	0.6640
North Point Skilled Nursing Center	Paola	177.47	1.0684
Elmhaven East	Parsons	154.56	1.0901
Good Samaritan Society-Parsons	Parsons	174.02	0.9660
Parsons Presbyterian Manor	Parsons	181.97	0.9456
Franklin Healthcare of Peabody	Peabody	106.43	0.6661
Peabody Operator, LLC	Peabody	144.69	1.0554
Phillips County Retirement Center	Phillipsburg	149.43	0.8484
Medicalodges Pittsburg South	Pittsburg	177.91	0.9823
Pittsburg Care & Rehabilitation Center, LLC	Pittsburg	143.00	0.9331
Via Christi Village Pittsburg, Inc	Pittsburg	149.23	0.9953
Rooks County Senior Services, Inc.	Plainville	187.54	1.0717
Brighton Gardens of Prairie Village	Prairie Village	193.45	1.2691
Pratt Operator, LLC	Pratt	161.38	1.3199
Pratt Regional Medical Center	Pratt	197.86	1.0705
Prescott Country View Nursing Center	Prescott	151.93	0.9540
Prairie Sunset Manor	Pretty Prairie	196.32	1.1348
Protection Valley Manor	Protection	129.09	0.7590
Gove County Medical Center	Quinter	238.35	1.3064
Grisell Memorial Hospital District #1-LTCU	Ransom	203.94	0.9954
Richmond Healthcare and Rehab Center	Richmond	164.59	1.1009
Fountainview Nursing and Rehab Center	Rose Hill	192.30	1.0866
Rossville Healthcare & Rehabilitation Center	Rossville	166.27	1.0573
Russell Regional Hospital	Russell	192.82	0.8550
Wheatland Nursing & Rehabilitation Center	Russell	163.04	0.9842
Apostolic Christian Home	Sabetha	164.14	0.9693
Sabetha Nursing Center	Sabetha	157.67	1.0124
Holiday Resort of Salina	Salina	190.67	0.9868
Kenwood View Health and Rehab Center	Salina	178.15	1.0304
Pinnacle Park Nursing and Rehabilitation	Salina	157.46	1.0298
Salina Presbyterian Manor	Salina	177.85	0.9777
Salina Windsor SNF OPCO, LLC	Salina	161.94	0.9007
Smoky Hill Rehabilitation Center	Salina	140.71	0.9547
Satanta District Hospital LTCU	Satanta	193.92	0.9332
Park Lane Nursing Home	Scott City	192.57	0.9821
Pleasant Valley Manor	Sedan	143.88	0.9920
Diversicare of Sedgwick	Sedgwick	178.27	1.1710
Crestview Nursing & Residential Living	Seneca	149.02	0.9600
Life Care Center of Seneca	Seneca	146.34	0.9901
Wallace County Community Center	Sharon Springs	178.49	0.9106
Sharon Lane Health Services	Shawnee	167.96	1.0427
Shawnee Gardens Nursing Center	Shawnee	156.40	0.9818
Smith Center Operator, LLC	Smith Center	142.82	1.0011
Smith County Memorial Hospital LTCU	Smith Center	199.29	0.9592
Mennonite Friendship Manor, Inc.	South Hutchinson	201.86	1.0191
Spring Hill Care & Rehabilitation Center, LLC	Spring Hill	164.58	0.9782
Good Samaritan Society-Cheyenne County	St Francis	193.68	0.9567

(continued)

Prairie Mission Retirement Village	St, Paul	161.73	1.0559
Leisure Homestead at St. John	St. John	150.58	0.8089
Community Hospital of Onaga, LTCU	St. Mary's	183.51	0.8156
Leisure Homestead at Stafford	Stafford	148.90	0.9124
Sterling Presbyterian Manor	Sterling	200.37	0.9424
Solomon Valley Manor	Stockton	183.67	0.9956
Tonganoxie Nursing Center	Tonganoxie	160.76	1.0790
Aldersgate Village	Topeka	197.12	0.9850
Brewster Health Center	Topeka	200.87	0.9498
Brighton Place North	Topeka	94.20	0.6889
Brighton Place West	Topeka	117.69	0.8439
Countryside Health Center	Topeka	99.56	0.7189
Lexington Park Nursing and Post Acute Center	Topeka	203.21	0.9756
Manorcare Health Services of Topeka	Topeka	173.91	1.0189
McCrite Plaza Health Center	Topeka	168.73	0.9511
Plaza West Care Center, Inc.	Topeka	187.99	1.0313
Providence Living Center	Topeka	99.91	0.7448
Rolling Hills Health Center	Topeka	173.26	0.9809
Tanglewood Nursing and Rehabilitation	Topeka	160.76	1.0592
The Healthcare Resort of Topeka	Topeka	214.71	0.0000
The Legacy on 10th Avenue	Topeka	179.95	0.9988
Topeka Presbyterian Manor Inc.	Topeka	205.16	0.9703
Greeley County Hospital, LTCU	Tribune	193.42	0.9428
The Legacy at Park View	Ulysses	184.88	0.9018
Valley Health Care Center	Valley Falls	140.45	0.6606
Trego Co. Lemke Memorial LTCU	Wakeeney	207.38	1.0392
Trego Manor	Wakeeney	175.09	0.8851
Wakefield Care & Rehabilitation Center	Wakefield	168.89	0.9389
Good Samaritan Society-Valley Vista	Wamego	180.84	0.9240
The Centennial Homestead, Inc.	Washington	160.67	0.9380
Wathena Nursing & Rehabilitation Center	Wathena	158.65	0.9755
Coffey County Hospital	Waverly	178.77	0.9443
Sumner Operator, LLC	Wellington	158.58	1.0653
Wellington Care & Rehabilitation Center, LLC	Wellington	153.54	0.9662
Wellsville Manor	Wellsville	140.23	1.0872
Westy Community Care Home	Westmoreland	132.40	0.9270
Wheat State Manor	Whitewater	174.12	1.0247
Avita Health & Rehab of Reeds Cove	Wichita	183.17	1.0643
Caritas Center	Wichita	176.64	0.7952
Catholic Care Center Inc.	Wichita	186.50	1.0064
Family Health & Rehabilitation Center	Wichita	186.08	1.0419
Homestead Health Center, Inc.	Wichita	207.74	0.9471
Kansas Masonic Home	Wichita	188.63	1.0287
Lakepoint Nursing and Rehabilitation	Wichita	159.98	1.0247
Legacy at College Hill	Wichita	160.40	0.9864
Life Care Center of Wichita	Wichita	197.60	1.1780
Manorcare Health Services of Wichita	Wichita	147.43	1.1147
Medicalodges Wichita	Wichita	174.96	0.9474
Meridian Rehab and Health Care Center	Wichita	147.88	0.9877
Regent Park Rehabilitation and Healthcare	Wichita	191.09	0.9725
Sandpiper Healthcare and Rehab Center	Wichita	150.74	1.0491
Seville Operator, LLC	Wichita	178.69	1.1209
The Health Care Center at Larksfield Place	Wichita	197.44	0.9700
Via Christi Village McLean, Inc.	Wichita	168.67	0.9065
Via Christi Village Ridge	Wichita	192.21	1.0079
Wichita Care & Rehabilitation Center, LLC	Wichita	150.64	0.8766
Wichita Presbyterian Manor	Wichita	203.90	0.9559
Woodlawn Care and Rehabilitation, LLC	Wichita	120.43	1.1000
Wilson Care & Rehabilitation Center, LLC	Wilson	190.34	1.1124
F W Huston Medical Center	Winchester	147.60	0.9259
Cumbernauld Village, Inc.	Winfield	193.98	0.9284
Kansas Veterans' Home	Winfield	180.16	0.9585
Winfield Rest Haven II LLC	Winfield	177.25	1.0036
Winfield Senior Living Community	Winfield	194.66	0.9618
Yates Operator, LLC	Yates Center	155.21	1.1268

III. Justifications for the Proposed Rates

1. The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
3. The State's analyses project that the rates:
   a. Would result in payment, in the aggregate of 90.73% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
   b. Would result in a maximum allowable rate of $224.63; with the total average allowable cost being $169.38.
   c. Estimated average rate July 1, 2017 $169.38
   d. Average payment rate January 1, 2017 $169.37
   e. Amount of change $0.01
   f. Percent of change 0.00%
4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will remain budget neutral from state fiscal year 2017.
5. The state estimates that the 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:

a. Service providers operating a total of 324 nursing facilities and hospital-based long-term care units (representing 92.7% of all the licensed nursing facilities and long-term care units in Kansas) participate in the Medicaid program,;
b. 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;
c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 82.03%;
d. The statewide average Medicaid occupancy rate for participating facilities is 55.31%; and
e. The rates would cover 87.89% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.

6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the 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 May 20, 2017 to:

Melissa Warfield
Director of Fiscal and Program Evaluation
Kansas Department for Aging and Disability Services
New England Building
503 S. Kansas Ave.
Topeka, KS 66603-3404
Fax: 785-296-0256

V. Notice of Intent to Amend the Medicaid State Plan

The state intends to submit proposed Medicaid State Plan amendments to CMS on or before September 30, 2017.

Tim Keck, Secretary
Kansas Department for Aging
and Disability Services
Mike Randol, Director
Division of Health Care Finance
Department of Health and Environment

Doc. No. 045332

State of Kansas

Office of the Governor

Executive Order 17-02 for Regional Emergencies 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, large grass wildfires burned vast areas of Kansas causing severe damage and loss of life, livestock, and other property, as well as affecting electrical, gas, and communications utilities, thereby creating a need for the immediate transportation of large quantities of hay, feed, fencing materials, and other supplies, 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; and

WHEREAS, The Federal Motor Carrier Safety Administration declared an emergency existing in Kansas pursuant to 49 C.F.R. § 390.25, extending the previous Kansas Emergency Declaration providing conditional and temporary relief from 49 C.F.R § 390.23(a)(1) Parts 390-399 of the Federal Regulations until May 23, 2017 at 11:59 PM; and

WHEREAS, The Kansas Emergency Management Act (K.S.A. 48-924 *et seq.*) states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, including fire.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby acknowledge a state of emergency exists in Kansas and declare it necessary to assist and expedite all disaster recovery efforts. 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 applies to motor carriers directly participating in relief efforts; and
2. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
3. The licensing, certification and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended; and
4. Fees for registration, licenses and permits required by the Kansas Department of Transportation are temporarily suspended, over dimensional loads must still apply for and be routed for safety, weight and bridges; and
5. Participating motor carriers bringing foliage for livestock are limited to a load that does not exceed 12 feet in width and does not exceed a height of 14 feet, six inches.

FURTHER, I direct that this executive order shall become effective immediately and shall continue in effect until 11:59 PM on May 23, 2017, or until rescinded upon conditions abating, whichever is less.

This document shall be filed with the Secretary of State as Executive Order No. 17-02 and shall become effective immediately.

Dated April 10, 2017.

Sam Brownback
Governor

Doc. No. 045328

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Bureau of Community Health Systems, will conduct a public hearing at 10:00 a.m. Thursday, July 6, 2017, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 SW Jackson, Topeka, to consider the adoption of proposed amended regulations K.A.R. 28-54-1, 28-54-2, 28-54-3, 28-54-4, and 28-54-5 regarding designation of a hospital trauma center.

A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations

K.A.R. 28-54-1. Definitions. Amendments change the definition of a level IV trauma center to remove the limitation of only being able to transfer to a level I, level II, or level III through the addition of language that allows the level IV trauma center to transfer to any trauma facility capable of providing care necessary to treat a patient's injuries. Amendments also define "on-site survey" and the criteria for successful completion of the secretary's on-site survey process and revise the definition of "verification" to reference the American College of Surgeons level I, level II, and level III evaluation process.

K.A.R. 28-54-2. Standards for designation. Amendments clarify the standards for designation for each of the four different trauma center designation levels.

K.A.R. 28-54-3. Application for designation. Amendments clarify the processes associated with the application for designation for all four trauma center designation levels and the fees associated with each.

K.A.R. 28-54-4. Application for change of designation. Amendments clarify the processes associated with the application for change in trauma center designation for all four trauma center designation levels, keeping processes consistent with changes made to other trauma center designation processes.

K.A.R. 28-54-5. Certificate of designation; renewal. Amendments clarify the processes associated with the trauma center designation renewal for all four trauma center designation levels, keeping processes consistent with changes made to other trauma center designation processes.

Economic Impact

Costs to the agency: It is anticipated that costs incurred by KDHE to implement the changes in the proposed regulations will be minimal. Current trauma program staff will be utilized to process and review level IV applications and coordinate on-site surveys.

Costs to consumers: There is no increase in costs to consumers.

Costs to other governmental agencies or units: There is no increase in costs to other governmental agencies or units.

The time period between the publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed amended regulations. All interested parties may submit written comments to Carman Allen, KDHE, Preparedness and Trauma, Bureau of Community Health Systems, Curtis States Office Building, 1000 SW Jackson, Suite 340, Topeka, 66612, by email to Carman.Allen@ks.gov, or by fax to 785-296-1210. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed amended regulations and the corresponding economic impact statement may be obtained from the KDHE Trauma Program website at www.kansastrauma.org or by contacting Nancy.Akin@ks.gov, 785-296-3180, or by fax at 785-296-2625. Questions pertaining to the proposed amended regulations should be directed to Carman Allen at the contact information for Carman Allen above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the 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 Nancy Akin at 785-296-3180.

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045337

State of Kansas

Wildlife, Parks, and Tourism Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m. Thursday, June 22, 2017 at the George Meyn Community Center, 126th and State Ave., Kansas City, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:00 p.m. June 22 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 23 at the location listed above.

Any individual with a disability may request accommodations in order to participate in the public meeting and may request the meeting materials in an accessible

format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

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

K.A.R. 115-16-3. This permanent administrative regulation establishes requirements for nuisance bird control permits. The proposed changes would remove one species from the listing of nuisance birds.

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

K.A.R. 115-20-2. This permanent regulation establishes guidelines for the legal equipment, taking methods, and possessions and license requirements for certain wildlife. The proposed amendments relate to changing the classification of exotic doves.

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

K.A.R. 115-20-7. This permanent regulation establishes certain requirements for hunting of doves. The proposed amendments would establish methods of take under the regulation would only be for migratory doves.

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

K.A.R. 115-25-19. This exempt regulation establishes requirements for hunting doves. The proposed version of the regulation increases the allowable number of days for taking exotic doves.

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

K.A.R. 115-25-9a. This exempt regulation establishes additional considerations for the 2016-2017 firearm, muzzleloader, and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley, Fort Leavenworth, and Smokey Hill military reservation in order to better accommodate the changing training missions.

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

Copies of the complete text of the regulation and its respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwpt.state.ks.us, or by calling 785-296-2281.

