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State of Kansas

Governor’s Task Force on Racial Profiling

Notice of Meeting

The Governor’s Task Force on Racial Profiling will meet at 10 a.m. Friday, September 12, in Room 143-N, State Capitol, 300 S.W. 10th Ave., Topeka. The meeting is open to the public. For more information, call (785) 296-3465.

Michael D. Waters
Administrative Assistant

Doc. No. 036161

State of Kansas

State Employees Health Care Commission

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Friday, September 5, in Conference Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. For more information, contact Laurie Knowlton with the State Employee Health Plan at (785) 296-5443.

Duane A. Goossen
Chair

Doc. No. 036159

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of September 9-19. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at http://kslegislature.org/klrd.

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<thead>
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<th>Date</th>
<th>Room</th>
<th>Time</th>
<th>Committee</th>
<th>Agenda</th>
</tr>
</thead>
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<tr>
<td>Sept. 9</td>
<td>143-N</td>
<td>11:00 a.m.</td>
<td>Legislative Coordinating Council</td>
<td>Legislative matters.</td>
</tr>
<tr>
<td>Sept. 11</td>
<td>143-N</td>
<td>10:00 a.m.</td>
<td>2010 Commission</td>
<td>Topics: leadership; professional development; restructuring education; and improving performance.</td>
</tr>
<tr>
<td>Sept. 12</td>
<td>143-N</td>
<td>9:00 a.m.</td>
<td>Joint Committee on Pensions, Investments, and Benefits</td>
<td>15th: a.m.—Review COLA issue; p.m.—COLA hearing.</td>
</tr>
<tr>
<td>Sept. 15</td>
<td>545-N</td>
<td>10:00 a.m.</td>
<td>Legislative Post Audit</td>
<td>16th: a.m.—Working after retirement hearing.</td>
</tr>
<tr>
<td>Sept. 16</td>
<td>545-N</td>
<td>9:00 a.m.</td>
<td>Joint Committee on State Building Construction</td>
<td>Agenda not available.</td>
</tr>
<tr>
<td>Sept. 17</td>
<td>143-N</td>
<td>1:00 p.m.</td>
<td>Legislative Educational Planning Committee</td>
<td>Leases and change orders, and agency five-year plan review.</td>
</tr>
<tr>
<td>Sept. 17</td>
<td>545-N</td>
<td>10:00 a.m.</td>
<td>Legislative Educational Planning Committee</td>
<td>17th: Legislative Post Audit performance audits; technical education update by Joe Glassman.</td>
</tr>
<tr>
<td>Sept. 17</td>
<td>783 Docking</td>
<td>10:00 a.m.</td>
<td>Legislative Post Audit</td>
<td>18th: Breakfast with Board of Regents.</td>
</tr>
<tr>
<td>Sept. 17</td>
<td>783 Docking</td>
<td>9:00 a.m.</td>
<td>Legislative Educational Planning Committee</td>
<td>Travel; workers compensation; star bonds; and engineers.</td>
</tr>
<tr>
<td>Sept. 18</td>
<td>143-N</td>
<td>10:00 a.m.</td>
<td>Joint Committee on Economic Development</td>
<td>18th: Review staffing of the Larned Sexual Predator Treatment Program; and review of lab facilities for Department of Health and Environment.</td>
</tr>
<tr>
<td>Sept. 18</td>
<td>545-N</td>
<td>10:00 a.m.</td>
<td>Legislative Budget</td>
<td>8th: Update on final FY 2008 receipts; public hearings on Topic 10—Net Operating Loss Carrybacks; Topic 5—Coalbed Methane Valuation; and Topic 4—Taxation of Watercraft.</td>
</tr>
<tr>
<td>Sept. 19</td>
<td>545-N</td>
<td>9:00 a.m.</td>
<td>Legislative Budget</td>
<td>19th: Public hearings on Topic 1—Slider Formula; and Topic 2—Telecommunications Sales Tax.</td>
</tr>
<tr>
<td>Sept. 18</td>
<td>535-N</td>
<td>10:00 a.m.</td>
<td>Special Committee on Assessment and Taxation</td>
<td>8th: Review staffing of the Larned Sexual Predator Treatment Program; and review of lab facilities for Department of Health and Environment.</td>
</tr>
<tr>
<td>Sept. 19</td>
<td>535-N</td>
<td>9:00 a.m.</td>
<td>Special Committee on Assessment and Taxation</td>
<td>19th: Review effects of new Targeted Case Management rules.</td>
</tr>
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Jeffrey M. Russell
Director of Legislative Administrative Services

Doc. No. 036169
Kansas Register

City of Coffeyville, Kansas

Notice of Proposed DBE Program

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

The city’s overall project-specific goal for FY 2009 is 2.84 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the Coffeyville City Hall. The city will accept comments on the goals for 30 days from the date of this notice. Comments can be sent to Scott Massman, Superintendent of Engineering, City Hall, 7th and Walnut, Coffeyville, 67337.

Cindy Price
City Clerk

Doc. No. 036172

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

<table>
<thead>
<tr>
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<th>Committee</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 5</td>
<td>Civil Code</td>
<td>9:00 a.m.</td>
<td>Room 269</td>
</tr>
<tr>
<td>Sept. 5</td>
<td>Criminal Law</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 5</td>
<td>False Claims Act</td>
<td>1:30 p.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 12</td>
<td>Commission on Judicial Performance</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 12</td>
<td>Family Law</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 19</td>
<td>Probate Law</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 19</td>
<td>PIK-Criminal</td>
<td>9:30 a.m.</td>
<td>Room 269</td>
</tr>
<tr>
<td>Sept. 19</td>
<td>Municipal Court Manual</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 19</td>
<td>Administrative Procedure</td>
<td>9:30 a.m.</td>
<td>Room 275</td>
</tr>
<tr>
<td>Sept. 26</td>
<td>Juvenile Offender/Child in Need of Care</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Sept. 26</td>
<td>Guardian &amp; Conservatorship</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Oct. 3</td>
<td>Civil Code</td>
<td>9:00 a.m.</td>
<td>Room 269</td>
</tr>
<tr>
<td>Oct. 10</td>
<td>Commission on Judicial Performance</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Oct. 17</td>
<td>PIK-Criminal</td>
<td>9:30 a.m.</td>
<td>Room 269</td>
</tr>
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<td>Oct. 17</td>
<td>Administrative Procedure</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Oct. 24</td>
<td>Juvenile Offender/Child in Need of Care</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
</tr>
<tr>
<td>Oct. 24</td>
<td>Guardian &amp; Conservatorship</td>
<td>9:30 a.m.</td>
<td>Suite 140</td>
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Hon. Robert E. Davis
Chairman

Doc. No. 036163

State of Kansas

Kansas Military Board

Notice of Meeting

The Kansas Military Board of the Adjutant General’s Department will meet at 10 a.m. Thursday, October 16, in Conference Room 102 of the State Defense Building, 2800 S.W. Topeka Blvd., Topeka. Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Roland Anderson at (785) 274-1147.

Maj. Gen. Tod Bunting
Kansas Adjutant General

Doc. No. 036166

State of Kansas

Department of Wildlife and Parks

Notice of Meetings

Pursuant to K.S.A. 32-960, the Department of Wildlife and Parks will conduct public informational meetings to present background information regarding certain species that may be considered for listing or delisting as threatened or endangered species. These meetings coincide with scientific review of the species outside the agency, at least 90 days prior to submission of any proposed listing action to the Wildlife and Parks Commission, and are scheduled as follows:

Topeka — 3 p.m. October 2
Topeka and Shawnee County Public Library
Anton Room
1515 S.W. 10th Ave.

Parsons — 7 p.m. October 7
Parsons Arboretum
21st and Briggs

Wichita — 11 a.m. October 9
WATER Center
101 E. Pawnee

Pittsburg — 7:30 p.m. October 30
Pittsburg State University
102 Yates Hall
1701 S. Broadway

Species being discussed and reviewed for listing to threatened or endangered: Delta Hydrobe (Probythinella emarginata); American Eel (Anguilla rostrata); Plains Minnow (Hybognathus placitus); Shool Chub (Macrhybopsis hyostoma); Bigeye Shiner (Notropis boops); and Redfin Darter (Etheostoma whipplei).

Species being discussed and reviewed for delisting from threatened or endangered: Broadhead Skink (Eumeces laticeps); Bald Eagle (Haliaeetus leucocephalus); and Peregrine Falcon (Falco peregrinus).

J. Michael Hayden
Secretary of Wildlife and Parks

Doc. No. 036165
State of Kansas
Fort Hays State University

Notice to Bidders

Fort Hays State University encourages interested vendors to visit the Fort Hays State University Purchasing Web site, http://www.fhsu.edu/adminfp/purchasing/bids/, for a complete list of all goods and services currently out for bid. Paper postings of all open bids may be reviewed at Purchasing, Room 318, Sheridan Hall, 601 Park St., Hays. Copies of open bids also may be requested by contacting Purchasing at (785) 628-4251, by fax at (785) 628-4046, or by e-mail at purchasing@fhsu.edu.

Kathy Herrman
Purchasing Director

State of Kansas
Department of Administration
Division of Facilities Management

Notice of Commencement of Negotiations for Construction Manager At-Risk Services

Notice is hereby given of the commencement of negotiations for construction management at-risk services for an addition to and renovation of the Memorial Union on the Emporia State University campus in Emporia. The construction manager at risk (CM) will evaluate and validate information prepared by the design team and will provide services during the design phases of the project, including additional budgeting, cost estimating, scheduling, constructability reviews, selection of appropriate construction systems and value engineering studies. The CM will divide the project into scope packages for bidding, prequalify subcontractors, take bids for the work, review bids with the design team and owner to determine which bids to accept, prepare cost estimates for the unbid portions, and provide a guaranteed maximum price and a bond. The CM will manage the construction and track all costs for the design team and owner’s review.

The construction estimate for the project is $18,750,000 and the schedule is to begin December 2008. Architectural programs are available from the Division of Facilities Management. For additional information concerning the scope of services, contact Mark Runge, (620) 341-5331.

To be considered, five (5) bound statement of qualifications and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, experience in this type of project delivery system, references from design professionals and owners from previous projects, a description of the construction manager or general contractor project management approach, financial statements, bonding capacity including capability of providing a public works bond (K.S.A. 60-1111) and evidence of such bonding capacity (note: failure to present such bonding evidence will deem the firm as unqualified for selection), and an SF330 Part II for each firm and consultant.

Proposals should be concise and follow the 2008 State Building Advisory Commission guidelines, available to firms at http://da.ks.gov/fp/. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon September 19.

Marilyn Jacobson
Director of Purchases
Division of Facilities Management

State of Kansas
Department of Administration
Division of Purchases

Notice to Bidders

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

09/15/2008 11640 Copiers, Plain Paper
09/15/2008 11653 Furnish and Install Fire Sprinkler System
09/15/2008 11654 Painting of Water Tower
09/18/2008 10351 Temporary Nursing and Pharmacy Services
09/22/2008 11646 Liquid Magnesium Chloride (De-Icer/Anti-Icer)
09/24/2008 11656 Janitorial Services
10/14/2008 11629 Pest Control Services
10/20/2008 11639 Leased Space

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

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

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

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

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

09/17/2008 A-010698 (A) Landscape and Irrigation—McCain, Kansas State University, Manhattan
09/17/2008 A-010877 Chemical Storage Building, Department of Transportation, Mound City
09/18/2008 A-010907 Campus Interior and Exterior Door Replacement—Corbin Hall and Ahlberg Hall, Wichita State University, Wichita
09/23/2008 A-010790 Underdrain and Stormwater Improvements—Willard Hall, Kansas State University, Manhattan
09/25/2008 A-010773 Pump Replacement—Energy Center, Parsons State Hospital and Training Center, Parsons

Chris Howe
Director of Purchases
State of Kansas
Secretary of State
Code Mortgage Rate for September

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of September 1, 2008 through September 30, 2008, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 036156

State of Kansas
Secretary of State
Usury Rate for September

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of September 1, 2008 through September 30, 2008, is 7.68 percent.

Ron Thornburgh
Secretary of State

Doc. No. 036155

State of Kansas
Secretary of State
Executive Appointments

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

**Labette County Commissioner**

Jack Martin, 532 Maple Crest Drive, Parsons, 67357. Succeeds Jerry Carson, deceased.

**Pratt County Treasurer**

Amy Jones, 803 W. 3rd St., Pratt, 67124. Succeeds Socorro Acosta, resigned.

**Capitol Area Plaza Authority**


**Governor’s Mental Health Planning Council**


**Kansas Historical Records Advisory Board**


**Kansas Propane Education and Research Council**

Larry Dean Black, 4808 70th St., Meriden, 66512. Term expires August 30, 2011. Succeeds Heather Kickhaefer.

**Board of Veterinary Examiners**

Dr. Mary Sue S. Painter, 211 Ash St., Frontenac, 66763. Term expires June 30, 2012. Reappointed.

James E. Correll, P.O. Box 1506, Coffeyville, 67337. Term expires June 30, 2012.

Doc. No. 036175

State of Kansas
Department of Transportation
Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2008-2011 by adding the following project:

**Project K-2686-09**, Statewide Disadvantage Business Enterprise and Supportive Services (DBE/SS) Program for fiscal year 2009

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude October 6.

Deb Miller
Secretary of Transportation

Doc. No. 036168

Vol. 27, No. 36, September 4, 2008
Notice to Contractors

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

District One — Northeast
District — 106 KA-1508-01 — Milling in various counties within District One. (State Funds)

Johnson — 56-46 KA-1506-01 — U.S. 56 bridge 9 miles northeast of the Johnson-Miami county line, bridge repair. (State Funds)

Osage — 70 C-4273-01 — County road 0.8 mile north of Carbondale, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Wyandotte — 24-105 K-8248-02 — U.S. 24 (State Avenue) from 142nd Street east to 118th Street, 3.3 miles, signing. (State Funds)

Wyandotte — 435-105 K-8427-02 — I-435 and Donahoo Road, seeding and sodding. (State Funds)

Wyandotte — 435-105 KA-1242-01 — I-435, 0.4 mile north of the east junction of K-5, bridge repair. (State Funds)

Wyandotte — 70-105 KA-1320-01 — I-70/1-635 interchange, bridge overlay. (State Funds)

District Two — Northeast
Lincoln — 53 C-4259-01 — County road 4.5 miles west and 1 mile north of Westfall, 0.1 mile, grading and bridge. (Federal Funds)

District Three — Northwest
Logan — 83-55 KA-1245-01 — U.S. 83, 6.8 miles north of the Logan-Scott county line, bridge repair. (State Funds)

Sherman — 91 KA-0472-01 — County road 1668 from north of I-70 exit 12 north to county road 65, 1 mile, grading and surfacing. (State Funds)

District Four - Southeast
Cherokee — 69-11 K-6799-03 — U.S. 69 from U.S. 166 north to north of the Burlington Northern Santa Fe crossing, 9.1 miles, seeding and sodding. (Federal Funds)

Coffey — 75-16 K-7415-02 — U.S. 75 from 0.1 mile south of old U.S. 50 north to 1.1 miles north of old U.S. 50, 1.1 miles, seeding and sodding. (Federal Funds)

Franklin — 59-30 K-7889-05 — U.S. 59 from I-35 northeast of Ottawa north to the Franklin-Douglas county line, 7.6 miles, seeding and sodding. (Federal Funds)

Linn — 69-54 K-7891-03 — U.S. 69, 0.3 mile south of county route 1204 interchange 0.7 mile north of county route 1203, seeding and sodding. (Federal Funds)

Linn — 69-54 K-7893-03 — U.S. 69 north of the K-239 interchange north to 1 mile south of the new K-52 interchange, 3.2 miles, seeding and sodding. (Federal Funds)

Miami — 169-61 KA-1509-01 — Five U.S. 169 bridges in Miami County, mudjacking. (State Funds)

District Five — Southcentral
Barton — 5 C-4337-01 — County road 5 miles west and 1 mile north of Great Bend, grading, surfacing, bridge and seeding, 0.3 mile. (Federal Funds)

Pratt — 54-76 K-8243-03 — U.S. 54, 1 mile east of the Cairo intersection east to the Pratt-Kingman county line, 4 miles, grading and surfacing. (Federal Funds)

Reno — 50-78 K-7409-05 — U.S. 50 from the west junction of K-96 east to the east junction of K-96 and from the east junction of K-96 to west of K-61, 2.4 miles, seeding and sodding. (Federal Funds)

Reno — 50-78 K-8257-02 — Interchange of the east junction of K-96/U.S. 50 in South Hutchinson, 0.3 mile, seeding and sodding. (State Funds)

Reno — 78 KA-0153-01 — Halstead Street from 4th Avenue to 11th Avenue in Hutchinson, 0.4 mile, grading and surfacing. (State Funds)

Reno — 78 U-2104-01 — Severence Street over Cow Creek in Hutchinson, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Sedgwick — 87 K-9123-07 — I-135, I-235 and U.S. 54 in Wichita, Intelligent Transportation System. (State Funds)

District Six — Southwest
Hamilton — 27-38 KA-1240-01 — K-27 bridge, 15.8 miles north of the Hamilton-Stanton county line, bridge repair. (State Funds)

Lane — 96-51 K-9046-01 — K-96 from Seventh Street to First Street on Long Street (K-96) in Dighton, 0.4 mile, grading and surfacing. (State Funds)

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

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

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

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

Deb Miller
Secretary of Transportation
State of Kansas
Department of Health and Environment
Request for Comments

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

DCP Midstream, 370 17th St., Suite 2500, Denver, Colorado, owns and operates Ulysses Compressor Station located at Section 24, T29S, R36W, Grant County, Kansas. A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Al Guernsey, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

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

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air and Radiation, not later than the close of business October 6 in order to be considered 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 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA’s 45-day review period. Interested parties may contact KDHE to determine if the EPA’s 45-day review period has been waived.