Gerald Lauber
Chairman

Doc. No. 045336

State of Kansas

Board of Emergency Medical Services

Permanent Administrative Regulations

Article 3.—STANDARDS FOR AMBULANCE ATTENDANTS, FIRST RESPONDERS, AND DRIVERS

109-3-3. Emergency medical responder; authorized activities. Each emergency medical responder shall be authorized to perform any intervention specified in K.S.A. 65-6144, and amendments thereto, and as further specified in this regulation:

(a) Emergency vehicle operations:

(1) Operating each ambulance in a safe manner in nonemergency and emergency situations. "Emergency vehicle" shall mean ambulance, as defined in K.S.A. 65-6112 and amendments thereto; and

(2) stocking an ambulance with supplies in accordance with regulations adopted by the board and the ambulance service's approved equipment list to support local medical protocols;

(b) initial scene management:

(1) Assessing the scene, determining the need for additional resources, and requesting these resources;

(2) identifying a multiple-casualty incident and implementing the local multiple-casualty incident management system;

(3) recognizing and preserving a crime scene;

(4) triaging patients, utilizing local triage protocols;

(5) providing safety for self, each patient, other emergency personnel, and bystanders;

(6) utilizing methods to reduce stress for each patient, other emergency personnel, and bystanders;

(7) communicating with public safety dispatchers and medical control facilities;

(8) providing a verbal report to receiving personnel;

(9) providing a written report to receiving personnel;

(10) completing a prehospital care report;

(11) setting up and providing patient and equipment decontamination;

(12) using personal protection equipment;

(continued)

(13) practicing infection control precautions;
(14) moving patients without a carrying device; and
(15) moving patients with a carrying device;
(c) patient assessment and stabilization:
(1) Obtaining consent for providing care;
(2) communicating with bystanders, other health care providers, and patient family members while providing patient care;
(3) communicating with each patient while providing care; and
(4) assessing the following: blood pressure manually by auscultation or palpation or automatically by noninvasive methods; heart rate; level of consciousness; temperature; pupil size and responsiveness to light; absence or presence of respirations; respiration rate; and skin color, temperature, and condition;
(d) cardiopulmonary resuscitation and airway management:
(1) Applying cardiac monitoring electrodes;
(2) performing any of the following:
(A) Manual cardiopulmonary resuscitation for an adult, child, or infant, using one or two attendants;
(B) cardiopulmonary resuscitation using a mechanical device;
(C) postresuscitative care to a cardiac arrest patient;
(D) cricoid pressure by utilizing the sellick maneuver;
(E) head-tilt maneuver or chin-lift maneuver, or both;
(F) jaw thrust maneuver;
(G) modified jaw thrust maneuver for injured patients;
(H) modified chin-lift maneuver;
(I) mouth-to-barrier ventilation;
(J) mouth-to-mask ventilation;
(K) mouth-to-mouth ventilation;
(L) mouth-to-nose ventilation;
(M) mouth-to-stoma ventilation;
(N) manual airway maneuvers; or
(O) manual upper-airway obstruction maneuvers, including patient positioning, finger sweeps, chest thrusts, and abdominal thrusts; and
(3) suctioning the oral and nasal cavities with a soft or rigid device;
(e) control of bleeding, by means of any of the following:
(1) Elevating the extremity;
(2) applying direct pressure;
(3) utilizing a pressure point;
(4) applying a tourniquet;
(5) utilizing the trendelenberg position; or
(6) applying a pressure bandage;
(f) extremity splinting, by means of any of the following:
(1) Soft splints;
(2) anatomical extremity splinting without return to position of function;
(3) manual support and stabilization; or
(4) vacuum splints;
(g) spinal immobilization, by means of any of the following:
(1) Cervical collar;
(2) full-body immobilization device;
(3) manual stabilization;
(4) assisting an EMT, an AEMT, or a paramedic with application of an upper-body spinal immobilization device;
(5) helmet removal; or
(6) rapid extrication;
(h) oxygen therapy by means of any of the following:
(1) Humidifier;
(2) nasal cannula;
(3) non-rebreather mask;
(4) partial rebreather mask;
(5) regulators;
(6) simple face mask;
(7) blow-by;
(8) using a bag-valve-mask with or without supplemental oxygen; or
(9) ventilating an inserted supraglottic or subglottic airway;
(i) administration of patient-assisted and non-patient-assisted medications according to the board's "emergency medical responder medication list," dated December 2, 2016, which is hereby adopted by reference;
(j) recognizing and complying with advanced directives by making decisions based upon a do-not-resuscitate order, living will, or durable power of attorney for health care decisions; and
(k) providing the following techniques for preliminary care:
(1) Cutting of the umbilical cord;
(2) irrigating the eyes of foreign or caustic materials;
(3) bandaging the eyes;
(4) positioning the patient based on situational need;
(5) securing the patient on transport devices;
(6) restraining a violent patient, if technician or patient safety is threatened;
(7) disinfecting the equipment and ambulance;
(8) disposing of contaminated equipment, including sharps and personal protective equipment, and material;
(9) decontaminating self, equipment, material, and ambulance;
(10) following medical protocols for declared or potential organ retrieval;
(11) participating in the quality improvement process;
(12) providing EMS education to the public; and
(13) providing education on injury prevention to the public. (Authorized by K.S.A. 2016 Supp. 65-6111; implementing K.S.A. 2016 Supp. 65-6144; effective March 9, 2012; amended May 5, 2017.)

109-3-4. Emergency medical technician; authorized activities. Each emergency medical technician shall be authorized to perform any intervention specified in the following:
(a) K.S.A. 65-6144, and amendments thereto, and as further specified in K.A.R. 109-3-3; and
(b) K.S.A. 65-6121, and amendments thereto, and as further specified in the following paragraphs:
(1) Airway maintenance by means of any of the following:
(A) Blind insertion of a supraglottic airway, with the exception of the laryngeal mask airway;
(B) oxygen venturi mask;
(C) gastric decompression by orogastric or nasogastric tube with any authorized airway device providing that capability;
(D) auscultating the quality of breath sounds;
(E) pulse oximetry;
(F) automatic transport ventilator;

(G) manually triggered ventilator;
(H) flow-restricted oxygen-powered ventilation device;
(I) bag-valve-mask with in-line small-volume nebulizer;
(J) carbon dioxide colorimetric detection;
(K) capnometry; or
(L) suctioning a stoma; and

(2) administration of patient-assisted and non-patient-assisted medications according to the board's "emergency medical technician medication list," dated December 2, 2016, which is hereby adopted by reference. (Authorized by K.S.A. 2016 Supp. 65-6111; implementing K.S.A. 2016 Supp. 65-6121; effective March 9, 2012; amended May 5, 2017.)

Joseph House
Executive Director

Doc. No. 045326

State of Kansas

Secretary of State

Certification of New State Laws

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Kris W. Kobach
Secretary of State

(Published in the Kansas Register April 20, 2017)

HOUSE BILL No. 2043

AN ACT concerning insurance; relating to financial examination; requirements; amending K.S.A. 40-2912 and K.S.A. 2016 Supp. 12-2620 and 44-584 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2016 Supp. 12-2620 is hereby amended to read as follows: 12-2620. (a) All certificates granted hereunder shall be perpetual unless sooner suspended or revoked by the commissioner or the attorney general.

(b) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and the financial condition of any pool~~, except that once every five years the commissioner shall conduct an examination of the affairs and the financial condition of each pool~~. Each pool shall submit a certified independent audited financial statement no later than 150 days after the end of the fiscal year. The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file reports as to income, expenses and loss data at such times and in such manner as the commissioner shall require. Any pool which does not use rates developed by an approved rating organization shall file with the commissioner an actuarial certification that such rates are actuarially sound. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the ability to pay current and future claims of any such pool is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to pay or cause to be paid claims in the amount, manner and time due, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing, and, if on such hearing the report be confirmed, the commissioner may require any of the actions allowed under K.S.A. 40-222b, and amendments thereto, or suspend the certificate of authority for such pool until its ability to pay current and future claims shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the ability to pay claims of such pool and in complying with the law or if rehabilitation or corrective action taken under K.S.A. 40-222b, and amendments thereto, is unsuccessful, revoke the certificate of authority of such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions thereof shall apply to group-funded pools.

(c) On an annual basis, or within 30 days of any change thereto, each pool shall supply to the commissioner the name and qualifications of the designated administrator of the pools and the terms of the specific and aggregate excess insurance contracts of the pool.

Sec. 2. K.S.A. 40-2912 is hereby amended to read as follows: 40-2912. The association shall be ~~deemed a company or insurer within the scope of K.S.A. 40-222 and 40-223 relating to examinations~~ *subject to examination and regulation by the commissioner*. The board of directors shall submit, not later than March 30 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

Sec. 3. K.S.A. 2016 Supp. 44-584 is hereby amended to read as follows: 44-584. (a) The application for a new certificate shall be signed by the trustees of the trust fund created by the pool. Any application for a renewal of an existing certificate shall meet at least the standards established in ~~subsections (a)(6) through (a)(14) of~~ K.S.A. 44-582*(a)(6) through (a)(14)*, and amendments thereto. After evaluating the application the commissioner shall notify the applicant that the plan submitted is approved or conversely, if the plan submitted is inadequate, the commissioner shall then fully explain to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 15 days to make an application for hearing by the commissioner after service of the denial notice. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) An approved certificate of authority shall remain in full force and effect until such certificate is suspended or revoked by the commissioner. An existing pool operating under an approved certificate of authority must file with the commissioner, within 120 days following the close of the pool's fiscal year, a current financial statement on a form approved by the commissioner showing the financial ability of the pool to meet its obligations under the worker compensation act and confirmation of specific and aggregate excess insurance as required by law for the pool. If an existing pool's certificate of authority is suspended or revoked, such pool shall have the same rights to a hearing by the commissioner as for applicants for new certificates of authority as set forth in subsection (a) ~~above~~.

(c) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and financial condition of any pool ~~in accordance with K.S.A. 40-222 and 40-223, and amendments thereto, except that once every five years the commissioner shall conduct an examination of the affairs and financial condition of each pool~~. Each pool shall submit a certified independent audited financial statement no later than 150 days after the end of the pool's fiscal year. The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file payroll records, accident experience and compensation reports and such other reports and statements at such times and in such manner as the commissioner shall require. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the solvency of any such pool is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to pay or cause to be paid the compensation in the amount, manner and time due as provided for in the Kansas workers compensation act, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing in accordance with the provisions of the Kansas administrative procedure act, and, if on such hearing the report be confirmed, the commissioner shall suspend the certificate of authority for such pool until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such pool and in complying with the law, revoke the certificate of authority of

(continued)

such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions shall apply to group workers compensation pools.

Sec. 4. K.S.A. 40-2912 and K.S.A. 2016 Supp. 12-2620 and 44-584 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 20, 2017)

Senate Substitute for HOUSE BILL No. 2055

AN ACT concerning the state board of pharmacy; relating to powers, duties and functions thereof; biological products; amending K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-1669, 65-1676, 65-2837a and 65-4202 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 65-1637b and 65-1651a.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2016 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments thereto.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, *repackager, wholesale* distributor, *third-party logistics provider* or dispenser but ~~shall~~ *does* not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) ~~"Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis~~*"Automated dispensing system" means a robotic or mechanical system controlled by a computer that: (1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs; (2) collects, controls and maintains all transaction information; and (3) operates in accordance with the board's rules and regulations.*

(e) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

~~(e)~~*(f)* "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

~~(f)~~*(g)* "Brand exchange," *in the case of a drug prescribed,* means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, *and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.*

~~(g)~~*(h)* "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

~~(h) "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that acts as a central warehouse and performs intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.~~

(i) "~~Co-licensee~~*Co-licensed partner*" means a *person or* pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer *or an affiliate of the manufacturer* to engage in a business activity or occupation related to the manufacture or distribution of a ~~prescription drug and the national drug code on the drug product label shall be used to determine the identity of the drug manufacturer~~ *product.*

(j) *"Common carrier" means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.*

(k) "Compounding" means the combining of components into a compounded preparation under either of the following conditions:

(1) As the result of a practitioner's prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-approved drug; or

(2) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

Compounding does not include reconstituting any oral or topical drug according to the FDA-approved labeling for the drug or preparing any sterile or nonsterile preparation that is essentially a copy of a commercially available product.

(l) "DEA" means the U.S. department of justice, drug enforcement administration.

~~(k)~~*(m)* "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

~~(l)~~*(n)* "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

~~(m)~~*(o)* "Dispense" *or "dispensing"* means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

~~(n)~~*(p)* "Dispenser" means*:*

(1) A practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto*; or*

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor, or affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor.

~~(o)~~*(q)* "Distribute" *or "distribution"* means to deliver, *offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive,* other than by administering or dispensing, any ~~drug~~ *product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.*

~~(p)~~*(r)* "Distributor" means a person ~~who~~ *or entity that* distributes a drug.

~~(q)~~*(s)* "Drop shipment" means the sale, by a manufacturer, ~~that manufacturer's co-licensee, that manufacturer's third party logistics provider,~~ *repackager* or ~~that manufacturer's~~ exclusive distributor, of the manufacturer's prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the ~~pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug~~ *dispenser, and the dispenser* receives delivery of the prescription drug directly from the manufacturer, ~~that manufacturer's co-licensee, that manufacturer's~~ *repackager,* third-party logistics provider, or ~~that manufacturer's~~ exclu-

sive distributor, of such prescription drug. ~~Drop shipment shall be part of the "normal distribution channel."~~

~~(r)~~ *(t)* "Drug" means: (1) Articles recognized in the official United States *pharmacopeia*, or other such official compendiums of the United States, or official national formulary, or any supplement ~~of~~ *to* any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (1), (2) or (3); but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

~~(s)~~ *(u)* "Durable medical equipment" means ~~technologically sophisticated medical devices that may be used in a residence, including the following~~ *equipment that*: (1) ~~Oxygen and oxygen delivery system~~ *Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses*; (2) ~~ventilators~~ *is primarily and customarily used to serve a medical purpose*; (3) ~~respiratory disease management devices~~ *generally is not useful to a person in the absence of an illness or injury*; (4) ~~continuous positive airway pressure (CPAP) devices~~ *can withstand repeated use*; (5) ~~electronic and computerized wheelchairs and seating systems~~*is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily living that are more complex tasks required for independent living*; *and* (6) ~~apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; or (16)~~ *may include devices and medical supplies or* other similar equipment determined by the board in rules and regulations adopted by the board.

~~(t)~~ *(v)* "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

~~(u)~~ *(w)* "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

~~(v)~~ *(x)* "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions ~~which~~ *that* identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

~~(w)~~ *(y)* "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

~~(x)~~ *(z)* "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

~~(y)~~ *(aa)* "Exclusive distributor" means ~~any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record~~ *the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser*.

~~(z)~~ *(bb) "FDA" means the U.S. department of health and human services, food and drug administration.*

(cc) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

~~(aa)~~ *(dd)* "Generic name" means the established chemical name or official name of a drug or drug product.

~~(bb)~~ *(ee) "Health care entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.*

(ff) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and ~~which~~ *that* is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility;

(B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;

(C) students of a public or private university or college, a community college or any other institution of higher learning ~~which~~ *that* is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) "Institutional drug room" does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

~~(cc)~~ *(gg) "Interchangeable biological product" means a biological product that the FDA has:*

(1) Licensed and determined meets the standards for "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017; or

(2) determined to be therapeutically equivalent as set forth in the latest edition or supplement to the FDA's approved drug products with therapeutic equivalence evaluations.

(hh) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

~~(dd)~~ *(ii)* "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between ~~co-licensees of a co-licensed product~~ *co-licensed partners*.

(jj) "Label" means a display of written, printed or graphic matter upon the immediate container of any drug.

(kk) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

(ll) "Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923, and amendments thereto.

~~(ee)~~ *(mm)* "Medical care facility" ~~shall have the meaning provided~~ *means the same as defined* in K.S.A. 65-425, and amendments thereto, except that the term ~~shall~~ also ~~include~~ *includes* facilities licensed under the provisions of K.S.A. ~~75-3307b~~ *2016 Supp. 39-2001 et seq.*, and amendments thereto, except community mental health centers and facilities for people with intellectual disability.

~~(ff)~~ *(nn)* "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical *or biological* synthesis or by a combination of extraction and chemical *or biological* synthesis ~~and includes any~~ *or the* packaging or repackaging of the drug or labeling or relabeling of its container, except that this term ~~shall~~ *does* not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

~~(gg)~~ *(oo)* "Manufacturer" means ~~a person licensed or approved by the FDA to engage in the manufacture of drugs and devices~~*:*

(continued)

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

~~(hh)~~ *(pp)* "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

~~(ii) "Normal distribution channel" means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer's co-licensed partner, from that manufacturer to that manufacturer's third-party logistics provider or from that manufacturer to that manufacturer's exclusive distributor, directly or by drop shipment, to:~~

~~(1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;~~

~~(2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;~~

~~(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient; or~~

~~(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized By law to dispense or administer such drug to a patient.~~

(qq) "Nonresident pharmacy" means a pharmacy located outside of Kansas.

(rr) "Outsourcing facility" or "virtual outsourcing facility" means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

~~(jj)~~ *(ss)* "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(kk)~~ *(tt)* "Pharmacist" means any natural person licensed under this act to practice pharmacy.

~~(ll)~~ *(uu)* "Pharmacist-in-charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

~~(mm)~~ *(vv)* "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States ~~which~~ *that* is not accredited and who has successfully passed equivalency examinations approved by the board.

~~(nn)~~ *(ww)* "Pharmacy," "drugstore" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; ~~or~~ (2) ~~which~~ *that* has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

~~(oo)~~ *(xx)* "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers, and is controlled by the pharmacy.

~~(pp)~~ *(yy)* "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

~~(qq)~~ *(zz)* "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

~~(rr)~~ *(aaa)* "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

~~(ss)~~ *(bbb)* "Prescriber" means a practitioner or a mid-level practitioner.

~~(tt)~~ *(ccc)* "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

~~(uu)~~ *(ddd)* "Prescription medication" means any drug, including label and container according to context, ~~which~~ *that* is dispensed pursuant to a prescription order.

~~(vv)~~ *(eee)* "Prescription-only drug" means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

~~(ww)~~ *(fff)* "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

~~(xx)~~ *(ggg) "Product" means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.*

(hhh) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree ~~which~~ *that* constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree ~~which~~ *that* constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior ~~which~~ *that* demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(yy)~~ *(iii)* "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(jjj) "Repackage" means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

(lll) "Repackager" means a person who owns or operates a facility that repackages.

~~(zz)~~ *(mmm)* "Retail dealer" means a person selling at retail nonprescription drugs ~~which~~ *that* are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

(nnn) "Return" means providing product to the authorized immediate trading partner from whom such product was purchased or received, or to a returns processor or reverse logistics provider for handling of such product.

(ooo) "Returns processor" or "reverse logistics provider" means a person who owns or operates an establishment that disposes of or otherwise processes

saleable or nonsaleable products received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

~~(aaa)~~ *(ppp)* "Secretary" means the executive secretary of the board.

~~(bbb)~~ *(qqq)* "Third-party logistics provider" means an entity that: ~~(1)~~ provides or coordinates warehousing~~, distribution~~ or other *logistic* services *of a product in interstate commerce* on behalf of a manufacturer, *wholesale distributor or dispenser,* but does not take ~~title to the prescription drug~~ *ownership of the product* or have ~~general~~ responsibility to direct the ~~prescription drug's~~ sale or disposition *of the product*; ~~(2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record~~.

(rrr) "Trading partner" means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

(sss) "Transaction" means the transfer of product between persons in which a change of ownership occurs.

~~(ccc)~~ *(ttt)* "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services ~~which~~ *that* have no legitimate pharmaceutical purpose.

~~(ddd)~~ *(uuu)* "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, ~~which~~ *that* establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

~~(eee)~~ *(vvv)* "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

~~(fff)~~ *(www)* "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

~~(ggg)~~ *(xxx)* "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs ~~or devices in or into the state, including, but not limited to, manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, co-licensees, exclusive distributors, third party logistics providers, chain pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distributions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients~~, *other than a manufacturer, co-licensed partner, third-party logistics provider or repackager*.

~~(hhh)~~ *(yyy)* "Wholesale distribution" means the distribution *or receipt* of prescription drugs ~~or devices by wholesale distributors~~ to *or by* persons other than consumers or patients, ~~and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period~~ *in which a change of ownership occurs*. Wholesale distribution does not include:

(1) The ~~sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the~~ dispensing of a prescription drug ~~or device~~ pursuant to a prescription;

(2) the ~~sale, purchase or trade~~ *distribution* of a prescription drug ~~or device~~ or an offer to ~~sell, purchase or trade~~ *distribute* a prescription drug ~~or device~~ for emergency medical reasons, *including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason*;

(3) intracompany ~~transactions, as defined in this section, unless in violation of own use provisions~~ *distribution of any drug between members of an affiliate or within a manufacturer*;

(4) the ~~sale, purchase or trade~~ *distribution* of a prescription drug ~~or device~~ or an offer to ~~sell, purchase or trade~~ *distribute* a prescription drug ~~or device~~ among hospitals~~, chain pharmacy warehouses, pharmacies~~ or other health care entities ~~that are~~ under common control;

(5) the ~~sale, purchase or trade~~ *distribution* of a prescription drug ~~or device~~ or the offer to ~~sell, purchase or trade~~ *distribute* a prescription drug ~~or device~~ by a charitable organization described in 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the purchase or other acquisition by a *dispenser,* hospital or other ~~similar~~ health care entity ~~that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations~~ *for use by such dispenser, hospital or other health care entity*;

(7) ~~the transfer of prescription drugs or devices between pharmacies pursuant to a centralized prescription processing agreement~~ *the distribution of a drug by the manufacturer of such drug*;

(8) ~~the sale, purchase or trade of blood and blood components intended for transfusion~~ *the receipt or transfer of a drug by an authorized third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug*;

(9) ~~the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution in accordance with the board's rules and regulations~~ *the transport of a drug by a common carrier, provided that the common carrier does not take ownership of the drug*;

(10) ~~the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board's rules and regulations~~ *the distribution of a drug or an offer to distribute a drug by an authorized repackager that has taken ownership or possession of the drug and repacks it in accordance with section 582(e) of the federal food, drug and cosmetic act*;

(11) ~~the distribution of drug samples by manufacturers' and authorized distributors' representatives~~ *saleable drug returns when conducted by a dispenser*;

(12) the ~~sale~~ *distribution* of minimal quantities of drugs by *licensed* retail pharmacies to licensed practitioners for office use;

(13) the distribution of a collection of finished medical devices, including a product or biological product in accordance with 21 U.S.C. § 353(e)(4)(M);

(14) the distribution of an intravenous drug that, by its formulation, is intended for the replenishment of fluids and electrolytes, including sodium, chloride and potassium, or calories, including dextrose and amino acids;

(15) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions;

(16) the distribution of a drug that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;

(17) the distribution of medical gas;

(18) facilitating the distribution of a product by providing solely administrative services, including processing of orders and payments;

(19) the transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating under the direction of a hospital or other health care entity, to a repackager described in section 581(16)(B) and registered under section 510 of the food, drug and cosmetic act for the purpose of repackaging the drug for use by that hospital or other health care

(continued)

entity, or other health care entities under common control, if ownership of the drug remains with the hospital or other health care entity at all times; or

~~(13)~~*(20)* the sale or transfer from a retail pharmacy ~~or chain pharmacy warehouse~~ of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third-party returns processor in accordance with the board's rules and regulations.

Sec. 2. K.S.A. 2016 Supp. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny ~~a~~ *an application or* renewal of any license of any pharmacist upon a finding that:

(1) The ~~license was obtained by~~ *licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or* fraudulent means*, including misrepresentation of a material fact*;

(2) the licensee has been convicted of a *misdemeanor involving moral turpitude or gross immorality or any* felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;

(4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;

(6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner;

(7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;

(9) the licensee has failed to comply with the *continuing education* requirements of the board ~~relating to the continuing education of pharmacists~~ *for license renewal*;

(10) the licensee as a pharmacist in charge or consultant pharmacist under the provisions of ~~subsection (c) or (d) of~~ K.S.A. 65-1648*(c) or (d)*, and amendments thereto, has failed to comply with the requirements of ~~subsection (c) or (d) of~~ K.S.A. 65-1648*(c) or (d)*, and amendments thereto;

(11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;

(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order; or

(14) the licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2016 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2016 Supp. 21-5407, and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto; ~~or~~

(15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board*;*

(16) the licensee has violated or failed to comply with any lawful order or directive of the board; or

(17) the licensee has violated any of the provisions of the prescription monitoring program act of the state of Kansas or any rule and regulation of the board pursuant to the provisions of the prescription monitoring program act.

(b) In determining whether or not the licensee has violated subsection (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of such violation has authority to compel a licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate. To determine whether reasonable suspicion of such violation exists, the investigative information shall be presented to the board as a whole. Information submitted to the board as a whole and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of pharmacy with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice pharmacy and who shall accept the privilege to practice pharmacy in this state by so practicing or by the making and filing of a renewal application to practice pharmacy in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

(d) The board may suspend, revoke, place in a probationary status or deny a renewal of any retail dealer's permit issued by the board when information in possession of the board discloses that such operations for which the permit was issued are not being conducted according to law or the rules and regulations of the board. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act.

(e) The board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that:

(1) Such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith;

(2) the owner or any pharmacist employed at such pharmacy is convicted, subsequent to such owner's acquisition of or such employee's employment at such pharmacy, of a violation of the pharmacy act or uniform controlled substances act of the state of Kansas, or the federal or state food, drug and cosmetic act;

(3) the owner or any pharmacist employed by such pharmacy has fraudulently claimed money for pharmaceutical services; or

(4) the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act.

(f) A registration to manufacture *or repackage* drugs, to ~~distribute at~~ *operate as a* wholesale ~~a drug~~ *distributor*, to sell durable medical equipment *or to operate as a third-party logistics provider,* or a registration for the place of business where any such operation is conducted, may be suspended, revoked, placed in a probationary status or the renewal of such registration may be denied by the board upon a finding that the registrant or the registrant's agent:

(1) Has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas;

(2) has been convicted of a felony under any federal or state law relating to the manufacture or distribution of drugs;

(3) has had any federal registration for the manufacture or distribution of drugs suspended or revoked;

(4) has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of K.S.A. 65-1629, and amendments thereto;

(5) has failed to keep, ~~or~~ has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations; or

(6) has violated the pharmacy act of the state of Kansas or rules and regulations adopted by the state board of pharmacy under the pharmacy act of the state of Kansas ~~or~~, has violated the uniform controlled substances act or rules and regulations adopted by the state board of pharmacy under the uniform controlled substances act *or has violated a provision of the federal drug supply chain security act or any rule or regulation adopted under such act*. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act.

(g) Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 3. K.S.A. 65-1633 is hereby amended to read as follows: 65-1633. Every pharmacist who changes residential address *or email address* shall within 30 days thereof ~~by letter~~ notify the ~~executive~~ secretary ~~of the board~~ of such change *on a form prescribed and furnished by the board*, and upon receipt of the notice the ~~executive~~ secretary shall make the proper alterations in the record kept for that purpose.

Sec. 4. K.S.A. 65-1635 is hereby amended to read as follows: 65-1635. (a) Nothing contained in the pharmacy act of the state of Kansas shall prohibit any duly licensed practitioner from purchasing and keeping drugs, from compounding prescriptions or from administering, supplying or dispensing to such practitioner's patients such drugs as may be fit, proper and necessary. Except as provided in subsection (b) or (c), such drugs shall be dispensed by such practitioner and shall comply with the Kansas food, drug and cosmetic act and be subject to inspection as provided by law.

(b) Nothing contained in the pharmacy act of the state of Kansas shall be construed to prohibit any nurse or other person, acting under the direction of a duly licensed practitioner, from administering drugs to a patient.

(c) Nothing contained in the pharmacy act of the state of Kansas shall be construed to prohibit any registered nurse, acting under the supervision of a person who is licensed to practice medicine and surgery as of July 1, 1982, from dispensing drugs to patients of such person so long as the principal office of such person is, and as of July 1, 1982, was, located in a city not having a registered pharmacy within its boundaries. For the purposes of this subsection (c), "supervision" means guidance and direction of the dispensing of drugs by the person licensed to practice medicine and surgery who shall be physically present in the general location at which the drugs are being dispensed.

(d) Nothing contained in the pharmacy act of the state of Kansas shall be construed to prohibit a duly registered ~~wholesaler~~ *wholesale distributor* from distributing a prescription-only drug pursuant to a veterinarian practitioner's written prescription or order, where a valid veterinarian-client-patient relationship, VCPR, as defined in K.S.A. 47-816, and amendments thereto, exists, to the layman responsible for the control of the animal.

(e) Nothing contained in the pharmacy act of the state of Kansas shall require an in-person examination or encounter between a person licensed to practice medicine and surgery and the patient prior to a pharmacist filling or refilling any prescription.

Sec. 5. K.S.A. 2016 Supp. 65-1636 is hereby amended to read as follows: 65-1636. (a) Except as otherwise provided in this act, the sale and ~~distribution~~ *dispensing* of drugs shall be limited to pharmacies operating under registrations as required by this act, and the actual sale or ~~distribution~~ *dispensing* of drugs shall be made by a pharmacist or other persons acting under the immediate personal direction and supervision of the pharmacist.

(b) The donation, acceptance, transfer, distribution or dispensing of any drug in compliance with the provisions of the utilization of unused medications act and any rules and regulations promulgated thereunder shall not constitute a violation of this section.

Sec. 6. K.S.A. 2016 Supp. 65-1637 is hereby amended to read as follows: 65-1637. ~~In every store, shop or other place defined in this act as a "pharmacy" there shall be a pharmacist in charge and, except as otherwise provided by law, the compounding and dispensing of prescriptions shall be limited to pharmacists only. Except as otherwise provided by the pharmacy act of this state, when a pharmacist is not in attendance at a pharmacy, the premises shall be enclosed and secured. Prescription orders may be written, oral, telephonic or by electronic transmission unless prohibited by law. Blank forms for written prescription orders may have two signature lines. If there are two lines, one signature line shall state: "Dispense as written" and the other signature line shall state: "Brand exchange permissible." Prescriptions shall only be filled or refilled in accordance with the following requirements:~~

~~(a) All prescriptions shall be filled in strict conformity with any directions of the prescriber, except:~~

~~(1) That a pharmacist may provide up to three-month supply of a prescription drug that is not a controlled substance or psychotherapeutic drug when a practitioner has written a drug order to be filled with a smaller supply but included sufficient numbers of refills for a three-month supply; and~~

~~(2) that a pharmacist who receives a prescription order for a brand name drug product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:~~

~~(A) The prescriber, in the case of a prescription signed by the prescriber and written on a blank form containing two signature lines, signs the signature line following the statement "dispense as written,"~~

~~(B) the prescriber, in the case of a prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription,~~

~~(C) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated, or~~

~~(D) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication.~~

~~(b) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the physician shall bear the name of the person so telephoning. Nothing in this paragraph shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.~~

~~(c) (1) Except as provided in paragraph (2), no prescription shall be refilled unless authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filled by the pharmacist.~~

~~(2) A pharmacist may refill a prescription order issued on or after the effective date of this act for any prescription drug except a drug listed on schedule II of the uniform controlled substances act or a narcotic drug listed on any schedule of the uniform controlled substances act without the prescriber's authorization when all reasonable efforts to contact the prescriber have failed and when, in the pharmacist's professional judgment, continuation of the medication is necessary for the patient's health, safety and welfare. Such prescription refill shall only be in an amount judged by the pharmacist to be sufficient to maintain the patient until the prescriber can be contacted, but in no event shall a refill under this paragraph be more than a seven day supply or one package of the drug. However, if the prescriber states on a prescription that there shall be no emergency refilling of that prescription, then the pharmacist shall not dispense any emergency medication pursuant to that prescription. A pharmacist who refills a prescription order under this subsection (c)(2) shall contact the prescriber of the prescription order on the next business day subsequent to the refill or as soon thereafter as possible. No pharmacist shall be required to refill any prescription order under this subsection (c)(2). A prescriber shall not be subject to liability for any damages resulting from the refilling of a prescription order by a pharmacist under this subsection (c)(2) unless such damages are occasioned by the gross negligence or willful or wanton acts or omissions by the prescriber.~~

~~(d) If any prescription order contains a provision that the prescription may be refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.~~

~~(e) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be~~

(continued)

~~no limitation as to the number of times that such prescription may be refilled except that it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued, whichever occurs first.~~

~~(f) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.~~

~~Nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if in the pharmacist's professional judgment and discretion such pharmacist is of the opinion that it should not be filled or refilled.~~ *(a) The pharmacist shall exercise professional judgment regarding the accuracy, validity and authenticity of any prescription order consistent with federal and state laws and rules and regulations. Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law, a pharmacist shall not dispense a prescription drug if the pharmacist, in the exercise of professional judgment, determines that the prescription is not a valid prescription order.*

(b) The prescriber may authorize an agent to transmit to the pharmacy a prescription order orally, by facsimile transmission or by electronic transmission, provided that the first and last names of the transmitting agent are included in the order.

(c) (1) A new written or electronically prepared and transmitted prescription order shall be manually or electronically signed by the prescriber. If transmitted by the prescriber's agent, the first and last names of the transmitting agent shall be included in the order.

(2) If the prescription is for a controlled substance and is written or printed from an electronic prescription application, the prescription shall be manually signed by the prescriber prior to delivery of the prescription to the patient or prior to facsimile transmission of the prescription to the pharmacy.

(3) An electronically prepared prescription shall not be electronically transmitted to the pharmacy if the prescription has been printed prior to electronic transmission. An electronically prepared and transmitted prescription that is printed following electronic transmission shall be clearly labeled as a copy, not valid for dispensing.

(4) The board is hereby authorized to conduct pilot projects related to any new technology implementation when deemed necessary and practicable, except that no state moneys shall be expended for such purpose.

(d) An authorization to refill a prescription order or to renew or continue an existing drug therapy may be transmitted to a pharmacist through oral communication, in writing, by facsimile transmission or by electronic transmission initiated by or directed by the prescriber.

(1) If the transmission is completed by the prescriber's agent, and the first and last names of the transmitting agent are included in the order, the prescriber's signature is not required on the fax or alternate electronic transmission.

(2) If the refill order or renewal order differs in any manner from the original order, such as a change of the drug strength, dosage form or directions for use, the prescriber shall sign the order as provided by subsection (c)(1).

(e) Regardless of the means of transmission to a pharmacy, only a pharmacist or a pharmacist intern shall be authorized to receive a new prescription order from a prescriber or transmitting agent. A pharmacist, a pharmacist intern or a registered pharmacy technician may receive a refill or renewal order from a prescriber or transmitting agent if such registered pharmacy technician's supervising pharmacist has authorized that function.

(f) A refill is one or more dispensings of a prescription drug or device that results in the patient's receipt of the quantity authorized by the prescriber for a single fill as indicated on the prescription order.

A prescription for a schedule III, IV or V controlled substance may authorize no more than five refills within six months following the date on which the prescription is issued.