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

Roderick L. Bremby
Secretary of Health and Environment

Doc. No. 036148

State of Kansas
Department of Health and Environment
Request for Bids

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

September 19, 2008
264-09-23
Project Lead Safe KCK

Property #1 2631 S. 53rd
Kansas City, KS 66106

Property #2 6524 Nogard Ave.
Kansas City, KS 66104

Property #3 7924 Orville Ave.
Kansas City, KS 66112

Property #4 934 Central Ave.
Kansas City, KS 66101

Property #5 2400 N. 43rd Terr.
Kansas City, KS 66104

Property #6 2007 Tauromee Ave.
Kansas City, KS 66102

Property #7 1049 Sandusky Ave.
Kansas City, KS 66102

Property #8 514 Thompson St.
Kansas City, KS 66101

Property #9 2615 Washington Ave.
Kansas City, KS 66102

Property #10 4815 Catherine Ave.
Kansas City, KS 66102

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

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

Roderick L. Bremby
Secretary of Health and Environment

Doc. No. 036170
State of Kansas  
Department of Health and Environment  
Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested by 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-08-297/299  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant  
Legal Description  
Receiving Water  

Decatur County Feed Yard, LLC  
W/2 & SE/4 of Section 01, T02S, R29W, Decatur County  
Upper Republican River Basin  

Warren Weibert  
Route 3, Box 9  
Oberlin, KS 67749  

Kansas Permit No. A-URDC-C002  
Federal Permit No. KS0115690  

This permit is being reissued. The permit contains modifications consisting of two new drainage pipes from two of the sedimentation basins to two of the wastewater retention structures. This permit is being reissued for a confined animal feeding operation for 40,000 head (40,000 animal units) of beef cattle weighing more than 700 pounds. There is no change in the permitted animal units.

Name and Address of Applicant  
Legal Description  
Receiving Water  

Leon L. & Janice K. Dunn  
863 N.W. 10th Ave.  
St. John, KS 67576  

Kansas Permit No. A-ARSF-H001  
Federal Permit No. KS0089958  

This is a reissuance of a permit for an existing facility for 1,855 head (742 animal units) of swine weighing greater than 55 pounds and 2,675 head (267.5 animal units) of swine weighing 55 pounds or less for a total of 1,009.5 animal units of swine. There is no change in the permitted animal units.

Name and Address of Applicant  
Legal Description  
Receiving Water  

Michael D. Van Allen  
1795 E. 300 Road  
Phillipsburg, KS 67661  

Kansas Permit No. A-SOPL-B010  

This permit is being reissued for an existing facility with a maximum capacity of 900 head (450 animal units) of cattle 700 pounds or less. There is no change in the permitted animal units.

Public Notice No. KS-Q-08-161/164  
Name and Address of Applicant  
Receiving Stream  
Type of Discharge  

The Boeing Company  
2727 E. McArther  
Wichita, KS 67216  
Arkansas River via Unnamed Tributaries  
Groundwater Remediation  
Outfall 007: Gypsum Creek via Unnamed Tributary  

Kansas Permit No. I-AR94-PO46  
Federal Permit No. KS0088757  
Facility Name: Boeing Wichita - Groundwater Remediation Project  
Facility Description: The proposed action is to reissue an existing permit for existing discharges during the operation of a groundwater remediation project. Outfall 001 consists of contaminated groundwater from a construction/demolition landfill being treated through a bag filter, packed tower air stripper and two carbon adsorption units in series prior to discharge. Outfalls 002 through 006 consist of contaminated groundwater from a series of recovery wells being treated in an air stripper prior to discharge. The proposed permit contains limits for vinyl chloride, cis 1,2-dichloroethylenel, trichloroethylene, trichloroethylene, total recoverable chromium and pH, as well as monitoring of ammonia, polychlorinated biphenyls (PCB's), carbon tetrachloride, Volatile Organic Chemicals and effluent flow. The permittee will be required to perform an influent VOC scan annually and a total recoverable metals scan once during the term of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant  
Receiving Stream  
Type of Discharge  

Harshman Construction LLC  
1648 F P Road  
Cedar Point, KS 66843  
John Redmond  
Reservoir via Otter Creek via Unnamed Tributary  
Pit Dewatering & Stormwater Runoff  

Kansas Permit No. I-NE32-PO01  
Federal Permit No. KS0094439  
Legal: N1⁄2, 533, T21S, R14E, Coffey County  

Facility Name: Paxson Quarry  
Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during an existing quarry operation. This facility is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff. The proposed permit contains generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant  
Receiving Stream  
Type of Discharge  

General Finance Incorporated  
P.O. Box 369  
Concordia, KS 66901  
Cheyenne Bottoms via Unnamed Tributaries  
Pit Dewatering and Stormwater Runoff  

Kansas Permit No. I-AR45-PO07  
Federal Permit No. KS0099279  
Legal Description: S20, T18S, R13W, Barton County  

Facility Name: Kansas Brick & Tile  
Facility address: 767 N. U.S. 281 Highway, Hoisington, KS 67544  
Facility Description: The proposed action is to issue a new permit for an existing mining facility. This facility mines clay that is used to manufacture brick. Pit dewatering is employed when necessary to remove rain water, spring water or melted snow from the clay pits. This water is pumped to settling ponds for treatment before being discharged. Silt traps and grass strips are also used to filter the silt from stormwater run off before being released to a receiving stream. The proposed permit contains limits for total suspended solids and generic water-quality guarantee to protect waters of the state. Contained in the permit is a schedule of compliance requiring the per- (continued)
Person 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 if they wish to have the comments considered in the decision-making process. Comments should be submitted in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process.

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 accordance with K.A.R. 28-16-61 (28-46-21 for UIC).

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

Roderick L. Bremby
Secretary of Health and Environment

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. 2007 Supp. 12-1675(b)(c)(d) and K.S.A. 2007 Supp. 12-1675(a)(g).

Effective 9-1-08 through 9-7-08

<table>
<thead>
<tr>
<th>Term</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-89 days</td>
<td>1.95%</td>
</tr>
<tr>
<td>3 months</td>
<td>1.66%</td>
</tr>
<tr>
<td>6 months</td>
<td>2.01%</td>
</tr>
<tr>
<td>1 year</td>
<td>2.21%</td>
</tr>
<tr>
<td>18 months</td>
<td>2.17%</td>
</tr>
<tr>
<td>2 years</td>
<td>2.24%</td>
</tr>
</tbody>
</table>

Daniel J. Nackley
Director of Investments

Doc. No. 036150

State of Kansas
University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web site at http://www.purchasing.ku.edu/ for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/ Director of Purchasing Services

Doc. No. 036151

City of Morrowville, Kansas

Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2008

Notice is hereby given that the city of Morrowville, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed $35,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.


Lori Huber
City Clerk

Doc. No. 036174
Sale Particulars
Subject to the terms and conditions of the complete official notice of sale and the preliminary official statement of Shawnee County, Kansas, prepared in connection with the issuance of the county’s $3,705,000* principal amount (subject to change) General Obligation Bonds, Series 2008, written bids will be received at the office of the county clerk at the Shawnee County Courthouse, 200 S.E. 7th St., Topeka, KS 66603, until 9:45 a.m. Thursday, September 11, 2008, for the purchase of the bonds. All bids will be publicly opened and tabulated, and, at 10 a.m. on said date or as soon thereafter as the Board of County Commissioner’s agenda permits, will be presented to said board during its regularly scheduled meeting scheduled that same day, whereupon the board will take action upon the bids received at that time.

No oral or auction bids for the bonds will be considered. No bid for less than the entire principal amount of the bonds will be considered.

Bids will be accepted only on the official bid forms that have been prepared for the public bidding on the bonds, which may be obtained from the county clerk. Each bid for the bonds must be accompanied by a good faith deposit in the form of a qualified financial surety bond or certified or cashier's check drawn on a bank located within the United States, each made payable to the order of the county and in an amount equal to 2 percent of the par amount of the bonds.