(g) All prescriptions shall be filled or refilled in strict conformity with any directions of the prescriber, except that:

(1) A pharmacist who receives a prescription order for a brand name drug product, excluding a biological product, may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

(A) The prescriber, in the case of a prescription electronically signed by the prescriber, includes the statement "dispense as written" on the prescription;

(B) the prescriber, in the case of a written prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription;

(C) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated; or

(D) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication;

(2) a pharmacist may provide up to a three-month supply of a prescription drug that is not a controlled substance or psychotherapeutic drug when a practitioner has written a drug order to be filled with a smaller supply but included sufficient numbers of refills for a three-month supply; or

(3) a pharmacist who receives a prescription order for a biological product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

(A) The prescriber, in the case of a prescription signed by a prescriber and written on a blank form containing two signature lines, signs the signature line following the statement "dispense as written";

(B) the prescriber, in the case of a prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription;

(C) the prescriber, in the case of a prescription other than the one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated; or

(D) the biological product is not an interchangeable biological product for the prescribed biological product.

(h) A pharmacist who selects an interchangeable biological product shall inform the patient or the patient's representative that an interchangeable biological product has been substituted for the prescribed biological product.

(i) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled, except that it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued, whichever occurs first.

(j) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the prescriber, shall bear the full name of the person so telephoning. Nothing in this section shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.

(k) (1) Except as provided in paragraph (2), no prescription shall be refilled unless authorized by the prescriber either in the original prescription or by oral order that is reduced promptly to writing and filled by the pharmacist.

(2) A pharmacist may refill a prescription order issued on or after the effective date of this act for any prescription drug, except a drug listed on schedule II of the uniform controlled substances act or a narcotic drug listed on any schedule of the uniform controlled substances act, without the prescriber's authorization when all reasonable efforts to contact the prescriber have failed and when, in the pharmacist's professional judgment, continuation of the medication is necessary for the patient's health, safety and welfare. Such prescription refill shall only be in an amount judged by the pharmacist to be sufficient to maintain the patient until the prescriber can be contacted, but in no event shall a refill under this paragraph be more than a seven-day supply or one package of the drug. However, if the prescriber states on a prescription that there shall be no emergency refilling of that prescription, then the pharmacist shall not dispense any emergency medication pursuant to that prescription. A pharmacist who refills a prescription order under this paragraph shall contact the prescriber of the prescription order on the next business day subsequent to the refill or as soon thereafter as possible. No pharmacist shall be required to refill any prescription order under this paragraph. A prescriber shall not be subject to liability for any damages resulting from the refilling of a prescription order by a pharmacist under this paragraph unless such damages are occasioned by the gross negligence or willful or wanton acts or omissions by the prescriber.

(l) If any prescription order contains a provision that the prescription may be refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.

(m) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.

(n) Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law, nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if, in the pharmacist's professional judgment and discretion, such pharmacist is of the opinion that it should not be filled or refilled.

(o) Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the patient, including the name of the product and the manufacturer. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

(1) An inter-operable electronic medical records system;

(2) an electronic prescribing technology;

(3) a pharmacy benefits management system; or

(4) a pharmacy record.

(p) Entry into an electronic records system as described in subsection (o)

shall be presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission or other prevailing means, provided that communication shall not be required where:

(1) There is no FDA-approved interchangeable biological product for the product prescribed; or

(2) a refill prescription is not changed from the product dispensed on the prior filling of the prescription.

(q) A pharmacist shall maintain a record of any biological product dispensed for at least five years.

(r) The board shall maintain a link on its website to the current lists of all biological products that the FDA has determined to be interchangeable biological products.

New Sec. 7. (a) An automated dispensing system shall be under the supervision of a pharmacist licensed in Kansas, who may be retained on a part-time basis and who shall be responsible for recordkeeping and storage of all drugs and verifying and documenting each prescription drug prepared or dispensed by such system.

(b) The board shall adopt such rules and regulations relating to automated dispensing systems as necessary for proper control and operation.

(c) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 8. K.S.A. 2016 Supp. 65-1642 is hereby amended to read as follows: 65-1642. (a) Each pharmacy shall be equipped with proper pharmaceutical utensils, in order that prescriptions can be properly filled and United States ~~pharmacopoeia~~ *pharmacopeia* and national formulary preparations properly compounded, and with proper sanitary appliances ~~which~~ *that* shall be kept in a clean and orderly manner. The board shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess.

(b) Each pharmacy shall keep a suitable book or file ~~which~~ *that* records every prescription order filled at the pharmacy and a medication profile record system as provided under subsection (d). The book or file of prescription orders shall be kept for a period of not less than five years. The book or file of prescription orders shall at all times be open to inspection by members of the board, the secretary of health and environment, the duly authorized agents or employees of such board or secretary and other proper authorities.

(c) (1) A medication profile record system shall be maintained in all pharmacies for persons for whom prescriptions are dispensed. The following information shall be recorded: (A) The name and address of the patient for whom the medication is intended; (B) the prescriber's name, the original date the prescription is dispensed and the number or designation identifying the prescription; (C) the name, strength and quantity of the drug dispensed and the name of the dispensing pharmacist; and (D) drug allergies and sensitivities.

(2) Upon receipt of a prescription order, the pharmacist shall examine the patient's medication profile record before dispensing the medication to determine the possibility of a harmful drug interaction or reaction to medication. Upon recognizing a potential harmful drug interaction or reaction to the medication, the pharmacist shall take appropriate action to avoid or minimize the problem ~~which~~ *that* shall, if necessary, include consultation with the prescriber with documentation of actions taken on the prescription record.

(3) A medication profile record shall be maintained for a period of not less than five years from the date of the last entry in the record.

(4) All prescription drug orders communicated by way of electronic transmission shall conform to federal and state laws and the provisions of the board's rules and regulations.

(d) No registration shall be issued or continued for the conduct of a pharmacy until or unless the provisions of this section have been complied with.

(e) Each pharmacy shall comply with the requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq.

Sec. 9. K.S.A. 2016 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; and (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to ~~manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety~~ *violate the federal drug supply chain security act, 21 U.S.C. § 351 et seq.*

(c) For any person to distribute at wholesale any drugs without first obtaining a registration ~~so to do~~ *as a wholesale distributor* from the board.

(d) For any person to ~~sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale~~ *operate as a third-party logistics provider within this state without having first obtained a registration from the board.*

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection ~~(f)~~, for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in ~~subsection (dd) of~~ K.S.A. 65-1626*(hh)*, and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a, and amendments thereto, and any rules and regulations adopted pursuant thereto.

(i) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662, and amendments thereto, and any rules and regulations adopted pursuant thereto.

(j) For any person to sell or distribute in a pharmacy a controlled substance designated in ~~subsection (e) or (f) of~~ K.S.A. 65-4113*(e) or (f)*, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist;

(continued)

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale or allows the seller to enter such information into an electronic logging system pursuant to K.S.A. 2016 Supp. 65-16,102, and amendments thereto. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

(C) the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and

(D) the seller enters in the log the name of the controlled substance and the quantity sold; or

(2) there is a lawful prescription.

(k) For any pharmacy to allow customers to have direct access to any controlled substance designated in ~~subsection (e) or (f) of~~ K.S.A. 65-4113*(e) or (f)*, and amendments thereto. Such controlled substance shall be placed behind the counter or stored in a locked cabinet that is located in an area of the pharmacy to which customers do not have direct access.

(l) A seller who in good faith releases information in a log pursuant to subsection (j) to any law enforcement officer is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

(m) For any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the board, in accordance with rules and regulations adopted by the board, except that this subsection shall not apply to:

(1) Sales not made in the regular course of the person's business; or

(2) sales by charitable organizations exempt from federal income taxation pursuant to the internal revenue code of 1986, as amended.

(n) For any person to operate as an outsourcing facility within this state, or operate as an outsourcing facility outside of Kansas and ship, mail or deliver drugs into this state, without having first obtained a registration from the board.

(o) For any person to operate an automated dispensing system within this state without having first obtained a registration from the board.

Sec. 10. K.S.A. 2016 Supp. 65-1645 is hereby amended to read as follows: 65-1645. (a) Application for registrations or permits under K.S.A. 65-1643, and amendments thereto, shall be made on a form prescribed and furnished by the board. Applications for registration ~~to distribute at wholesale any drugs~~ shall contain such information as may be required by the board in accordance with the provisions of K.S.A. 65-1655, and amendments thereto*, and sections 13 and 14, and amendments thereto*. The application shall be accompanied by the fee prescribed by the board under the provisions of this section. When such application and fees are received by the ~~executive~~ secretary ~~of the board~~ on or before the due date, such application shall have the effect of temporarily renewing the applicant's registration or permit until actual issuance or denial of the renewal. However, if at the time of filing a proceeding is pending before the board ~~which~~ *that* may result in the suspension, probation, revocation or denial of the applicant's registration or permit, the board may declare, by emergency order, that such application for renewal shall not have the effect of temporarily renewing such applicant's registration or permit. Separate applications shall be made and separate registrations or permits issued for each separate place at which is carried on any of the operations for which a registration or permit is required by K.S.A. 65-1643, and amendments thereto.

(b) The nonrefundable fees required for the issuing of the licenses, registrations or permits under the pharmacy act of the state of Kansas shall be fixed by the board as herein provided, subject to the following:

(1) Pharmacy, new registration not more than $150, renewal not more than $125;

(2) pharmacist, new license by examination not more than $350;

(3) pharmacist, reinstatement application fee not more than $250;

(4) pharmacist, biennial renewal fee not more than $200;

(5) pharmacist, evaluation fee not more than $250;

(6) pharmacist, reciprocal licensure fee not more than $250;

(7) pharmacist, penalty fee, not more than $500;

(8) manufacturer, new registration not more than $500, renewal not more than $400;

(9) ~~wholesaler~~*wholesale distributor*, new registration not more than $500, renewal not more than $400, except that a ~~wholesaler~~ *wholesale distributor* dealing exclusively in nonprescription drugs, the manufacturing, distributing or dispensing of which does not require registration under the uniform controlled substances act, shall be assessed a fee for registration and re-registration not to exceed $50;

(10) special auction not more than $50;

(11) samples distribution not more than $50, renewal not more than $50;

(12) institutional drug room, new registration not more than $40, renewal not more than $35;

(13) retail dealer selling more than 12 different nonprescription drug products, new permit not more than $12, renewal not more than $12;

(14) certification of grades for each applicant for examination and registration not more than $25;

(15) veterinary medical teaching hospital pharmacy, new registration not more than $40, renewal not more than $35; ~~or~~

(16) durable medical equipment registration fee, not more than $300, renewal not more than $300*;*

(17) third-party logistics provider, new registration not more than $500, renewal not more than $400, except that a third-party logistics provider exclusively providing nonprescription drugs, the manufacturing, distributing or dispensing of which does not require registration under the uniform controlled substances act, shall be assessed a fee for registration and re-registration not to exceed $50;

(18) outsourcing facility, new registration not more than $500, renewal not more than $400;

(19) repackager, new registration not more than $500, renewal not more than $400; or

(20) automated dispensing system registration fee, not more than $40, renewal not more than $35.

(c) For the purpose of fixing fees, the board may establish classes of retail dealers' permits for retail dealers selling more than 12 different nonprescription drug products, and the board may fix a different fee for each such class of permit.

(d) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall fix by rules and regulations the fees authorized for such year at the sum deemed necessary for such purposes. The fees fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

(e) The board may deny renewal of any registration or permit required by K.S.A. 65-1643, and amendments thereto, on any ground ~~which~~ *that* would authorize the board to suspend, revoke or place on probation a registration or permit previously granted pursuant to the provisions of K.S.A. 65-1643, and amendments thereto. Registrations and permits issued under the provisions of K.S.A. 65-1643 and 65-1644, and amendments thereto, shall be conspicuously displayed in the place for which the registration or permit was granted. Such registrations or permits shall not be transferable. All such registrations and permits shall expire every year. The expiration date shall be established by rules and regulations adopted by the board. All registrations and permits shall be renewed annually. Notice of renewal of registrations and permits shall be ~~mailed~~ *sent* by the board to each registrant or permittee at least 30 days prior to expiration of the registration or permit. If application for renewal is not made prior to expiration, the existing registration or permit shall lapse and become null and void on the date of its expiration, and no new registration or permit shall be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee. Failure of any registrant or permittee to receive such notice of renewal shall not relieve the registrant or permittee from the penalty hereby imposed if the renewal is not made as prescribed.

(f) In each case in which a license of a pharmacist is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to this section.

(g) The board may require that fees paid for any examination under the pharmacy act of the state of Kansas be paid directly to the examination service by the person taking the examination.

Sec. 11. K.S.A. 65-1648 is hereby amended to read as follows: 65-1648. (a) Any medical care facility pharmacy registered by the board may keep drugs in such facility and may supply drugs to its inpatients and outpatients. Distribution and control of prescription medications in a medical care facility pharmacy shall be under the supervision of a pharmacist in charge. A designated registered nurse or nurses or a licensed physician assistant approved by the pharmacist in charge and under the supervision of the pharmacist in charge shall be in charge of

the distribution and control of drugs of a medical care facility pharmacy when a pharmacist is not on the premises. Drugs supplied to outpatients when a pharmacist is not on the premises shall be limited to the quantity necessary until a prescription can be filled.

(b) Nothing contained in this act shall be construed as prohibiting an adult care home ~~which~~ *that* utilizes the services of a pharmacist, from maintaining an emergency medication kit approved by the adult care home's medical staff composed of a duly licensed practitioner and a pharmacist. The emergency medication kit shall be used only in emergency cases under the supervision and direction of a duly licensed practitioner, and a pharmacist shall have supervisory responsibility of maintaining said emergency medication kit.

(c) Every adult care home ~~which~~ *that* maintains an emergency medication kit under subsection (b) shall comply with the following requirements:

(1) Drugs in an emergency medication kit shall be maintained under the control of the pharmacist in charge of the pharmacy from which the kit came until administered to the patient upon the proper order of a practitioner.

(2) Drugs contained within the emergency medication kit may include controlled substances, but in such case a pharmaceutical services committee shall be responsible for specifically limiting the type and quantity of controlled substance to be placed in each emergency kit.

(3) Administration of controlled substances contained within the emergency medication kit shall be in compliance with the provisions of the uniform controlled substances act.

(4) The consultant pharmacist of the adult care home shall be responsible for developing procedures, proper control and accountability for the emergency medication kit and shall maintain complete and accurate records of the controlled substances, if any, placed in the emergency kit. Periodic physical inventory of the kit shall be required.

(d) (1) The ~~state~~ department of health and environment, any county, city-county or multicounty health department, indigent health care clinic, federally qualified health center and any private not-for-profit family planning clinic, when registered by the board, may keep drugs for the purpose of distributing drugs to patients being treated by that health department, indigent health care clinic, federally qualified health center or family planning clinic. Distribution and control of prescription medications in a health department, indigent health care clinic, federally qualified health center or family planning clinic shall be under the supervision of a pharmacist in charge. A designated registered nurse or nurses or a licensed physician assistant approved by the pharmacist in charge shall be in charge of distribution and control of drugs in the health department, indigent health care clinic, federally qualified health center or family planning clinic under the supervision of the pharmacist in charge when a pharmacist is not on the premises. Drugs supplied to patients when a pharmacist is not on the premises shall be limited to the quantity necessary to complete a course of treatment as ordered by the practitioner supervising such treatment.

(2) The board shall adopt rules and regulations relating to specific drugs to be used, to recordkeeping and to storage of drugs by a health department, indigent health care clinic, federally qualified health center or family planning clinic as are necessary for proper control of drugs.

(3) Any medical care facility pharmacy registered by the board shall comply with the applicable requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq.

Sec. 12. K.S.A. 2016 Supp. 65-1655 is hereby amended to read as follows: 65-1655. (a) The board shall require an applicant for registration ~~to distribute at~~ *as a* wholesale ~~any drugs~~ *distributor* under K.S.A. 65-1643, and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

(1) The name, full business address and telephone number of the applicant;

(2) all trade or business names used by the applicant;

(3) addresses, telephone numbers, and the names of contact persons for all facilities used by the applicant for the storage, handling and distribution of prescription drugs;

(4) the type of ownership or operation of the applicant;

(5) the name of the owner or operator, or both, of the applicant, including:

(A) If a person, the name of the person;

(B) if a partnership, the name of each partner; and the name of the partnership;

(C) if a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation;

(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and

(6) such other information as the board deems appropriate.

Changes in any information in this subsection ~~(a)~~ shall be submitted to the board as required by ~~such~~ *the* board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration ~~to distribute at~~ *as a* wholesale ~~any drugs~~ *distributor*, the board shall consider the following factors:

(1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;

(2) any felony convictions of the applicant under federal or state laws;

(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) suspension or revocation by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(6) compliance with registration requirements under previously granted registrations, if any;

(7) compliance with requirements to maintain or make available to the board or to federal state or local law enforcement officials those records required by federal food, drug and cosmetic act~~,~~ and rules and regulations adopted pursuant thereto; and

(8) any other factors or qualifications the board considers relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration ~~to distribute at~~ *as a* wholesale ~~any drugs~~ *distributor*, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration ~~to distribute at~~ *as a* wholesale ~~any drugs~~ *distributor* shall be in addition to the authority of the board under ~~subsection (e) of~~ K.S.A. 65-1627*(e)*, and amendments thereto, or ~~subsection (e) of~~ K.S.A. 65-1645*(e)*, and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered ~~to distribute at~~ *as a* wholesale ~~any drugs~~ *distributor* have appropriate education or experience, or both, to assume responsibility for positions related to compliance with state registration requirements.

(e) The board by rules and regulations may implement this section to conform to any requirements of the federal ~~prescription drug marketing act of 1987~~ *drug supply chain security act* ~~(~~, 21 U.S.C. § ~~321~~ *351* et seq.~~)~~, in effect on the effective date of this act.

(f) Each facility that engages in wholesale distribution must undergo an inspection by the board or a third party recognized by the board to inspect ~~and accredit~~ wholesale distributors for the purpose of inspecting the wholesale distribution operations prior to initial registration and periodically thereafter in accordance with a schedule to be determined by the board but not less than once every three years. ~~The board shall have the authority to waive registration requirements for wholesale distributors that are accredited by an accrediting agency approved by the board.~~ The board shall adopt rules and regulations to establish standards and requirements for the issuance and maintenance of a wholesale distributor registration, including inspections of wholesale distributor facilities domiciled in the state.

(1) Individual or third party inspectors must demonstrate to the board that they have received training or demonstrate familiarity with the inspection standards. Evidence such as a letter of certification from a training program, notice from the inspector's employing third party organization or other means recognized by the board shall be accepted as meeting the requirement.

(2) The board may register a wholesale distributor that is licensed or registered under the laws of another state if:

(A) The requirements of that state are deemed by the board to be substantially equivalent; or

(B) the applicant is inspected ~~and accredited~~ by a third party recognized and approved by the board.

(g) A person licensed or approved by the ~~federal food and drug administration~~ *FDA* to engage in ~~the manufacture of drugs or devices engaged in~~ wholesale distribution need only satisfy the minimum

(continued)

federal requirements for licensure provided in ~~federal food and drug administration~~ *FDA* regulations 21 C.F.R. Part 205 to provide wholesale distribution services.

(h) The board by rule and regulation shall establish standards and requirements for the issuance and maintenance of a wholesale distributor registration, including, but not limited to, requirements regarding the following:

(1) An application and renewal fee;

(2) a surety bond;

(3) registration and periodic inspections;

(4) certification of a designated representative;

(5) designation of a registered agent;

(6) storage of drugs and devices;

(7) handling, transportation and shipment of drugs and devices;

(8) security;

(9) examination of drugs and devices and treatment of those found to be unacceptable as defined by the board;

(10) due diligence regarding other ~~wholesale distributors~~ *trading partners*;

(11) creation and maintenance of records, including transaction records; ~~and~~

(12) procedures for operation*; and*

(13) procedures for compliance with the requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq.

(i) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

New Sec. 13. (a) The board shall require an applicant for registration to operate as a third-party logistics provider under K.S.A. 65-1643, and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

(1) The name, full business address and telephone number of the applicant;

(2) all trade or business names used by the applicant;

(3) addresses, telephone numbers, and the names of contact persons for all facilities used by the applicant for the storage, handling and distribution of prescription drugs;

(4) the type of ownership or operation of the applicant;

(5) the name of the owner or operator, or both, of the applicant, including:

(A) If a person, the name of the person;

(B) if a partnership, the name of each partner, and the name of the partnership;

(C) if a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation;

(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and

(6) such other information as the board deems appropriate.

Changes in any information in this subsection shall be submitted to the board as required by the board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration to operate as a third-party logistics provider, the board shall consider the following factors:

(1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;

(2) any felony convictions of the applicant under federal or state laws;

(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) suspension or revocation by any federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(6) compliance with registration requirements under previously granted registrations, if any;

(7) compliance with requirements to maintain or make available to the board or to federal state or local law enforcement officials those records required by the federal food, drug and cosmetic act, and rules and regulations adopted pursuant thereto; and

(8) any other factors or qualifications the board considers relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration to operate as a third-party logistics provider, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration to operate a third-party logistics provider shall be in addition to the authority of the board under K.S.A. 65-1627(e) or 65-1645(e), and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered to operate as a third-party logistics provider have appropriate education or experience, or both, to assume responsibility for positions related to compliance with state registration requirements.

(e) The board by rules and regulations may implement this section to conform to any requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq., in effect on the effective date of this act.

(f) Each facility that operates as a third-party logistics provider must undergo an inspection by the board or a third party recognized by the board to inspect third-party logistics provider operations prior to initial registration and periodically thereafter in accordance with a schedule to be determined by the board, but not less than once every three years. The board shall adopt rules and regulations to establish standards and requirements for the issuance and maintenance of a third-party logistics provider registration, including inspections of third-party logistics provider facilities domiciled in the state.

(1) Individual or third-party inspectors must demonstrate to the board that they have received training or demonstrate familiarity with the inspection standards. Evidence, such as a letter of certification from a training program, notice from the inspector's employing third-party organization or other means recognized by the board shall be accepted as meeting the requirement.

(2) The board may register a third-party logistics provider that is licensed or registered under the laws of another state if:

(A) The requirements of that state are deemed by the board to be substantially equivalent; or

(B) the applicant is inspected by a third party recognized and approved by the board.

(g) A person licensed or approved by the FDA to engage in third-party logistics need only satisfy the minimum federal requirements for licensure provided in FDA regulations 21 C.F.R. part 205 to provide third-party logistics services.

(h) The board by rules and regulations shall establish standards and requirements for the issuance and maintenance of a third-party logistics provider registration, including, but not limited to, requirements regarding the following:

(1) An application and renewal fee;

(2) a surety bond;

(3) registration and periodic inspections;

(4) certification of a designated representative;

(5) designation of a registered agent;

(6) storage of drugs and devices;

(7) handling, transportation and shipment of drugs and devices;

(8) security;

(9) examination of drugs and devices and treatment of those found to be unacceptable as defined by the board;

(10) due diligence regarding other trading partners;

(11) creation and maintenance of records, including transaction records;

(12) procedures for operation; and

(13) procedures for compliance with the requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq.

(i) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

New Sec. 14. (a) The board shall require an applicant for registration as an outsourcing facility under K.S.A. 65-1643, and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

(1) The name, full business address and telephone number of the applicant;

(2) all trade or business names used by the applicant;

(3) the type of ownership or operation of the applicant;

(4) the name of the owner or operator, or both, of the applicant, including:

(A) If a person, the name of the person;

(B) if a partnership, the name of each partner, and the name of the partnership;

(C) if a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation;

(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity;

(5) a copy of the valid FDA registration as an outsourcing facility as required by 21 U.S.C. § 353b;

(6) the name and license number of the pharmacist who is designated as the pharmacist-in-charge of the outsourcing facility;

(7) a copy of a current inspection report resulting from an FDA inspection that indicates compliance with the requirements of the federal food, drug and cosmetic act, including guidance documents and current good manufacturing practices established by the FDA, or if no FDA inspection has been conducted within the prior two-year period, the outsourcing facility must undergo an inspection pursuant to subsection (e); and

(8) such other information as the board deems appropriate.

Changes in any information in this subsection shall be submitted to the board as required by the board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration as an outsourcing facility, the board shall consider the following factors:

(1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;

(2) any felony convictions of the applicant under federal or state laws;

(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) suspension or revocation by any federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(6) compliance with registration requirements under previously granted registrations, if any;

(7) compliance with requirements to maintain or make available to the board or to federal, state or local law enforcement officials those records required by the federal food, drug and cosmetic act, and rules and regulations adopted pursuant thereto; and

(8) any other factors or qualifications the board considers relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration as an outsourcing facility, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration to operate as an outsourcing facility shall be in addition to the authority of the board under K.S.A. 65-1627(e) or 65-1645(e), and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered as an outsourcing facility have appropriate education or experience, or both, to assume responsibility for positions related to compliance with state registration requirements.

(e) Each outsourcing facility must undergo an inspection by the board or a third party recognized by the board for the purpose of inspecting operations prior to initial registration and periodically thereafter in accordance with a schedule to be determined by the board, but not less than once every three years. The board shall adopt rules and regulations to establish standards and requirements for the issuance and maintenance of an outsourcing facility registration, including inspections of facilities domiciled in the state.

(f) The board by rules and regulations shall establish standards and requirements for the issuance and maintenance of an outsourcing facility registration, including, but not limited to, requirements regarding the following:

(1) An application and renewal fee;

(2) a surety bond;

(3) registration and periodic inspections;

(4) certification of a designated representative;

(5) designation of a registered agent;

(6) storage of drugs and devices;

(7) handling, transportation and shipment of drugs and devices;

(8) security;

(9) examination of drugs and devices and treatment of those found to be unacceptable as defined by the board;

(10) due diligence regarding other trading partners;

(11) creation and maintenance of records, including transaction records; and

(12) procedures for operation.

(g) Notwithstanding any other provision, no outsourcing facility may distribute or dispense any drug to any person pursuant to a prescription unless it is also registered as a pharmacy in this state and meets all other applicable requirements of federal and state law.

(h) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 15. K.S.A. 2016 Supp. 65-1663 is hereby amended to read as follows: 65-1663. (a) It shall be unlawful for any person to function as a pharmacy technician in this state unless such person is registered with the board as a pharmacy technician. *Every person registered as a pharmacy technician shall have graduated from an accredited high school or its equivalent, obtained a graduate equivalent diploma (GED) or be enrolled and in good standing in a high school education program.* Every person registered as a pharmacy technician shall pass one or more examinations identified and approved by the board within the period or periods of time specified by the board after becoming registered. The board shall adopt rules and regulations identifying the required examinations, when they must be passed and establishing the criteria for the required examinations and passing scores. The board may include as a required examination any national pharmacy technician certification examination. *The board shall adopt rules and regulations restricting the tasks a pharmacy technician may perform prior to passing any required examinations.*

(b) All applications for registration shall be made on a form to be prescribed and furnished by the board. Each application for registration shall be accompanied by a registration fee fixed by the board by rule and regulation not to exceed $50.

(c) The board shall take into consideration any felony conviction of an applicant, but such conviction shall not automatically operate as a bar to registration.

(d) Except as otherwise provided in this subsection, each pharmacy technician registration issued by the board shall expire every two years. The expiration date shall be established by rules and regulations adopted by the board. To provide for a system of biennial renewal of pharmacy technician registrations, the board may provide by rules and regulations that registrations issued or renewed may expire less than two years from the date of issuance or renewal. Each applicant for renewal of a pharmacy technician registration shall be made on a form prescribed and furnished by the board and shall be accompanied by a renewal fee fixed by the board by rule and regulation not to exceed $25. Pharmacy technician registration renewal fees may be prorated for registration periods which are less than biennial in accordance with rules and regulations of the board. Except as otherwise provided in this subsection, the application for registration renewal, when accompanied by the renewal fee and evidence satisfactory to the board that the person has successfully complied with the rules and regulations of the board establishing the requirements for a program of continuing pharmacy technician education and received by the ~~executive~~ secretary ~~of the board~~ on or before the date of expiration of the registration, shall have the effect of temporarily renewing the applicant's registration until actual issuance or denial of the renewal registration. If at the time of filing a proceeding is pending before the board which may result in the suspension, probation, revocation or denial of the applicant's registration, the board may by emergency order declare that the application for renewal shall not have the effect of temporarily renewing such applicant's registration. If the renewal fee is not paid prior to the expiration date of the renewal year, the registration is void.

(e) *Continuing pharmacy technician education requirements shall be fixed by the board at not more than 20 clock hours biennially of a program of continuing education approved by the board. Continuing education hours may be prorated for licensure periods that are less than biennial in accordance with rules and regulations of the board.*

(f) (1) The board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on any ground, which would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.

(2) The board may require a physical or mental examination, or both, of a person applying for or registered as a pharmacy technician.

(3) The board may temporarily suspend or temporarily limit the registration of any pharmacy technician in accordance with the emer-

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gency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under this section against the registrant and that the registrant's continuation of pharmacy technician functions would constitute an imminent danger to the public health and safety.

(4) Proceedings under this section shall be subject to the Kansas administrative procedure act.

~~(f)~~*(g)* Every registered pharmacy technician, within 30 days of obtaining new employment *or ceasing employment as a pharmacy technician*, shall ~~furnish~~ *notify* the ~~board's executive~~ secretary ~~notice~~ of the name and address of the new employer *or cessation of employment.*

(h) Every pharmacy technician who changes their residential address, email address or legal name shall, within 30 days thereof, notify the secretary of such change on a form prescribed and furnished by the board.

~~(g)~~*(i)* Each pharmacy shall at all times maintain a list of the names of pharmacy technicians employed by the pharmacy. A pharmacy technician shall work under the direct supervision and control of a pharmacist*, and while on duty, shall wear a name badge or similar identification with the pharmacy technician's name and designation as a pharmacy technician*. It shall be the responsibility of the supervising pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board, and the supervising pharmacist shall be responsible for the acts and omissions of the pharmacy technician in the performance of the pharmacy technician's duties. The ratio of pharmacy technicians to pharmacists in the prescription area of a pharmacy shall be prescribed by the board by rule and regulation. Any change in the ratio of pharmacy technicians to pharmacists in the prescription area of the pharmacy must be adopted by a vote of no less than six members of the board.

~~(h)~~*(j)* ~~A person holding a~~*Every registered* pharmacy technician ~~registration~~ shall display ~~such~~ *the current* registration in that part of the place of business in which such person is engaged in pharmacy technician activities.

(k) Every pharmacy technician registered after July 1, 2017, shall be required to pass a certified pharmacy technician examination approved by the board.

~~(i)~~*(l)* The board shall adopt such rules and regulations as are necessary to ensure that pharmacy technicians are adequately trained as to the nature and scope of their lawful duties.

~~(j)~~*(m)* The board may adopt rules and regulations as may be necessary to carry out the purposes and enforce the provisions of this act.

~~(k)~~*(n)* This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 16. K.S.A. 2016 Supp. 65-1676 is hereby amended to read as follows: 65-1676. (a) It shall be unlawful for any person to function as a pharmacist intern in this state unless such person is registered with the board as a pharmacist intern.

(b) All applications for registration shall be made on a form to be prescribed and furnished by the board. Each application for registration shall be accompanied by a registration fee fixed by the board by rule and regulation not to exceed $25.

(c) Each pharmacist intern registration issued by the board shall expire six years from the date of issuance.

(d) (1) The board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacist intern on any ground that would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.

(2) The board may temporarily suspend or temporarily limit the registration of any pharmacist intern in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act, if the board determines that there is cause to believe that grounds exist for disciplinary action under this section against the registrant and that the registrant's continuation of pharmacist intern functions would constitute an imminent danger to the public health and safety.

(3) Proceedings under this section shall be subject to the Kansas administrative procedure act.

(e) Every registered pharmacist intern, within 30 days of obtaining new employment, shall furnish the ~~board's executive~~ secretary notice of the name and address of the new employer.

(f) *Every pharmacist intern who changes their residential address, email address or legal name shall, within 30 days thereof, notify the secretary of such change on a form prescribed and furnished by the board.*

(g) Each pharmacy shall at all times maintain a list of the names of pharmacist interns employed by the pharmacy. A pharmacist intern shall work under the direct supervision and control of a pharmacist. It shall be the responsibility of the supervising pharmacist to determine that the pharmacist intern is in compliance with the applicable rules and regulations of the board, and the supervising pharmacist shall be responsible for the acts and omissions of the pharmacist intern in the performance of the pharmacist intern's duties.

~~(g)~~*(h)* A person holding a pharmacist intern registration shall display such registration in that part of the place of business in which such person is engaged in pharmacist intern activities.

~~(h)~~*(i)* The board shall adopt such rules and regulations as are necessary to ensure that pharmacist interns are adequately trained as to the nature and scope of their lawful duties. The board may adopt rules and regulations as may be necessary to carry out the purposes of and enforce the provisions of this section.

~~(i)~~*(j)* This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

New Sec. 17. (a) The board shall adopt rules and regulations governing proper compounding practices and distribution of compounded drugs by pharmacists and pharmacies.