Details of the Series 2008 Bonds
The Series 2008 Bonds in the principal amount of $3,705,000* are to be dated September 15, 2008, and will be issued as fully registered bonds in the denomination of $5,000 or any integral multiples thereof. The actual principal amount issued and delivered is dependent upon the amount of prepaid special assessments. Should sufficient prepayments occur, the county will decrease the aggregate principal amount in $5,000 increments to be deducted from the 2027 and 2028 maturities in the sole discretion of the county. The Series 2008 Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the Series 2008 Bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The Series 2008 Bonds will bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the Series 2008 Bonds.

Interest on the Series 2008 Bonds will be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2009.

The Series 2008 Bonds will mature serially on September 1 as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Maturity</th>
<th>Principal Amount*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$125,000</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>130,000</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>135,000</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>140,000</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>145,000</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>150,000</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>155,000</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>160,000</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>170,000</td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>175,000</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>180,000</td>
<td></td>
</tr>
<tr>
<td>2020</td>
<td>185,000</td>
<td></td>
</tr>
<tr>
<td>2021</td>
<td>195,000</td>
<td></td>
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<tr>
<td>2022</td>
<td>205,000</td>
<td></td>
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<td>2023</td>
<td>215,000</td>
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<td>2024</td>
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<td>2026</td>
<td>250,000</td>
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<tr>
<td>2027</td>
<td>260,000</td>
<td></td>
</tr>
<tr>
<td>2028</td>
<td>270,000</td>
<td></td>
</tr>
</tbody>
</table>

Certain of the Series 2008 Bonds are subject to redemption prior to their maturities as provided in the complete official notice of sale and preliminary official statement.

Payment of Principal and Interest
The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds, and the principal of the bonds will be payable upon surrender at the paying agent’s principal offices in the city of Topeka, Kansas. Interest will be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds
The bonds and the interest thereon will constitute general obligations of the county, and the full faith, credit and resources of the county will be pledged to the payment thereof. The county is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds
The bonds, duly prepared, printed, executed and registered, will be furnished and delivered in book-entry form only at the expense of the county through the facilities of the Depository Trust Company, New York, New York, on or about September 25, 2008.

Legal Opinion
The bonds will be sold subject to the legal opinion of Robert J. Perry, Esq., Auburn, Kansas, bond counsel. Bond counsel’s approving legal opinion as to the validity of the bonds will be furnished and paid for by the county and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of sale and preliminary official statement for a discussion of tax exemption and other legal matters.)

Financial Matters
The total equalized assessed valuation of the taxable tangible property within the county for computation of
bonded debt limitations for the year 2007 is $1,699,733,984. The total general obligation bonded indebtedness of the county as of the date of the bonds (including the bonds being sold) is $60,995,000. The county has temporary notes outstanding in the amount of $9,200,000, of which $3,705,000 will be retired with the bonds offered herein.

Additional Information
For additional information regarding the county, the bonds and the public sale, interested parties are invited to contact the county clerk at the address and telephone number shown below.

Dated August 28, 2008.

Cynthia A. Beck
Shawnee County Clerk
200 S.E. 7th St.
Topeka, KS 66603
(785) 233-8200, Ext. 4111
Fax (785) 291-4912

* Subject to change.
Doc. No. 036164

Summary Notice of Bond Sale
City of Emporia, Kansas
$5,375,000*
General Obligation Bonds
Series 2008

Details of the Sale
Subject to the terms and requirements of the official notice of bond sale dated August 20, 2008, of the city of Emporia, Kansas, bids to purchase the city’s General Obligation Bonds, Series 2008, will be received at the office of the city manager at City Hall, 522 Mechanic, Emporia, KS 66801; by telefacsimile at (620) 343-4254; or electronically through the i-DEAL, LLC BiDCOMP/PARITY electronic bid submission system, until 2 p.m. Wednesday, September 17, 2008. The bids will be considered by the governing body at its meeting at 7 p.m. on the sale date.

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

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

Details of the Bonds
The bonds are dated October 1, 2008, and will be issued as registered book-entry bonds in the denomination of $5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2009. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

<table>
<thead>
<tr>
<th>Principal Amount</th>
<th>Maturity Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000</td>
<td>2009</td>
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<tr>
<td>150,000</td>
<td>2010</td>
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<tr>
<td>195,000</td>
<td>2011</td>
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<tr>
<td>205,000</td>
<td>2012</td>
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<tr>
<td>215,000</td>
<td>2013</td>
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<tr>
<td>220,000</td>
<td>2014</td>
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<tr>
<td>230,000</td>
<td>2015</td>
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<tr>
<td>240,000</td>
<td>2016</td>
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<td>2018</td>
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<td>270,000</td>
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<td>2020</td>
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<tr>
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<td>385,000</td>
<td>2027</td>
</tr>
<tr>
<td>405,000</td>
<td>2028</td>
</tr>
</tbody>
</table>

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

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

Delivery of the Bonds
The city will prepare the bonds at its expense and will deliver the registered bonds to DTC on or about October 8, 2008.

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

Financial Matters
The city’s current assessed valuation for purposes of calculating statutory debt limitations is $171,822,074. As of October 1, 2008, the city’s total outstanding general obligation debt (including the bonds) is $35,895,000, which excludes temporary notes outstanding in the amount of $3,970,000, which will be retired out of the proceeds of the bonds herein offered for sale.

Additional Information
For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, Greg Vahrenberg, Piper Jaffray & Co., 11150 Overbrook Road, Suite 310, Leawood, KS 66211-2298, (913) 345-3374.

City of Emporia, Kansas
Susan Mendoza, City Clerk
City Hall, 522 Mechanic
Emporia, KS 66801
(620) 342-5105
Fax (620) 343-4254

* Subject to change.
Doc. No. 036173
State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Tuesday, September 16, 2008
#9033
Hybrid Sports Utility Vehicle

Thursday, September 18, 2008
#9028
Consultants for Kansas State University’s Technical Assistance to Brownfield’s Programs

Carla K. Bishop
Director of Purchasing

Doc. No. 036162

State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Friday, November 7, at the UMKC School of Dentistry, Room 250, 650 E. 25th St., Kansas City, Missouri, to consider the adoption of K.A.R. 71-5-7 through K.A.R. 71-5-14 as permanent regulations of the Kansas Dental Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed adoption of K.A.R. 71-5-7 through K.A.R. 71-5-14. All parties may submit written comments prior to the hearing to Betty Wright, Executive Secretary, Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or by e-mail to info@dental.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally on the proposed adoption of the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Dental Board at the address above or by calling (785) 296-4690. Handicapped parking is located at the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

The regulations are proposed for adoption as permanent regulations. A summary of the proposed regulations follows:

K.A.R. 71-5-7. This regulation defines the terms used for, and applicable to, the administration of a sedative agent as part of a dental procedure.

K.A.R. 71-5-8. This regulation describes that the regulations to be considered for proposed adoption apply in all treatment settings except when a dentist is treating a patient in a medical care facility.

K.A.R. 71-5-9. This regulation outlines the general requirements that shall be met for the administration of a sedative agent as part of a dental procedure.

K.A.R. 71-5-10. This regulation identifies the specific eligibility requirements that shall be met to prescribe sedative agents designed to achieve anxiolysis as part of a dental procedure.

K.A.R. 71-5-11. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level I permit and the conditions that apply to the performance of a dental procedure in which a Level I permit is required.

K.A.R. 71-5-12. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level II permit and the conditions that apply to the performance of a dental procedure in which a Level II permit is required.

K.A.R. 71-5-13. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level III permit and the conditions that apply to the performance of a dental procedure in which a Level III permit is required.

K.A.R. 71-5-14. This regulation specifies the grounds for refusal to issue a sedation permit or for revocation, suspension or limitation of the permit.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Dental Board at the contact information above or by accessing the board’s Web site at http://www.kansas.gov/kdb/.

Betty Wright
Executive Secretary

Doc. No. 036157

State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, November 7, at the UMKC School of Dentistry, Room 250, 650 E. 25th St., Kansas City, Missouri, to consider the adoption of Article 9, Practice of Dentistry by a Dental Student, K.A.R. 71-9-1 through 71-9-4; and Article 10, Practice of Dental Hygiene by a Dental Hygiene Student, K.A.R. 71-10-1 through 71-10-4, as permanent regulations of the Kansas Dental Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed adoption of K.A.R. 71-9-1 through 71-9-4 and K.A.R. 71-10-1 through 71-10-4. All parties may submit written comments prior to the hearing to Betty Wright, Executive Secretary, Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or by e-mail to info@dental.state.ks.us. All interested parties will be given a reasonable opportunity to present their views (continued)
orally on the proposed adoption of the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Dental Board at the address above or by calling (785) 296-4690. Handicapped parking is located at the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

The regulations are proposed for adoption as permanent regulations. A summary of the proposed regulations follows:

**K.A.R. 71-9-1.** This regulation defines the terms used for dental student, educational institution, and supervising dentist for those students who will practice dentistry in Kansas as part of an educational program pursuant to K.S.A. 65-1423(a)(9).