(b) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 18. K.S.A. 65-669 is hereby amended to read as follows: 65-669. A drug or device shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing:

(1) The name and place of business of the manufacturer, the packer or the distributor, except that in the case of a prescription drug it shall bear the name and place of business of the person responsible for the production of the finished dosage form of the drug, the packer and the distributor; except that nothing in ~~clause (1) of~~ this paragraph shall be construed to apply to wholesalers and the requirement of ~~clause (1)~~ *this paragraph* shall be satisfied by stating such information on the label of the drug and filing a statement with such information with the secretary which shall be made available by the secretary on request to local, public and private health agencies, poison control centers, licentiates of the healing arts, the state board of pharmacy, consumers and others to promote the purposes of this act; in no event, however, shall the label contain less information than required under federal law; and

(2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count, except that under ~~clause (2) of~~ this paragraph reasonable variations shall be permitted and exemptions as to small packages shall be allowed, in accordance with regulations prescribed by the secretary, or issued under the federal act.

(c) If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness ~~(~~, as compared with other words, statements, designs or devices, in the labeling~~)~~, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If it is for use by ~~man~~ *human* and contains any quantity of narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of such substance~~, which derivative~~ *that* has been by the secretary after investigation, found to be, and by regulations under this act, or by regulations issued pursuant to 21 U.S.C. § 352(d), designated as, habit forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "warning-may be habit forming."

(e) (1) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name ~~(~~, except the applicable systematic chemical name or the chemical formula~~)~~*:* ~~(i)~~*(A)* The established name ~~(~~, as defined in ~~subparagraph~~ *paragraph* (2)~~)~~, of the drug, if such there be; and ~~(ii)~~*(B)* in case it is fabricated from two or more ingredients, the established name of each active ingredient, including the kind and quantity of proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein. The requirements for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs. To the extent that compliance with the require-

ments of ~~clause (ii) of this subparagraph~~ *subsection (e)(1)(B)* is impracticable, exemptions shall be allowed under regulations promulgated by the secretary, or under the federal act.

(2) As used in this ~~paragraph (e)~~ *subsection*, the term "established name," with respect to a drug or ingredient thereof, means*:* (A) The applicable official name designated pursuant to 21 U.S.C. § 358~~, or~~; (B) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium; or (C) if neither ~~clause~~ *subparagraph* (A) nor ~~clause~~ *subparagraph* (B) ~~of this subparagraph~~ applies, then the common or usual name, if any, of such drug or of such ingredient. Where ~~clause~~ *subparagraph* (B) ~~of this subparagraph~~ applies to an article recognized in the United States ~~pharmacopoeia~~ *pharmacopeia* and in the homeopathic pharmacopoeia under different official titles, the official title used in the United States ~~pharmacopoeia~~ *pharmacopeia* shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the homeopathic pharmacopoeia shall apply.

(f) Unless its labeling bears*:* (1) Adequate directions for use; and (2) such adequate warning against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form~~,~~ as are necessary for the protection of users. Where any requirement of ~~clause~~ *paragraph* (1) ~~of this paragraph~~, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirements. Articles exempted under regulations issued under 21 U.S.C. § 352(f) may also be exempt.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the secretary, or if consent is obtained under the federal act. Whenever a drug is recognized in both the United States ~~pharmacopoeia~~ *pharmacopeia* and the homeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States ~~pharmacopoeia~~ *pharmacopeia* with respect to the packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the homeopathic pharmacopoeia of the United States, and not to those of the United States ~~pharmacopoeia~~ *pharmacopeia*. In the event of inconsistency between the requirements of this ~~paragraph~~ *subsection* and those of ~~paragraph~~ *subsection* (e) as to the name by which the drug or its ingredients shall be designated, the requirements of ~~paragraph~~ *subsection* (e) shall prevail.

(h) If it has been found by the secretary or under the federal act to be a drug liable to deterioration, unless it is packed in such form and manner~~,~~ and its label bears a statement of such precautions, as the regulations adopted by the secretary require as necessary for the protection of public health. No such regulations shall be established for any drug recognized in an official compendium until the secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(i) (1) If it is a drug and its container is so made, formed~~,~~ or filled as to be misleading~~,~~ ~~or~~ (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(j) If it is dangerous to health when used in the dosage, or with the frequency of duration prescribed, recommended~~,~~ or suggested in the labeling thereof.

(k) If it is~~,~~ ~~or~~ purports to be~~,~~ or is represented as a drug composed wholly or partly of insulin, unless*:* (1) It is from a batch with respect to which a certificate or release has been issued pursuant to 21 U.S.C. § 356~~,~~*;* and (2) such certificate or release is in effect with respect to such drug.

(l) If it is~~,~~ ~~or~~ purports to be~~,~~ or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin~~,~~ or any other antibiotic drug, or any derivative thereof, unless*:* (1) It is from a batch with respect to which a certificate or release has been issued pursuant to 21 U.S.C. § 357~~,~~*;* and (2) such certificate or release is in effect with respect to such drug. This paragraph shall not apply to any drug or class of drugs exempted by regulations promulgated under 21 U.S.C. § 357(c) or (d). For the purpose of this subsection the term "antibiotic drug" means any drug intended for use by ~~man~~ *human* containing any quantity of any chemical substance ~~which~~ *that* is produced by a microorganism and which has the capacity to inhibit or destroy microorganisms in dilute solution~~(~~, including the chemically synthesized equivalent of any such substance~~)~~.

(m) If it is a color additive, the intended use of which in or on drugs is for the purpose of coloring only, unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive, prescribed under the provisions of K.S.A. 65-667*, and amendments thereto,* or of the federal act.

(n) In the case of any prescription drug distributed or offered for sale in this state, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true statement of*:* (1) The established name, as defined in subsection (e)(2) ~~of this section,~~*;* (2) the formula showing quantitatively each ingredient of such drug to the extent required for labels under 21 U.S.C. § 352(e)~~,~~*;* and (3) such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required in regulations issued under the federal act.

(o) If a trademark, trade name or other identifying mark, imprint or device of another or any likeness of the foregoing has been placed thereon or upon its container with intent to defraud.

(p) Drugs and devices ~~which~~ *that* are, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed shall be exempt from any labeling or packaging requirements of this act if such drugs and devices are being delivered, manufactured, processed, labeled, repacked or otherwise held in compliance with regulations issued by the secretary or under the federal act.

(q) A drug intended for use by ~~man which (A)~~ *human that: (1)* Is a habit-forming drug to which K.S.A. 65-668*, and amendments thereto,* applies; or ~~(B)~~ *(2)* because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or ~~(C)~~ *(3)* is limited by an approved application under 21 U.S.C. § 355 or K.S.A. 65-669a*, and amendments thereto,* to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only ~~(i)~~*: (A)* Upon a written prescription of a practitioner licensed by law to administer such drug or upon the written prescription of a mid-level practitioner as defined in ~~subsection (ii) of~~ K.S.A. 65-1626, and amendments thereto~~, or (ii)~~*; (B)* upon an oral prescription of such practitioner or mid-level practitioner which is reduced promptly to writing and filed by the pharmacist~~;~~ or ~~(iii)~~ *(C)* by refilling, any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in a drug being misbranded while held for sale.

(r) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug or by filling or refilling a written or oral prescription of a mid-level practitioner as defined in ~~subsection (ii) of~~ K.S.A. 65-1626, and amendments thereto*,* shall be exempt from the requirements of this section, except subsections (a), (i)(2) and (3), (k)~~,~~ and (l), and the packaging requirements of subsections (g) and (h), if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of ~~paragraph~~ *subsection* (q) ~~of this section~~.

(s) The secretary may, by regulation, remove drugs subject to subsection (d) ~~of this section~~ and K.S.A. 65-669a*, and amendments thereto,* from the requirements of ~~paragraph~~ *subsection* (q) ~~of this section~~ when such requirements are not necessary for the protection of the public health. Drugs removed from the prescription requirements of the federal act by regulations issued thereunder may also, by regulations issued by the secretary, be removed from the requirements of ~~paragraph~~ *subsection* (q) ~~of this section~~.

(t) A drug which is subject to ~~paragraph~~ *subsection* (q) ~~of this section~~ shall be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "caution: federal law prohibits dispensing without prescription," or "caution: state law prohibits dispensing without prescription." A drug to which ~~paragraph~~ *subsection* (q) ~~of this section~~ does not apply shall be deemed to be misbranded

(continued)

if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence.

(u) Nothing in this section shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to drugs now included or ~~which~~ *that* may hereafter be included within the classifications of narcotic drugs or marijuana as defined in the applicable federal and state laws relating to narcotic drugs and marijuana.

Sec. 19. K.S.A. 65-1660 is hereby amended to read as follows: 65-1660. (a) Except as otherwise provided in this section, the provisions of the pharmacy act of the state of Kansas shall not apply to dialysates, devices or drugs which are designated by the board for the purposes of this section relating to treatment of a person with chronic kidney failure receiving dialysis and which are prescribed or ordered by a physician or a mid-level practitioner for administration or delivery to a person with chronic kidney failure if:

(1) The wholesale distributor is registered with the board and lawfully holds the drug or device; and

(2) the wholesale distributor: (A) Delivers the drug or device to: (i) A person with chronic kidney failure for self-administration at the person's home or specified address; (ii) a physician for administration or delivery to a person with chronic kidney failure; or (iii) a medicare approved renal dialysis facility for administering or delivering to a person with chronic kidney failure; and (B) has sufficient and qualified supervision to adequately protect the public health.

(b) The wholesale distributor pursuant to subsection (a) shall be supervised by a pharmacist consultant pursuant to rules and regulations adopted by the board.

(c) The board shall adopt such rules or regulations as are necessary to effectuate the provisions of this section.

(d) As used in this section, "physician" means a person licensed to practice medicine and surgery; "mid-level practitioner" means mid-level practitioner as such term is defined in ~~subsection (ii) of~~ K.S.A. 65-1626, and amendments thereto.

(e) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 20. K.S.A. 2016 Supp. 65-1669 is hereby amended to read as follows: 65-1669. As used in the utilization of unused medications act:

(a) "Adult care home" has the same meaning as such term is defined in K.S.A. 39-923, and amendments thereto.

(b) "Community mental health center" has the same meaning as such term is defined in K.S.A. ~~75-3307c~~ *2016 Supp. 39-2002*, and amendments thereto.

(c) "Donating entities" means adult care homes, mail service pharmacies, institutional drug rooms and medical care facilities who elect to participate in the program.

(d) "Drug" has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

(e) "Federally qualified health center" means a center ~~which~~ *that* meets the requirements for federal funding under 42 U.S.C. § 1396d(1) of the public health service act, and amendments thereto, and ~~which~~ *that* has been designated as a "federally qualified health center" by the federal government.

(f) "Indigent health care clinic" has the same meaning as such term is defined in K.S.A. 75-6102, and amendments thereto.

(g) "Institutional drug room" has the meaning as such term is defined in K.S.A. 65-1626~~(bb)~~, and amendments thereto.

(h) "Mail service pharmacy" means a licensed Kansas pharmacy that ships, mails or delivers by any lawful means a lawfully dispensed medication in tamper-resistant packaging to residents of this state or another state.

(i) "Medical care facility" has the same meaning as such term is defined in K.S.A. 65-425, and amendments thereto.

(j) "Medically indigent" has the same meaning as such term is defined in K.S.A. 75-6102, and amendments thereto.

(k) "Medication" means a prescription drug or drug as defined by this section.

(l) "Mid-level practitioner" has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

(m) "Practitioner" has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

(n) "Prescription drug" means a drug ~~which~~ *that* may be dispensed only upon prescription of a practitioner or mid-level practitioner authorized by law and ~~which~~ *that* is approved for safety and effectiveness as a prescription drug under section 505 or 507 of the federal food, drug and cosmetic act, 52 Stat. 1040 (1938), 21 U.S.C.A. § 301.

(o) "Qualifying center or clinic" means an indigent health care clinic, federally qualified health center or community mental health center.

(p) "Samples of medications or injectables" means a unit of drug that is not intended to be sold and is intended to promote the sale of the drug.

Sec. 21. K.S.A. 2016 Supp. 65-2837a is hereby amended to read as follows: 65-2837a. (a) It shall be unlawful for any person licensed to practice medicine and surgery to prescribe, order, dispense, administer, sell, supply or give or for a mid-level practitioner as defined in K.S.A. 65-1626~~(ii)~~, and amendments thereto, to prescribe, administer, supply or give any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, except as provided in this section. Failure to comply with this section by a licensee shall constitute unprofessional conduct under K.S.A. 65-2837, and amendments thereto.

(b) When any licensee prescribes, orders, dispenses, administers, sells, supplies or gives or when any mid-level practitioner as defined in K.S.A. 65-1626~~(ii)~~, and amendments thereto, prescribes, administers, sells, supplies or gives any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, the patient's medical record shall adequately document the purpose for which the drug is being given. Such purpose shall be restricted to one or more of the following:

(1) The treatment of narcolepsy.

(2) The treatment of drug-induced brain dysfunction.

(3) The treatment of attention-deficit/hyperactivity disorder.

(4) The differential diagnostic psychiatric evaluation of depression.

(5) The treatment of depression shown by adequate medical records and documentation to be unresponsive to other forms of treatment.

(6) The clinical investigation of the effects of such drugs or compounds, in which case, before the investigation is begun, the licensee shall, in addition to other requirements of applicable laws, apply for and obtain approval of the investigation from the *state* board of healing arts.

(7) The treatment of obesity with controlled substances, as may be defined by rules and regulations adopted by the board of healing arts.

(8) The treatment of binge eating disorder.

(9) The treatment of any other disorder or disease for which such drugs or compounds have been found to be safe and effective by competent scientific research ~~which findings have~~ *that has* been generally accepted by the scientific community, in which case, the licensee before prescribing, ordering, dispensing, administering, selling, supplying or giving the drug or compound for a particular condition, or the licensee before authorizing a mid-level practitioner to prescribe the drug or compound for a particular condition, shall obtain a determination from the board of healing arts that the drug or compound can be used for that particular condition.

Sec. 22. K.S.A. 2016 Supp. 65-4202 is hereby amended to read as follows: 65-4202. As used in this act: (a) "Board" means the ~~state~~ board of nursing.

(b) The "practice of mental health technology" means the performance, under the direction of a physician licensed to practice medicine and surgery or registered professional nurse, of services in caring for and treatment of the mentally ill, emotionally disturbed, or people with intellectual disability for compensation or personal profit, which services:

(1) Involve responsible nursing and therapeutic procedures for patients with mental illness or intellectual disability requiring interpersonal and technical skills in the observations and recognition of symptoms and reactions of such patients, the accurate recording of such symptoms and reactions and the carrying out of treatments and medications as prescribed by a licensed physician or a mid-level practitioner as defined in ~~subsection (ii) of~~ K.S.A. 65-1626, and amendments thereto~~; and~~

(2) require an application of techniques and procedures that involve understanding of cause and effect and the safeguarding of life and health of the patient and others; and

(3) require the performance of duties that are necessary to facilitate rehabilitation of the patient or are necessary in the physical, therapeutic and psychiatric care of the patient and require close work with persons licensed to practice medicine and surgery, psychiatrists, psychologists, rehabilitation therapists, social workers, registered nurses, and other professional personnel.

(c) A "licensed mental health technician" means a person who lawfully practices mental health technology as defined in this act.

(d) An "approved course in mental health technology" means a program of training and study including a basic curriculum which shall be prescribed and approved by the board in accordance with the standards prescribed herein, the successful completion of which shall be required before licensure as a mental health technician, except as hereinafter provided.

Sec. 23. K.S.A. 65-7007 is hereby amended to read as follows: 65-7007. (a) Each regulated chemical distributor and retailer shall submit to the bureau:

(1) Any regulated transaction involving an extraordinary quantity of a regulated chemical, an uncommon method of payment or delivery, or any other circumstance that may indicate that the regulated chemical will be used in violation of this act.

(2) Any proposed regulated transaction with a person whose description or other identifying characteristic the bureau has previously furnished to the regulated chemical distributor or retailer.

(3) Any unusual or excessive loss or disappearance of a regulated chemical under the control of the regulated chemical distributor or retailer. The regulated person responsible for reporting a loss in-transit is the distributor.

(b) Each report submitted pursuant to subsection (a), whenever possible shall be made orally to the bureau at the earliest practicable opportunity after the regulated chemical distributor or retailer becomes aware of the circumstances involved and as much in advance of the conclusion of the transaction as possible. Written reports of these transactions shall subsequently be filed within 15 days after the regulated chemical distributor or retailer becomes aware of the circumstances of the event. A transaction may not be completed with a person whose description or identifying characteristics have previously been furnished to the regulated distributor by the bureau unless the transaction is approved by the bureau.

(c) This section shall not apply to any of the following:

(1) Any pharmacist, pharmacy or other authorized person who sells or furnishes a substance listed in ~~subsection (1) of~~ K.S.A. 65-7003*(1),* and amendments thereto, upon the prescription or order of a practitioner as defined under ~~subsection (x) of~~ K.S.A. 65-1626, and amendments thereto;

(2) any practitioner as defined under ~~subsection (x) of~~ K.S.A. 65-1626, and amendments thereto, who administers, dispenses or furnishes a substance listed in ~~subsection (1) of~~ K.S.A. 65-7003*(1),* and amendments thereto, to such patients within the scope of a practitioner's professional practice. Such administration or dispensing shall be in the patient record;

(3) ~~an~~*any* sale, transfer, furnishing or receipt of any drug ~~which~~ *that* contains any substance listed in ~~subsection (1) of~~ K.S.A. 65-7003*(1),* and amendments thereto, and ~~which~~ *that* is lawfully sold, transferred or furnished over-the-counter without a prescription pursuant to the federal food, drug and cosmetic act or regulations adopted thereunder; and

(4) a regulated chemical retailer who only sells or distributes regulated chemicals that are nonprescription, over-the-counter medicines with less than three grams of base ingredient in the package in the following manner:

(A) Blister packs of not more than two dosage units per blister;
(B) liquid cold or cough medicines;
(C) liquid cold or cough gel capsules; and
(D) nasal drops or sprays.

Sec. 24. K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-1669, 65-1676, 65-2837a and 65-4202 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the Kansas register

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(Published in the Kansas Register April 20, 2017)

HOUSE BILL No. 2110

AN ACT concerning financial institutions; relating to trust companies; establishment of nonresident entities; requirements; amending K.S.A. 2016 Supp. 9-2111 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2016 Supp. 9-2111 is hereby amended to read as follows: 9-2111. (a) Except as provided in K.S.A. 9-2107, and amendments thereto, no trust company, trust department of a bank, corporation or other business entity, the home office of which is located outside the state of Kansas, shall establish or operate a trust facility within the state of Kansas, unless the laws of the state where the home office of the nonresident trust company, trust department of a bank, corporation or other business entity is located ~~reciprocally~~ authorize a Kansas chartered trust company, trust department of a bank, corporation or other business entity to establish or operate a trust facility within that state.

(b) Before any nonresident trust company, trust department of a bank, corporation or other business entity establishes a trust facility in Kansas, a copy of the application submitted to the home state, and proof that the home state ~~has reciprocity with Kansas,~~ *authorizes a Kansas chartered trust company, trust department of a bank, corporation or other business entity to establish or operate a trust facility within that state,* must be filed by the applicant with the commissioner.

(c) No Kansas trust company shall establish an out-of-state trust facility until an application has been filed with the commissioner and approval has been received. An application filed pursuant to this section shall be subject to the provisions in K.S.A. 9-2108, and amendments thereto.

(d) No Kansas bank with a trust department shall establish an out-of-state trust facility until an application has been filed with the commissioner and approval has been received. An application filed pursuant to this section shall be subject to the provisions in K.S.A. 9-1111, and amendments thereto.

(e) As used in this section, "trust facility" means any office, agency, desk or other place of business at which trust business is conducted.

(f) Any Kansas trust company or Kansas bank making application to the commissioner pursuant to subsection (c) or (d) shall pay to the commissioner a fee to be established pursuant to K.S.A. 2016 Supp. 9-1726, and amendments thereto, to defray the expenses of the commissioner in the examination and investigation of the application. The commissioner shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the bank investigation fund. The moneys in the bank investigation fund shall be used to pay the expenses of the commissioner in the examination and investigation of such applications and any unused balance shall be transferred to the bank commissioner fee fund.

Sec. 2. K.S.A. 2016 Supp. 9-2111 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 20, 2017)

HOUSE BILL No. 2136

AN ACT concerning weights and measures; relating to service companies; technical representatives; amending K.S.A. 2016 Supp. 83-402 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2016 Supp. 83-402 is hereby amended to read as follows: 83-402. (a) *(1)* Each person, other than an authorized representative of the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate and perform testing and other services as a service company in Kansas shall apply to the secretary for a service company license, on a form to be supplied by the secretary, and shall obtain such license from the secretary before operating and performing testing or other services as a service company. Each service company shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of $50~~, or commencing July 1, 2002, and ending June 30, 2010, a fee of $100 and thereafter an annual license renewal application fee of $50, or commencing July 1, 2002, and ending June 30, 2010, a fee of $100 for each place of business~~.

(2) Beginning with the 2017 license year, the secretary may, by order, set the license application fee, not to exceed the maximum fee stated herein:

(continued)

(A) Commencing July 1, 2017, the license application fee shall not exceed $100.

(B) Commencing July 1, 2019, the license application fee shall not exceed $110.

(C) Commencing July 1, 2021, the license application fee shall not exceed $120.

(D) Commencing July 1, 2023, and thereafter, the license application fee shall not exceed $130.

(3) Each service company license shall expire on June 30 following issuance, shall be void unless renewed prior to the expiration and shall not be transferable. *The license renewal fee shall be equal to the license application fee as provided in this section for each place of business.*

(b) If any service company maintains any out-of-state places of business which the service company operates in serving Kansas patrons, the ~~applicant~~ *service company* seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the service company operates at each such place of business. If any out-of-state place of business is established by a service company after being licensed under this section, the licensee shall supply such information to the secretary before any work is performed in Kansas from such out-of-state location. Each nonresident service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any liabilities arising from operations thereunder. Each nonresident service company which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the service company intends to operate.

(c) *(1)* Each technical representative shall be licensed annually by the secretary. *Except as provided in paragraph (2),* each technical representative shall be required to attend continuing education seminars on an annual basis as required by rules and regulations adopted by the secretary and to pass a reasonable examination prescribed by the secretary each year prior to being licensed. *Each technical representative's license shall expire on June 30 following the issuance of the license and shall be void unless renewed prior to the expiration.*

(2) Beginning on July 1, 2017, each technical representative who has had 10 years of continuous licensure with no administrative enforcement action adjudicated against such technical representative during such 10-year period shall be eligible to obtain a three-year license. The secretary shall implement, by order, the fee for such three-year license, which shall be an amount not to exceed $300. Each technical representative holding a three-year license shall be required to complete continuing education as described in subsection (c) (1) at a frequency not to exceed once per three-year period. The secretary may promulgate rules and regulations to require any technical representative who has been adjudicated in violation of this act or any rules and regulations promulgated by the secretary, to seek renewal of a license on an annual basis and may establish criteria for reinstatement of eligibility for a three-year license.

(3) The Kansas department of agriculture ~~shall be~~ *is* authorized to charge a fee to the attendees of ~~the seminar~~ *continuing education seminars* sponsored by the department. The amount ~~charged~~ *of such fee* shall be no more than is necessary to cover the expenses incurred ~~in~~ *by* providing the seminar. ~~All technical representatives who install, repair, adjust or calibrate a device and certify such devices shall be required to pass the state examination annually. Each technical representative license shall expire on June 30 following issuance of the license and shall be void unless renewed prior to the expiration.~~

(d) No service company license may be issued or renewed under this section until the applicant's weights ~~and~~ *or* measures*, or both,* have been tested for accuracy and sealed by the secretary. The secretary is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national institute of standards and technology*; or* by a weights and measures laboratory certified by the national institute of standards and technology*,* ~~or by the appropriate certifying agency of another state~~ in lieu of a test by the secretary, if such certificate shows that the weights or measures*, or both,* have been tested within the ~~12 calendar months next~~ *last 365 days* preceding the license application.

(e) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

Sec. 2. K.S.A. 2016 Supp. 83-402 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 20, 2017)

HOUSE BILL No. 2140

AN ACT concerning firefighting; relating to interstate compacts; great plains interstate fire compact.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The governor of Kansas may execute a compact on behalf of the state with any one or more states who may, by their legislative bodies, authorize a compact, in form substantially as follows:

ARTICLE I

The purpose of this compact is to promote effective prevention and control of forest fires in the great plains region of the United States by the maintenance of adequate forest fire fighting services by the member states, and by providing for reciprocal aid in fighting forest fires among the compacting states of the region, including South Dakota, North Dakota, Wyoming, Colorado and any adjoining state of a current member state.

ARTICLE II

This compact is operative immediately as to those states ratifying it if any two or more of the member states have ratified it.

ARTICLE III

In each state, the state forester or officer holding the equivalent position, who is responsible for forest fire control, may act as compact administrator for that state and may consult with like officials of the other member states and may implement cooperation between the states in forest fire prevention and control. The compact administrators of the member states may organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact. Each member state may formulate and put into effect a forest fire plan for that state.

ARTICLE IV

If the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

ARTICLE V

If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges, and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact is liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with rendering the outside aid.

All liability, except as otherwise provided in this compact, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall, subject to appropriations, be reimbursed by the member state receiving the aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. However, nothing in this compact prevents any assisting member state from assuming such loss, damage, expense, or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to this compact.

For the purposes of this compact the term, employee, includes any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws of the aiding state.

The compact administrators may formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI

Ratification of this compact does not affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services, or facilities of any member state.

Nothing in the compact authorizes or permits any member state to curtail or diminish its forest fire fighting forces, equipment, services, or facilities. Each member state shall maintain adequate forest fire fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

Nothing in this compact limits or restricts the powers of any state ratifying the compact to provide for the prevention, control, and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules, or regulations intended to aid in the prevention, control, and extinguishment in the state.

Nothing in this compact affects any existing or future cooperative relationship or arrangement between the United States forest service and a member state or states.

ARTICLE VII

Representatives of the United States forest service may attend meetings of the compact administrators.

ARTICLE VIII

The provisions of Articles IV and V of this compact that relate to reciprocal aid in combating, controlling, or preventing forest fires are operative as between any state party to this compact and any other state which is party to this compact and any other state that is party to a regional forest fire protection compact in another region if the legislature of the other state has given its assent to the mutual aid provisions of this compact.

ARTICLE IX

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of the state takes action to withdraw from the compact. Such action is not effective until six months after notice of the withdrawal has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

Sec. 2. A volunteer firefighter entitled to benefits under the workers compensation act who is engaged by the state of Kansas under the compact pursuant to section 1, and amendments thereto, shall be deemed to be an employee of the state of Kansas solely for purposes of the workers compensation act.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 20, 2017)

SENATE BILL No. 184

AN ACT establishing the Kansas intelligence fusion center act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 10, and amendments thereto, shall be known and may be cited as the Kansas intelligence fusion center act.

Sec. 2. There is hereby established the Kansas intelligence fusion center, which shall be constituted and operated as provided by state and federal law. The Kansas intelligence fusion center shall be a collaboration among federal, state, local and tribal agencies, as well as private sector entities, including, but not limited to, those with the primary purposes of homeland security, counter-terrorism, public safety, public protection and critical infrastructure. The Kansas intelligence fusion center shall be housed within a sensitive compartmentalized information facility in order to access classified threat information as permitted by state and federal law.

Sec. 3. The Kansas intelligence fusion center shall:

(a) Generate intelligence analysis critical for homeland security policy and relevant threat warning in order to protect life, liberty and property in Kansas and the great plains region;

(b) promote and improve intelligence sharing among public safety and public service agencies at the federal, state, local and tribal levels, and with critical infrastructure and key resource entities within the private sector;

(c) receive and integrate intelligence and information related to terrorism and other homeland security threats;

(d) collect, analyze, produce, disseminate and maintain such intelligence and information, as allowed by law, to support local, state, tribal and federal law enforcement agencies, and other governmental agencies and private organizations in: Preventing, preparing for, responding to and recovering from any possible or actual terrorist attack or other homeland security threat;

(e) maximize intelligence and information sharing in accordance with all applicable state and federal laws; and

(f) ensure that appropriate security measures are in place for: (1) The sensitive compartmentalized information facility; (2) data collected or stored at the sensitive compartmentalized information facility; and (3) personnel working at the sensitive compartmentalized information facility.

Sec. 4. The adjutant general's department shall provide facilities, budget and administrative support for the Kansas intelligence fusion center and its employees and participants. The adjutant general's department shall be the custodian of all records collected and maintained at the Kansas intelligence fusion center and also shall serve as security manager for the Kansas intelligence fusion center.

Sec. 5. (a) The operations of the Kansas intelligence fusion center shall be overseen by the fusion center oversight board that is hereby established.

(b) The board shall be composed of the following:

(1) The attorney general;

(2) the adjutant general; and

(3) a member appointed by the attorney general with expertise in critical infrastructure protection.

(c) The attorney general shall serve as chairperson of the board and the adjutant general shall serve as vice-chairperson of the board.

(d) Each member of the fusion center oversight board shall have a current, valid federal security clearance at the appropriate level.

(e) The board may adopt policies and procedures for the operation of the Kansas intelligence fusion center.

(f) The board may adopt rules and regulations as may be necessary to carry out the provisions of this act, including rules and regulations concerning the operations of the Kansas intelligence fusion center.

(g) The attorney general's office shall provide administrative support to and be the custodian of the records for the board.

Sec. 6. Subject to appropriations, the Kansas intelligence fusion center shall have the following employees, all in the unclassified service of the civil service act:

(a) An executive director, who shall be appointed by and serve at the pleasure of the fusion center oversight board. The executive director shall:

(1) Be responsible for all operations of the Kansas intelligence fusion center and shall report to the fusion center oversight board;

(2) be responsible for: (A) Facilitating and implementing applicable federal standards and programs by the Kansas intelligence fusion center; (B) ensuring compliance with all applicable laws and federal requirements; and (C) maintaining proper separation between military and civilian capacities;

(3) provide support, as needed, to the fusion center oversight board meetings; and

(4) other duties and responsibilities as may be assigned by the fusion center oversight board;

(b) a deputy director for law enforcement, who shall be appointed by and serve at the pleasure of the attorney general. The deputy director for law enforcement shall serve as the liaison between the Kansas

(continued)

intelligence fusion center and Kansas law enforcement agencies and organizations and shall strive to provide the appropriate flow of information from each to the other; and

(c) such other employees as may be authorized by the fusion center oversight board to administer properly the provisions of this act.

Sec. 7. (a) The executive director, with approval of the fusion center oversight board, may enter into agreements with participating agencies or organizations, whether public or private, for their participation in the Kansas intelligence fusion center. Such agreements: (1) Shall define the duties and responsibilities of each participating agency or organization; and (2) may provide for payment by the participating agency or organization of a reasonable share of the cost to establish, maintain and operate the Kansas intelligence fusion center.

(b) (1) The Kansas intelligence fusion center, with approval of the fusion center oversight board, may accept any gift, grant, payment or contribution from any source, public or private, for the purpose of paying the costs to establish, maintain or operate the Kansas intelligence fusion center. Such gift, grant, payment or contribution may be in the form of services, equipment, supplies, materials or funds. All amounts received under this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas intelligence fusion center fund, that is hereby created in the state treasury and shall be administered by the adjutant general.

(2) Moneys in the Kansas intelligence fusion center fund may be used by the adjutant general, with approval or at the direction of the fusion center oversight board, to pay any costs associated with establishing, maintaining or operating the Kansas intelligence fusion center. All expenditures from the Kansas intelligence fusion center fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general or the adjutant general's designee. Any gift, grant, payment or contribution in a form other than funds may be accepted by the executive director, with approval of the fusion center oversight board, and utilized and expended in any manner authorized by law to establish, maintain or operate the Kansas intelligence fusion center.

(c) The moneys credited to the fund created in subsection (b) shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this act.

Sec. 8. The office of the attorney general shall provide legal counsel to the Kansas intelligence fusion center. The attorney general shall assign an attorney to serve as privacy and civil liberties counsel to the Kansas intelligence fusion center. Such attorney shall advise the Kansas intelligence fusion center, executive director, and the fusion center oversight board on all matters necessary to ensure compliance with all applicable federal and state privacy or civil liberties laws and obligations.

Sec. 9. No classified information shall be accessed or shared with any person or entity that does not meet the criteria of DoDM 5200.01-V1-V3.

Sec. 10. Private sector entities participating in the Kansas intelligence fusion center shall not be considered governmental entities, nor shall employees or agents of private sector entities assigned to the Kansas intelligence fusion center be considered state employees for the purposes of K.S.A. 75-6101 et seq., and amendments thereto.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 6 and 7 during the 2017 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at http://www.kslegislature.org/li/.

House Resolutions

HR 6029, A RESOLUTION recognizing April as the Month of the Military Child by Representatives Carlin, Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carmichael, Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, Curtis, Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, Patton, Phelps, Phillips, Pittman, Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, Smith, Stogsdill, Sutton, Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Wheeler, Whipple, Whitmer, Williams, Wilson, Winn and Wolfe Moore.

Senate Bills

SB 247, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city and reimbursement of the cemetery district, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1608, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 regular session of the legislature, by Senators Wagle, Denning and Hensley.