**K.A.R. 71-9-2.** This regulation describes that the administrator of each educational program shall be approved by the board.

**K.A.R. 71-9-3.** This regulation identifies the requirements that an educational program shall meet to be approved by the board.

**K.A.R. 71-9-4.** This regulation requires that the administrator of the educational program shall notify the board in writing within 30 days before establishing a new location where dental students will be practicing dentistry in Kansas.

**K.A.R. 71-10-1.** This regulation defines the terms used for dental hygiene student, educational institution, supervising dental hygienist, and supervising dentist for those students who will practice dental hygiene in Kansas as part of an educational program pursuant to K.S.A. 65-1423(a)(9).

**K.A.R. 71-10-2.** This regulation describes that the administrator of each educational program shall be approved by the board.

**K.A.R. 71-10-3.** This regulation identifies the requirements that an educational program shall meet to be approved by the board.

**K.A.R. 71-10-4.** This regulation requires that the administrator of the educational program shall notify the board in writing within 30 days before establishing a new location where dental hygiene students will be practicing dental hygiene in Kansas.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Dental Board at the contact information above or by accessing the board’s Web site at http://www.kansas.gov/kdb/

Betty Wright
Executive Secretary

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**State of Kansas**

**Board of Healing Arts**

**Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, November 5, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of one proposed amended rule and regulation (K.A.R. 100-5-2) dealing with calling special meetings.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rule and regulation. All interested parties may submit comments prior to the hearing to the Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, or by e-mail to healingarts@ink.org. All interested parties will be given a reasonable opportunity to present their views, either orally or in writing, concerning the adoption of the regulation during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation being considered and the economic impact statement in an accessible format. Requests for accommodation should be made at least five business days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or at bmontgomery@ksba.ks.gov. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed amended rule and regulation dealing with calling special meetings to be considered at the hearing and the respective economic impact follows:

**K.A.R. 100-5-2. Special meetings.** This regulation specifies the conditions that must be met when calling a special meeting. Proposed amendments to this regulation would reduce the required notice of the special meeting from five days to two business days prior to the meeting and would allow the vice-president to perform the duties of the president if the president is absent, unable to perform their duties, or the office of the president is vacant.

This regulation is not mandated by any federal law. There is no foreseen cost to the board, licensees or the public to implement this regulation.

No other methods were considered.

Copies of the proposed amended regulation and the associated economic impact statement may be obtained by contacting Cathy Brown at (785) 296-3680, from the board’s Web site at www.ksbha.org/pubinfo.html, or by e-mail request to healingarts@ink.org.

Jack Confer
Acting Executive Director
State of Kansas

Department of Agriculture

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, November 4, in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed regulations for food safety, certificate of free sale, and meat and poultry.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at leslie.garner@kda.ks.gov. Comments also may be made through the department’s Web site at http://www.knda.gov, under the proposed regulation.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

Food Safety

K.A.R. 4-28-5 modifies the licensing structure of the current food processing regulations. The proposed regulations divide businesses into five classifications each under two categories and is designed to provide more equitable licensing fees for food processors by assessing fees based on actual costs to perform inspections. The new category will be for food storage only as it takes less time to inspect and has a much lower risk of food-borne illnesses.

Economic Summary: The proposed regulation increases existing fees by approximately $11,125 per calendar year beginning in 2009. The main financial impact on industry will be felt by larger facilities, above 50,000 sq. ft., and those that process food. Licensed facilities that are smaller in size and only store food will in most cases receive a reduction in license costs. The increase in fees will be used to perform more inspections of facilities that present a higher risk to public health in the state due to the amount of product stored and operations performed at their facility.

Certificate of Free Sale

K.A.R. 4-6-1 provides a definition for “certificate of free sale.”

K.A.R. 4-6-2 outlines the information that needs to be provided by a person requesting a certificate of free sale.

K.A.R. 4-6-3 establishes the fee schedule for issuance of a certificate of free sale. It also outlines consequences of nonpayment.

Economic Summary: The department estimates that the total impact to private business and individuals will be approximately $5,000 annually for all industry. This is based on approximately 240 original and 240 duplicate certificates issued each year. The proposed changes to the regulations are designed to allow the agency to recuperate the cost for issuing these certificates.

Meat and Poultry

K.A.R. 4-16-1a, definitions, has been amended to define beef.

K.A.R. 4-16-1c, adoption by reference, has been amended to adopt the 2008 version of the 9 CFR.

Economic Summary: The anticipated costs to the Department of Agriculture would be providing copies of the updated pages to the regulation handbook to the inspection personnel and registered establishments. There are no anticipated costs associated with the proposed changes to the regulations to other governmental agencies or upon private business or individuals.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the contact information above or by accessing the department’s Web site at http://www.knda.gov.

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 036160

State of Kansas

Governmental Ethics Commission

Opinion No. 2008-11

Written August 20, 2008, to Toni Ramirez Wheeler, Director, Legal Services Department, City of Lawrence, Kansas.

This opinion is in response to your letter of July 1, 2008, in which you requested an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws, K.S.A. 75-4301 et seq. We note at the outset that the Commission’s jurisdiction is limited to the application of K.S.A. 75-4301 et seq., and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

We understand that you have requested this opinion in your capacity as the Director of the Legal Services Department for the City of Lawrence. You have advised us that the City of Lawrence has one or more City Commissioners that own residential real estate in Lawrence which they lease to others and from which they receive income in the form of rent payments. The commissioners have disclosed their interests in the rental properties on their...
The City Commission is expected to discuss legislation in the near future that expands the scope of an existing City rental licensing program that regulates residential rental properties. Under the existing local law, every owner of a single family dwelling in certain zoning districts must annually obtain a rental licensing permit prior to leasing, renting or allowing the occupancy of the dwelling. There is a license fee for each unit and a routine property inspection. The current rental licensing program applies only to single family dwelling units in residential zoning districts. The program may be expanded to include other dwelling units in other zoning districts. If the program is expanded, the City Commission will adopt an ordinance to expand the scope of the existing rental licensing code provisions.

Questions:

1. May City Commissioners who are also residential landlords participate in the discussions of an ordinance that expands or amends the City’s residential rental licensing regulations?

2. May City Commissioners who are also landlords vote on an ordinance that expands or amends the City’s residential rental licensing regulations?

Opinion:

The statute applicable to your questions is K.S.A. 75-4305 (a), which requires disclosure by a local government official before participating in actions other than contracts which may affect his or her private business interests. That statute states in pertinent part:

Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer’s or employee’s governmental subdivision.

This Commission has previously addressed the issue of local government officers voting on ordinances or enacting other local laws after disclosing any interest required to be filed on the Statement of Substantial Interests. In Advisory Opinions 2003-24, 1999-05, and 1999-51, the Commission has clearly distinguished the abstention requirements of K.S.A. 75-4304 and the mere disclosure requirements of K.S.A. 75-4305. The matters for which you have requested an opinion from this Commission are ones that the opinions cited above have characterized as legislative decisions or administrative decisions, which are subject to K.S.A. 75-4305, and which merely require disclosures as specified in K.S.A. 75-4305.

Because the Lawrence City Commissioners at issue have filed the appropriate Statements of Substantial Interests, they have complied with the disclosure requirement of K.S.A. 75-4305 (a) and may participate in discussions about and vote on ordinances that may expand or amend the City’s rental licensing regulations.

Opinion No. 2008-12
Written August 20, 2008, to Diane L. Bellquist, Acting General Counsel, Kansas State Board of Healing Arts, Topeka.

This opinion is issued in response to your letter of August 8, 2008, in which you requested an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest law, K.S.A. 46-246a, and its corresponding regulation, K.A.R. 19-40-4. We note at the outset that the Commission’s jurisdiction is limited to the application of K.S.A. 46-246a and K.A.R. 19-40-4, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

We understand you request this opinion in your capacity as the Acting General Counsel for the Kansas State Board of Healing Arts. You have advised us that the Board employs staff, including attorneys, to carry out its directives and the day to day operations of the Board. The Board is interested in hiring an attorney who is the son of one of the current licensed practitioners serving on the Board. You have stated that the assumption is that the Board member who is the father of the attorney candidate would not promote or in any way influence the hiring of his son and would not participate in the Board’s hiring decision. Further, if the remainder of the Board did hire the attorney candidate, his father would not be his supervisor and would not be conducting his performance reviews.