Doc. No. 045327

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 2016 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-74	Amended	V. 35, p. 1093
1-6-23	Amended	V. 35, p. 1093
1-9-23	Amended	V. 35, p. 1094
1-14-8	Amended	V. 35, p. 1096
1-14-10	Amended	V. 35, p. 1097
1-16-4	Amended	V. 35, p. 44
1-16-8	Amended	V. 35, p. 44
1-16-15	Amended	V. 35, p. 45
1-16-18	Amended	V. 35, p. 45
1-16-18a	Amended	V. 35, p. 46
1-39-1 through 1-39-4	Revoked	V. 36, p. 8

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-5-1	Revoked	V. 35, p. 238
4-5-2	Revoked	V. 35, p. 238
4-5-4	New	V. 35, p. 238

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 35, p. 308
5-3-6a	Amended	V. 36, p. 159
5-12-1	Amended	V. 35, p. 313
5-21-3	Amended	V. 36, p. 160
5-21-6	Amended	V. 35, p. 431
5-22-7	Amended	V. 35, p. 199
5-23-4	Amended	V. 35, p. 385
5-23-4b	Revoked	V. 35, p. 386
5-24-2	Amended	V. 35, p. 386
5-25-21	New	V. 35, p. 200

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-16	New (T)	V. 35, p. 662

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-3-9	Amended	V. 36, p. 140
9-3-10	Amended	V. 36, p. 140
9-7-4	Amended	V. 35, p. 428
9-7-4a	New	V. 35, p. 428
9-18-31	New	V. 35, p. 313
9-26-1	Revoked	V. 35, p. 314
9-27-1	Amended	V. 35, p. 695

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-9-1	Revoked	V. 35, p. 1033
16-14-10	New (T)	V. 35, p. 626
16-14-10	New	V. 35, p. 858
16-14-11	New (T)	V. 35, p. 626
16-14-11	New	V. 35, p. 858
16-15-1 through 16-15-4	New (T)	V. 35, p. 626-628
16-15-1 through 16-15-4	New	V. 35, p. 858-860
16-16-1	New	V. 35, p. 1033
16-16-2	New	V. 35, p. 1033
16-16-3	New	V. 35, p. 1033

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-17-10	Amended	V. 35, p. 566
28-17-11	Revoked	V. 35, p. 567
28-17-20	Amended	V. 35, p. 567
28-19-11	Amended	V. 35, p. 930
28-19-300	Amended	V. 35, p. 954
28-19-304	Amended	V. 35, p. 955
28-74-1	New	V. 35, p. 383
28-74-2	New	V. 35, p. 383
28-74-3	New	V. 35, p. 383
28-74-4	New	V. 35, p. 384

AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

Reg. No.	Action	Register
30-44-2	Amended	V. 35, p. 63
30-44-6	New	V. 35, p. 63
30-46-10	Amended	V. 35, p. 581

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-18	Amended	V. 35, p. 405
40-4-34	Amended	V. 35, p. 384
40-4-41	Amended	V. 35, p. 633

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-12-301	Amended (T)	V. 35, p. 742
44-12-301	Amended	V. 35, p. 898

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 35, p. 1046

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-2-101	Amended	V. 35, p. 322
60-3-102	Amended	V. 35, p. 323
60-3-103	Amended	V. 35, p. 323
60-3-110	Amended	V. 35, p. 323
60-3-113	Amended	V. 35, p. 324
60-7-102	Amended	V. 35, p. 324
60-7-106	Amended	V. 35, p. 324
60-9-105	Amended	V. 35, p. 325
60-9-106	Amended	V. 35, p. 326
60-17-102	Amended	V. 35, p. 327

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-1-24	Amended	V. 35, p. 991
61-3-2	Amended	V. 35, p. 991
61-3-3	Amended	V. 35, p. 991
61-3-5	Amended	V. 35, p. 991
61-3-7	Amended	V. 35, p. 384
61-3-20	Amended	V. 35, p. 991
61-4-2	Amended	V. 35, p. 991
61-7-1	Revoked	V. 35, p. 385
61-7-2	New	V. 35, p. 385

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 35, p. 455

AGENCY 67: KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

Reg. No.	Action	Register
67-2-4	Amended	V. 36, p. 80
67-5-5	Amended	V. 36, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 35, p. 695
68-1-1f	Amended	V. 35, p. 696
68-1-1g	Revoked	V. 35, p. 696
68-5-18	New	V. 35, p. 696
68-7-10	Amended	V. 35, p. 697
68-7-22	New	V. 35, p. 427
68-9-2	Amended	V. 35, p. 698
68-9-3	New	V. 35, p. 699
68-11-3	New	V. 35, p. 700

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 35, p. 1097
69-12-18	New	V. 35, p. 1098

AGENCY 70: DEPARTMENT OF AGRICULTURE, BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 36, p. 140

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-6-5	Amended	V. 35, p. 140

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 35, p. 84
74-1-4	Amended	V. 35, p. 84
74-2-7	Amended	V. 35, p. 85
74-4-8	Amended	V. 35, p. 85
74-4-9	Amended	V. 35, p. 86
74-5-2	Amended	V. 35, p. 87
74-5-2a	Amended	V. 35, p. 88
74-5-2b	New	V. 35, p. 88
74-5-101 through 74-5-104	Amended	V. 35, p. 88, 89
74-5-201 through 74-5-203	Amended	V. 35, p. 89
74-5-301	Amended	V. 35, p. 90
74-5-401	Amended	V. 35, p. 90
74-5-403	Amended	V. 35, p. 90
74-5-405a	Amended	V. 35, p. 90
74-5-406	Amended	V. 35, p. 90
74-5-407	Amended	V. 35, p. 91
74-11-6	Amended	V. 35, p. 91
74-11-7	Amended	V. 35, p. 91
74-15-1	Amended	V. 35, p. 92

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-1	Amended	V. 35, p. 357
82-4-2a	Amended	V. 35, p. 359
82-4-3h	Amended	V. 35, p. 359
82-4-3i	Amended	V. 35, p. 360

82-4-3j	Amended	V. 35, p. 362
82-4-3k	Amended	V. 35, p. 363
82-4-3n	Amended	V. 35, p. 364
82-4-3o	Amended	V. 35, p. 366
82-4-8a	Revoked	V. 35, p. 366
82-4-20	Amended	V. 35, p. 366
82-16-1	Amended	V. 36, p. 102
82-16-2	Amended	V. 36, p. 103
82-16-3	Revoked	V. 36, p. 103
82-16-4	Amended	V. 36, p. 103
82-16-5	Revoked	V. 36, p. 103
82-16-6	Amended	V. 36, p. 103

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-2	Revoked	V. 35, p. 928
86-1-4	Revoked	V. 35, p. 929
86-1-5	Amended	V. 36, p. 159
86-2-8	Revoked	V. 35, p. 929
86-3-19	Amended	V. 35, p. 929
86-3-26a	Amended	V. 35, p. 929
86-3-30	Revoked	V. 35, p. 929
86-3-31	New	V. 35, p. 929

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-29-2	Revoked	V. 35, p. 1113
88-29-5	Revoked	V. 35, p. 1113
88-29-6	Revoked	V. 35, p. 1113
88-29-7	Revoked	V. 35, p. 1113
88-29-7a	Revoked	V. 35, p. 1113
88-29-8	Revoked	V. 35, p. 1113
88-29-8c	Revoked	V. 35, p. 1113
88-29-9	Revoked	V. 35, p. 1113
88-29-10	Revoked	V. 35, p. 1113
88-29-11	Amended	V. 35, p. 1113

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-32	Amended	V. 35, p. 1014
91-42-1	Amended (T)	V. 35, p. 163
91-42-1	Amended	V. 35, p. 486
91-42-2	Amended (T)	V. 35, p. 163
91-42-2	Amended	V. 35, p. 486
91-42-3 through 91-42-7	New (T)	V. 35, p. 164-166
91-42-3 through 91-42-7	New	V. 35, p. 487-489

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-23-9 through 92-23-23	Revoked	V. 35, p. 63, 64
92-23-25	Revoked	V. 35, p. 64
92-23-30	Revoked	V. 35, p. 64
92-23-31	Revoked	V. 35, p. 64
92-23-37 through 92-23-40	Revoked	V. 35, p. 64
92-23-41 through 92-23-59	New	V. 35, p. 64-67
92-23-70 through 92-23-75	New	V. 35, p. 67, 68

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-3	Amended	V. 35, p. 357

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-28a-1a	New	V. 35, p. 353
100-28a-6	Amended	V. 35, p. 353
100-28a-9	Amended	V. 35, p. 354
100-28a-9a	New	V. 35, p. 354
100-28a-10	Amended	V. 35, p. 354
100-28a-11	Amended	V. 35, p. 355
100-28a-12	Amended	V. 35, p. 355
100-28a-13	Amended	V. 35, p. 355
100-28a-14	Amended	V. 35, p. 356
100-28a-15	Amended	V. 35, p. 356
100-28a-17	Amended	V. 35, p. 356
100-29-9	Amended	V. 35, p. 387
100-29-16	Amended	V. 35, p. 388
100-54-7	Amended	V. 35, p. 389
100-54-12	New	V. 35, p. 390

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-8-1	New (T)	V. 35, p. 628
102-8-1	New	V. 35, p. 930
102-8-2	New (T)	V. 35, p. 628
102-8-2	New	V. 35, p. 931
102-8-4	New (T)	V. 35, p. 629
102-8-4	New	V. 35, p. 931
102-8-6	New (T)	V. 35, p. 629
102-8-6	New	V. 35, p. 932
102-8-7	New (T)	V. 35, p. 629
102-8-7	New	V. 35, p. 932
102-8-8	New (T)	V. 35, p. 646
102-8-8	New	V. 35, p. 932
102-8-9 through 102-8-12	New (T)	V. 35, p. 630-632
102-8-9 through 102-8-12	New	V. 35, p. 932-935

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-5-2	Amended	V. 35, p. 936
105-5-3	Amended	V. 35, p. 936
105-5-6	Amended	V. 35, p. 937
105-5-7	Amended	V. 35, p. 937
105-5-8	Amended	V. 35, p. 937
105-11-1	Amended	V. 35, p. 938

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 35, p. 314
109-2-1	Amended	V. 35, p. 317
109-2-2	Amended	V. 35, p. 317
109-2-6	Amended	V. 35, p. 318
109-2-7	Revoked	V. 35, p. 318
109-2-8	Amended	V. 35, p. 318
109-2-11	Amended	V. 35, p. 320
109-5-1a	Amended	V. 35, p. 935
109-5-1b	Amended	V. 35, p. 936
109-5-1c	Amended	V. 35, p. 936
109-5-5	Amended	V. 35, p. 582
109-7-1	Amended	V. 35, p. 321

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*.

Reg. No.	Action	Register
111-2-62	Amended	V. 35, p. 491
111-2-321	New	V. 35, p. 898
111-2-322	New	V. 35, p. 898
111-3-1	Amended	V. 35, p. 898
111-4-878	Amended	V. 35, p. 819
111-4-879	Amended	V. 35, p. 819
111-4-880	Amended	V. 35, p. 819
111-4-3417 through 111-4-3421	New	V. 35, p. 131-135
111-4-3422	New	V. 35, p. 157
111-4-3423	New	V. 35, p. 157
111-4-3424 through 111-4-3431	New	V. 35, p. 406-408
111-4-3432	New	V. 35, p. 491
111-4-3433 through 111-4-3439	New	V. 35, p. 457-461
111-4-3440	Amended	V. 35, p. 900
111-4-3441	New	V. 35, p. 463
111-4-3442 through 111-4-3445	New	V. 35, p. 492-495
111-4-3446 through 111-4-3449	New	V. 35, p. 582-584
111-4-3450	New	V. 35, p. 678
111-4-3451	New	V. 35, p. 765
111-4-3452	New	V. 35, p. 766
111-4-3453	New	V. 35, p. 768
111-4-3454	New	V. 35, p. 821
111-4-3455 through 111-4-3459	New	V. 35, p. 900-904
111-4-3460	New	V. 35, p. 1057
111-4-3461	New	V. 35, p. 1058
111-4-3462	New	V. 35, p. 1059
111-4-3463 through 111-4-3465	New	V. 36, p. 160-162
111-4-3466	New	V. 36, p. 192
111-4-3467	New	V. 36, p. 193
111-4-3468	New	V. 36, p. 217
111-4-3469	New	V. 36, p. 218
111-4-3470	New	V. 36, p. 219

111-5-220 through 111-5-227	New	V. 35, p. 1060-1064
111-6-1	Amended	V. 35, p. 907
111-7-66	Amended	V. 35, p. 158
111-7-68	Amended	V. 35, p. 159
111-7-73	Amended	V. 35, p. 159
111-7-75	Amended	V. 35, p. 159
111-9-216	New	V. 35, p. 586
111-9-217	New	V. 35, p. 586
111-15-1	Amended	V. 35, p. 821
111-15-2	Amended	V. 35, p. 821
111-15-3	Amended	V. 35, p. 822
111-15-5	Amended	V. 35, p. 823
111-15-6	Amended	V. 35, p. 823
111-15-7	Amended	V. 35, p. 1064
111-15-21	Amended	V. 35, p. 1064
111-16-1	Amended	V. 35, p. 464
111-16-2	Amended	V. 35, p. 464
111-16-5	Amended	V. 35, p. 464
111-17-21	Amended	V. 35, p. 160
111-17-24	New	V. 35, p. 136
111-17-25	New	V. 35, p. 161
111-17-27	New	V. 35, p. 408
111-17-28	New	V. 35, p. 465
111-17-29	New	V. 35, p. 466
111-17-30	New	V. 35, p. 498
111-17-31	New	V. 35, p. 499
111-17-32	New	V. 35, p. 678
111-17-33	New	V. 35, p. 769
111-17-34	Amended	V. 35, p. 1065
111-17-35	New	V. 35, p. 909
111-17-36	New	V. 36, p. 194
111-18-1 through 111-18-7	New	V. 36, p. 220-224
111-19-1 through 111-19-5	New	V. 36, p. 224-226
111-301-28	Amended	V. 36, p. 163
111-301-45	Amended	V. 35, p. 770
111-301-47	New	V. 35, p. 1066
111-301-48	Amended	V. 36, p. 195
111-301-49	New	V. 35, p. 1066
111-301-50	Amended	V. 36, p. 195
111-301-51	New	V. 35, p. 1067
111-301-52	Amended	V. 36, p. 196
111-301-53 through 111-301-57	New	V. 35, p. 1067-1068
111-307-5	Amended	V. 35, p. 771
111-307-7	Amended	V. 35, p. 771
111-401-35 through 111-401-37	Amended	V. 35, p. 162
111-401-142	Amended	V. 36, p. 196
111-401-148	Amended	V. 35, p. 504
111-401-185 through 111-401-188	Amended	V. 35, p. 139
111-401-190 through 111-401-194	Amended	V. 35, p. 140
111-401-200a	New	V. 35, p. 409
111-401-201 through 111-401-205	New	V. 35, p. 409-411
111-501-38	Amended	V. 36, p. 227
111-501-122 through 111-501-127	New	V. 35, p. 412-414
111-501-128 through 111-501-138	New	V. 35, p. 910-912
111-601-1 through 111-601-8	New	V. 36, p. 164-167
111-601-14 through 111-601-45	New	V. 36, p. 167-178

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-102-2	Amended	V. 35, p. 612

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

Reg. No.	Action	Register
115-2-2	Amended	V. 35, p. 973
115-2-3	Amended	V. 35, p. 973
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 35, p. 974
115-7-10	Amended	V. 35, p. 975
115-8-1	Amended	V. 35, p. 274
115-8-13	Amended	V. 35, p. 975
115-8-24	Revoked	V. 35, p. 633
115-17-2	Amended	V. 35, p. 976
115-18-20	Amended	V. 35, p. 977

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 35, p. 534
117-2-2	Amended	V. 35, p. 535
117-2-4	Amended	V. 35, p. 536
117-3-2	Amended	V. 35, p. 536
117-3-4	Amended	V. 35, p. 537
117-4-1	Amended	V. 35, p. 537
117-4-2	Amended	V. 35, p. 538
117-4-4	Amended	V. 35, p. 539
117-8-3	New	V. 35, p. 199

AGENCY 125: KANSAS AGRICULTURAL REMEDIATION BOARD

Reg. No.	Action	Register
125-1-6	Amended	V. 35, p. 489
125-1-7	Amended	V. 35, p. 490

AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-6-4	Amended (T)	V. 35, p. 1115
128-6-4	Amended	V. 36, 271

AGENCY 133: OFFICE OF ADMINISTRATIVE HEARINGS

Reg. No.	Action	Register
133-1-1 through 133-1-4	New	V. 36, p. 8

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