Question:

If the remainder of the Board were to hire the son of one Board member, would that be in violation of any governmental ethics statutes or regulations, particularly K.S.A. 46-246a and K.A.R. 19-40-4?

Opinion:

As you noted in your request, K.S.A. 46-246a applies to your question. That section in pertinent part states:

(a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, of a member of such officer’s or employee’s household or a family member.

(b) No state officer or employee shall participate in an action relating to the employment or discipline of a member of the officer’s or employee’s household or a family member.

K.A.R. 19-40-1 defines “family member,” as used in K.S.A. 46-246a, to include a child.

In applying the foregoing statute and regulation to your question, the Board may hire the son of a Board member who does not himself participate in any manner prohibited by the statute as cited above. As noted in Advisory Opinion 1998-4 in which the Commission addressed a similar question, the phrase “supervise or manage” was struck from the statute in the 1992 legislative session; thus, the Board member at issue would be permitted to supervise his son so long as he complied with K.S.A. 46-246a.
Technical Services, Kansas Board of Emergency Medical Services, Topeka.

This opinion is issued in response to your letter of July 15, 2008, requesting an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws, K.S.A. 46-215 et seq. We note at the outset that the Commission’s jurisdiction concerning your question is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:
You have requested this opinion in your capacity as the Manager of Technical Services at the Kansas Board of Emergency Medical Services (“KBEMS”) where you oversee education, training, certification, recertification and examination of emergency medical services in the State. You are also a certified emergency medical technician at the paramedic level and a certified instructor-coordinator for emergency medical services courses and training. Your position is overseen by the Administrator and Deputy Administrator of KBEMS.

You have been asked by a local ambulance service in your county of residence to function as a volunteer for an ambulance service in your county of residence. You are, in your position at KBEMS, responsible for reviewing applications for certification of paramedic classes. On inquiry, you have stated that you would recuse yourself from the review of the application for certification of the paramedic class for the institution where you would teach the class for which certification was sought. Your responsibilities at KBEMS do not include the licensing, certification, or oversight of ambulance companies or their employees.

Question:
1. May the Manager of Technical Services at the KBEMS provide paramedic services as a volunteer for an ambulance service in her county of residence?
2. May the Manager of Technical Services at the KBEMS teach a paramedic class for an educational institution in her local community?

Opinion:
To answer the first question, no provision of the state level conflict of interests laws would prohibit you from working as a paramedic on a volunteer basis for an ambulance service in your county of residence.

In regard to the second question, the applicable statutes are K.S.A. 46-286 and K.S.A. 46-241. K.S.A. 46-286 states in pertinent part:

(a) No state officer or employee, in the officer’s or employee’s official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

You have said that you would not participate in the review of an application for certification of the paramedic program you would teach at the institution where you would teach.

K.S.A. 46-241 states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

Sabrina K. Standifer
Chairwoman

Doc. No. 036149

State of Kansas
Kansas Health Policy Authority
Permanent Administrative Regulations

Article 10.—ADULT CARE HOME PROGRAM


(4) Certain DME designated by the agency shall be the property of the agency.

(5) Educational, environmental control, and convenience items shall not be covered.

(6) DME shall be covered for only the following types of beneficiaries:
(A) Participants in the Kan Be Healthy program;
(B) beneficiaries who require the DME for life support;
(C) beneficiaries who require the DME for employment; and
(D) beneficiaries who would require more expensive care if the DME was not provided.

(7) DME services provided for the parenteral administration of total nutritional replacements and intravenous medication in the beneficiary’s home shall require the provision of services by a local home health agency, physician, advanced registered nurse practitioner, physician assistant, or pharmacist.

(b) Selected medical supplies shall be available to each beneficiary for use in the beneficiary’s home.

(c) Selected DME and medical supplies shall be considered for coverage only in cases in which exceptional hardship or medical need has been justified by documentation of medical necessity or by the granting of prior authorization.

(d) Orthotics and prosthetics shall be available to program beneficiaries from orthotic and prosthetic dealers enrolled under K.A.R. 30-5-59. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Nov. 17, 2006; amended Sept. 19, 2008.)

Article 10.—ADULT CARE HOME PROGRAM

129-10-15a. Reimbursement. (a) Each provider with a current signed provider agreement shall be paid a per diem rate for services furnished to Kansas medical assistance-eligible residents. Payment shall be for the type of medical or health care required by the resident, as determined by the attending physician’s or physician extender’s certification upon admission, and the individual’s level of care needs, as determined through assessment and reassessment. However, payment for services shall not exceed the type of care that the provider is certified to provide under the Kansas medical assistance program. The type of care required by the resident may be verified by the agency before and after payment.

(b) Payment for routine services and supplies, pursuant to K.A.R. 30-10-1a, shall be included in the per diem reimbursement. No provider shall otherwise bill or be reimbursed for these services and supplies.

(1) The durable medical equipment, medical supplies, and other items and services specified in paragraphs (b)(1)(A) through (OOO) shall be considered routine for each resident to attain and maintain the highest practicable physical and psychosocial well-being, in accordance with the comprehensive assessment and plan of care. No provider shall bill or be reimbursed for the following separately from the per diem rate:
(A) Alternating pressure pads and pumps;
(B) armboards;
(C) bedpans, urinals, and basins;
(D) bed rails, beds, mattresses, and mattress covers;
(E) blood glucose monitors and supplies;
(F) canes;
(G) commodes;
(H) compressors;
(I) crutches;
(J) denture cups;
(K) dialysis, including supplies and maintenance, if the service is provided in the facility by facility staff;
(L) dressing items, including applicators, tongue blades, tape, gauze, bandages, adhesive bandages, pads, compresses, elasticized bandages, petroleum jelly gauze, cotton balls, slings, triangle bandages, pressure pads, and tracheostomy care kits;
(M) emesis basins and bath basins;
(N) enemas and enema equipment;
(O) extra nursing care and supplies;
(P) facial tissues and toilet paper;
(Q) first-aid ointments and similar ointments;
(R) footboards;
(S) foot cradles;
(T) gel pads or cushions;
(U) geriatric chairs;
(V) gloves, rubber or plastic;
(W) heating pads;
(X) heat lamps and examination lights;
(Y) humidifiers;
(Z) ice bags and hot water bottles;
(AA) intermittent positive-pressure breathing (IPPB) machines;
(BB) irrigation solution, both water and normal saline;
(CC) IV stands, clamps, and tubing;
-DD) laundry, including personal laundry;
(EE) laxatives;
(FF) lifts;
(GG) lotions, creams, and powders, including baby lotion, oil, and powders;
(HH) maintenance care for residents who have head injuries;
(II) mouthwash;
(JJ) nebulizers;
(KK) nonemergency transportation;
(LL) nutritional supplements;
(MM) occupational therapy;
(NN) orthoses and splints to prevent or correct contractures;
(OO) over-the-counter analgesics and antacids taken for the occasional relief of pain or discomfort, as needed;
(PP) over-the-counter vitamins;
(QQ) oxygen, masks, stands, tubing, regulators, hoses, catheters, cannulae, humidifiers, concentrators, and canisters;
(RR) parenteral and enteral infusion pumps;
(SS) patient gowns, pajamas, and bed linens;
(TT) physical therapy;
(UU) respiratory therapy;
(VV) restraints;
(WW) sheepskins and foam pads;
(xx) skin antiseptics, including alcohol;
(yy) speech therapy;
.zz) sphygmomanometers, stethoscopes, and other examination equipment;
(AAA) stool softeners;
(BBB) stretchers;
(CCC) suction pumps and tubing;
(DDD) syringes and needles;
(EEE) thermometers;
(FFF) traction apparatus and equipment;
(GGG) underpads and adult diapers, disposable or nondisposable;
(HHH) walkers;
(III) water pitchers, glasses, and straws;
(JJJ) weighing scales;
(KKK) wheelchairs;
(LLL) urinary supplies, urinary catheters, and accessories;
(MMM) total nutritional replacement therapy;
(NNN) gradient compression stockings; and
(PPP) ostomy supplies.
(2) Each nursing facility shall provide at no cost to residents over-the-counter drugs, supplies, and personal comfort items that meet these criteria:
(A) Are available without a prescription at a commercial pharmacy or medical supply outlet; and
(B) are provided by the facility as a reasonable accommodation for individual needs and preferences. These over-the-counter products shall be included in the nursing facility cost report. A nursing facility shall not be required to stock all products carried by vendors in the nursing facility’s community that are viewed as over-the-counter products.
(3) Occupational, physical, respiratory, speech, and other therapies. The Kansas medical assistance program cost of therapies shall be determined as follows:
(A) Compute the medicaid therapy ratio as the total number of medicaid therapy units not otherwise reimbursed to the total number of therapy units provided to all nursing facility residents during the cost report period;
(B) multiply the medicaid therapy ratio by the total reported therapy costs to determine the allowable medicaid portion of therapy costs;
(C) multiply the allowable medicaid portion of the therapy costs by the ratio of the total number of days to the number of medicaid resident days to determine the allowable therapy expenses for the cost report period;
(D) offset the nonallowable portion of the therapy cost in the provider adjustment column and on the related therapy expense line in the cost report; and
(E) submit a work paper with the cost report that supports the calculation of the allowable Kansas medical assistance program therapy expenses determined in accordance with paragraphs (b)(5)(A) through (C).
(c) Each provider of ancillary services, as defined in K.A.R. 30-10-1a, shall bill separately for each service when the services or supplies are required.
(d) Payment for specialized rehabilitative services or active treatment programs shall be included in the per diem reimbursement.
(e) Payment shall be limited to providers who accept, as payment in full, the amount paid in accordance with the fee structure established by the Kansas medical assistance program.
(continued)
(f) Payment shall not be made for allowable, nonroutine services and items unless the provider has obtained prior authorization.

(g) Private rooms for recipients shall be provided if medically necessary or, if not medically necessary, at the discretion of the facility. If a private room is not medically necessary or is not occupied at the discretion of the facility, then a family member, guardian, conservator, or other third party may pay the incremental difference that would be charged to a private-pay resident to move from a semiprivate room to a private room. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-15b. Financial data. (a) General. The per diem rate or rates for providers participating in the Kansas medical assistance program shall be based on this audit or desk review of the costs reported to provide resident care in each facility. The basis for conducting these audits or reviews shall be form MS 2004, as adopted by reference in K.A.R. 129-10-17. Each provider shall maintain sufficient financial records and statistical data for proper determination of reasonable and adequate rates. Standardized definitions, accounting, statistics, and reporting practices that are widely accepted in the nursing facility and related fields shall be followed, except to the extent that they conflict with or are superseded by state or federal medicaid requirements. Changes in these practices and systems shall not be required in order to determine reasonable and adequate rates.

(b) Cost reports. Pursuant to K.A.R. 129-10-17, cost reports shall be required from providers on an annual basis.

(c) Adequate cost data and cost findings. Each provider shall provide adequate cost data on the cost report. This cost data shall be in accordance with state and federal medicaid requirements and general accounting rules and shall be based on the accrual basis of accounting. Estimates of costs shall not be allowable except on projected cost reports submitted pursuant to K.A.R. 129-10-17.

(d) Recordkeeping requirements.

(1) Each provider shall furnish any information to the agency that is necessary to meet these criteria:

(A) To ensure proper payment by the program pursuant to paragraph (d)(2);

(B) to substantiate claims for program payments; and

(C) to complete determinations of program overpayments.

(2) Each provider shall permit the agency to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include the following:

(A) Documentation of the nursing facility ownership, organization, and operation, including documentation as to whether transactions occurred between related parties;

(B) fiscal, medical, and other documents;

(C) federal and state income tax returns and all supporting documents;

(D) documentation of asset acquisition, lease, sale, or other action;

(E) documentation of franchise or management arrangements;

(F) documentation pertaining to costs of operations;

(G) a record of the amounts of income received, by source and purpose; and

(H) a statement of changes in financial position.

(3) Other records and documents shall be made available as necessary.

(4) Records and documents shall be made available in Kansas.

(5) Each provider, when requested, shall furnish the agency with copies of resident service charge schedules and changes to these charge schedules as they are put into effect. The charge schedules shall be evaluated by the agency to determine the extent to which the schedules may be used for determining program payment.

(6) Suspension of program payments may be made if the agency determines that any provider does not maintain or no longer maintains adequate records for the determination of reasonable and adequate per diem rates under the program or the provider fails to furnish requested records and documents to the agency. Payments to that provider may be suspended.

(7) Thirty days before suspending payment to the provider, written notice shall be sent by the agency to the provider of the agency’s intent to suspend payments, except as provided in paragraph (e)(2). The notice shall explain the basis for the agency’s determination with respect to the provider’s records and shall identify the provider’s recordkeeping deficiencies.

(8) All records of each provider that are used in support of costs, charges, and payments for services and supplies shall be subject to inspection and audit by the agency, the United States department of health and human services, and the United States general accounting office. All financial and statistical records used to support cost reports shall be retained for five years following the last day on which rates determined from those cost reports are effective.

(e) Desk review requirement.

(1) Each provider shall submit all information requested by the agency that is necessary to complete the desk review of the cost report.

(2) If a provider does not submit the information deemed necessary by the agency to complete the desk review of the cost report for a nursing facility, the provider shall be notified in writing by the agency that the provider has 10 working days from the date of this notice to submit the required information, or the Kansas medical assistance program payments shall be suspended for the nursing facility. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-17. Cost reports. (a) Historical cost data.

(1) For cost reporting purposes, each provider shall submit the “nursing facility financial and statistical report,” form MS-2004, revised August 2004 and hereby adopted by reference, completed in accordance with the accompanying instructions. The MS-2004 cost report shall be submitted on diskette, using software designated by the agency for cost report periods ending on or after December 31, 1999.
(2) Each provider who has operated a facility for 12 or more months on December 31 shall file the nursing facility financial and statistical report on a calendar year basis.

(b) Projected cost data.

(1) Projected cost reports.

(A) If a provider is required to submit a projected cost report under K.A.R. 129-10-18 (c) or (e), the provider’s rate shall be based on a proposed budget with costs projected on a line item basis.

(B) The projected cost report for each provider who is required to file a projected cost report shall begin according to either of the following schedules:

(i) On the first day of the month in which the nursing facility was certified by the state licensing agency if that date is on or before the 15th of the month; or

(ii) on the first day of the following month if the facility is certified by the state licensing agency on or after the 16th but on or before the 31st of the month.

(C) The projected cost report shall end on the last day of the 12-month period following the date specified in paragraph (b)(1)(B), except under either of the following:

(i) The projected cost report shall end on December 31 if that date is not more than one month before or after the end of the 12-month period.

(ii) The projected cost report shall end on the provider’s normal fiscal year-end used for the internal revenue service if that date is not more than one month before or after the end of the 12-month period and the criteria in K.A.R. 129-10-18 for filing the projected cost report ending on December 31 do not apply.

(D) The projected cost report period shall cover a consecutive period of time not less than 11 months and not more than 13 months.

(E) The projected cost report shall be reviewed for reasonableness and appropriateness by the agency. The projected cost report items that are determined to be unreasonable shall be disallowed before the projected rate is established.

(2) Projected cost reports for each provider with more than one facility.

(A) Each provider who is required to file a projected cost report in accordance with this subsection and who operates more than one facility, either in state or out of state, shall allocate central office costs to each facility that is paid rates from the projected cost data. The provider shall allocate the central office cost at the end of the provider’s fiscal year or the calendar year that ends during the projection period.

(B) The method of allocating central office costs to those facilities filing projected cost reports shall be consistent with the method used to allocate the costs to those facilities in the chain that are filing historical cost reports.

(c) Amended cost reports.

(1) Each provider shall submit an amended cost report revising cost report information previously submitted if an error or omission is identified that is material in amount and results in a change in the provider’s rate of $.10 or more per resident day.

(2) An amended cost report shall not be allowed after 13 months have passed since the last day of the year covered by the report.

(d) Due dates of cost reports.

(1) Each calendar year cost report shall be received not later than the close of business on the last working day of February following the year covered by the report.

(2) A historical cost report covering a projected cost report period shall be received by the agency not later than the close of business on the last working day of the second month following the close of the period covered by the report.

(3) Each cost report approved for a filing extension in accordance with subsection (e) shall be received not later than the close of business on the last working day of the month approved for the extension request.

(e) Extension of time for submitting a cost report.

(1) A one-month extension of the due date for the filing of a cost report may be granted by the agency if the cause for delay is beyond the control of the provider. The causes for delay beyond the control of the provider that may be considered by the agency in granting an extension shall include the following:

(A) Disasters that significantly impair the routine operations of the facility or business;

(B) destruction of records as a result of a fire, flood, tornado, or another accident that is not reasonably foreseeable; and

(C) computer viruses that impair the accurate completion of cost report information.

(2) The provider shall make the request in writing. The request shall be received by the agency on or before the due date of the cost report. Requests received after the due date shall not be accepted.

(3) A written request for a second one-month extension may be granted by the Kansas medical assistance program director if the cause for further delay is beyond the control of the provider. The request shall be received by the agency on or before the due date of the cost report, or the request shall not be approved.

(f) Penalty for late filing. Each provider filing a cost report after the due date shall be subject to the following penalties:

(1) If the complete cost report has not been received by the agency by the close of business on the due date, all further payments to the provider shall be suspended until the complete cost report has been received. A complete cost report shall include all the required documents listed in the cost report.

(2) Failure to submit the cost report within one year after the end of the cost report period shall be cause for termination from the Kansas medical assistance program.

(g) Balance sheet requirement. Each provider shall file a balance sheet prepared in accordance with cost report instructions as part of the cost report forms for each provider.

(h) Working trial balance requirement. Each provider shall submit a working trial balance with the cost report. The working trial balance shall contain account numbers, descriptions of the accounts, the amount of each account, and the cost report expense line on which the account was reported. Revenues and expenses shall be grouped separately and totaled on the working trial balance and shall reconcile to the applicable cost report schedules. A sched-
ule that lists all general ledger accounts grouped by cost report line number shall be attached.

(i) Allocation of hospital costs. An allocation of expenditures between the hospital and the long-term care unit facility shall be submitted through a step-down process prescribed in the cost report instructions.

(j) Interest documentation requirement. A signed promissory note and loan amortization schedule shall be submitted with the cost report for all fixed-term loan agreements with interest reported in the operating cost center. For working capital loans for one year or less, amortization schedules shall not be required. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-18. Rates of reimbursement. (a) Rates for existing nursing facilities.

(1) The determination of per diem rates shall be made, at least annually, using base-year cost information submitted by the provider and retained for cost auditing and analysis.

(A) The base year utilized for cost information shall be reestablished at least once every seven years.

(B) A factor for inflation may be applied to the base-year cost information.

(C) For each provider currently in new enrollment, re-enrollment, or change of ownership status, the base year shall be determined in accordance with subsections (c), (d), and (e), respectively.

(2) Per diem rates shall be limited by cost centers, except where there are special level-of-care facilities approved by the United States department of health and human services. The upper payment limits shall be determined by the median in each cost center plus a percentage of the median, using base-year cost information. The percentage factor applied to the median shall be determined by the agency.

(A) The cost centers shall be as follows:

(i) Operating;

(ii) indirect health care; and

(iii) direct health care.

(B) The property component shall consist of the real and personal property fee as specified in K.A.R. 129-10-25.

(C) The upper payment limit for the direct health care cost center shall be a statewide base limit calculated on each facility’s base-year costs adjusted for case mix.

(i) A facility-specific, direct health care cost center upper payment limit shall be calculated by adjusting the statewide base limit by that facility’s average case mix index.

(ii) Resident assessments used to determine additional reimbursement for ventilator-dependent residents shall be excluded from the calculation of the facility’s average case mix index.

(3) Each provider shall receive an adjusted rate for each quarter if there is a change from the previous quarter in the facility’s average medicaid case mix index.

(4) Resident assessments that cannot be classified shall be assigned to the lowest case mix index.

(5) To establish a per diem rate for each provider, a factor for incentive may be added to the allowable per diem cost.

(6) (A) Resident days shall be determined from census information corresponding to the base-year cost information submitted by the provider.

(B) The total number of resident days shall be used to calculate the per diem costs used to determine the upper payment limit and rates in the direct health care cost center. The total number of resident days shall be used to calculate per diem costs used to determine the upper payment limit and rates for food and utilities in the indirect health care cost center.

(C) For homes with more than 60 beds, the number of resident days used to calculate the upper payment limits and rates in the operating cost center and indirect health care cost center, less food and utilities, shall be subject to an 85 percent minimum occupancy requirement based on the following:

(i) Each provider that has been in operation for 12 months or longer and has an occupancy rate of less than 85 percent for the cost report period shall have the number of resident days calculated at the minimum occupancy of 85 percent.

(ii) The 85 percent minimum occupancy requirement shall be applied to the number of resident days and costs reported for the 13th month of operation and after. The 85 percent minimum occupancy requirement shall be applied to the interim rate of a new provider, unless the provider is allowed to file a projected cost report.

(iii) The minimum occupancy rate shall be determined by multiplying the total number of licensed beds by 85 percent. In order to participate in the Kansas medical assistance program, each nursing facility provider shall obtain proper certification for all licensed beds.

(iv) Each provider with an occupancy rate of 85 percent or greater shall have actual resident days for the cost report period used in the rate computation.

(7) Each provider shall be given a detailed listing of the computation of the rate determined for the provider’s facility.

(8) The effective date of the rate for existing providers shall be in accordance with K.A.R. 30-10-19.

(b) Rate limitations based on comparable service private-pay charges.

(1) For each nursing facility and nursing facility for mental health, the per diem rate for care shall not exceed the rate charged for the same type of service to residents who are not under the Kansas medical assistance program. Private-pay rates reported to the agency on other than a per diem basis shall be converted to a per diem equivalent.

(2) The agency shall maintain a registry of private-pay per diem rates submitted by providers.

(A) Each provider shall notify the agency of any change in the private-pay rate and the effective date of that change so that the registry can be updated.

(i) Private-pay rate information submitted with the cost reports shall not constitute notification and shall not be acceptable.

(ii) Providers may send private-pay rate notices by certified mail so that there is documentation of receipt by the agency.

(B) The private-pay rate registry shall be updated based on the notification from the providers.
(C) The effective date of the private-pay rate in the registry shall be the later of the effective date of the private-pay rate or the first day of the following month in which complete documentation of the private-pay rate is received by the agency.

(i) If the effective date of the private-pay rate is other than the first day of the month, the effective date in the registry shall be the first day of the closest month. If the effective date is after the 15th, the effective date in the registry shall be the first day of the following month.

(ii) For new facilities or new providers coming into the medicaid program, the effective date of the private-pay rate shall be the date on which certification is issued.

(3) The average private-pay rate for comparable services shall be included in the registry. The average private pay rate may consist of the following variables:

(A) Room rate differentials. The weighted average private-pay rate for room differentials shall be determined as follows:

(i) Multiply the number of private-pay residents in private rooms, semiprivate rooms, wards, and all other room types by the rate charged for each type of room. Sum the resulting products of each type of room. Divide the sum of the products by the total number of private pay residents in all rooms. The result, or quotient, is the weighted average private-pay rate for room differentials.

(ii) Each provider shall submit documentation to show the calculation of the weighted average private-pay rate if there are room rate differentials.

(iii) Failure to submit the documentation shall limit the private-pay rate in the registry to the semiprivate room rate.

(B) Level-of-care rate differentials. The weighted average private-pay rate for level-of-care differentials shall be determined as follows:

(i) Multiply the number of private-pay residents in each level of care by the rate they are charged to determine the product for each level of care. Sum the products for all of the levels of care. Divide the sum of the products by the total number of private pay residents in all levels of care. The result, or quotient, is the weighted average private-pay rate for level-of-care differentials.

(ii) Each provider shall submit documentation to show the calculation of the weighted average private-pay rate when there are level-of-care rate differentials.

(iii) Failure to submit the documentation may delay the effective date of the average private-pay rate in the registry until the complete documentation is received.

(C) Extra charges to private-pay residents for items and services may be included in the weighted average private-pay rate if the same items and services are allowable in the Kansas medical assistance program rate.

(i) Each provider shall submit documentation to show the calculation of the weighted average extra charges.

(ii) Failure to submit the documentation may delay the effective date of the weighted average private-pay rate in the registry until the complete documentation is received.

(4) The weighted average private-pay rate shall be based on what the provider receives from the resident. If the private-pay charges are consistently higher than what the provider receives from the residents for services, then the average private-pay rate for comparable services shall be based on what is actually received from the residents. The weighted average private-pay rate shall be reduced by the amount of any discount received by the residents.

(5) The private-pay rate for medicare skilled beds shall not be included in the computation of the average private-pay rate for nursing facility services.

(6) When providers are notified of the effective date of the Kansas medical assistance program rate, the following procedures shall be followed:

(A) If the private-pay rate indicated on the agency register is lower, then the Kansas medical assistance program rate, beginning with its effective date, shall be calculated as follows:

(i) If the average medicaid case mix index is greater than the average private-pay case mix index, the Kansas medical assistance program rate shall be the lower of the private-pay rate adjusted to reflect the medicaid case mix or the calculated Kansas medical assistance rate.

(ii) If the average medicaid case mix index is less than or equal to the average private-pay case mix index, the Kansas medical assistance program rate shall be the average private-pay rate.

(B) Providers who are held to a lower private pay rate and subsequently notify the agency in writing of a different private-pay rate shall have the Kansas medical assistance program rate adjusted on the later of the first day of the month following the date upon which complete private-pay rate documentation is received or the effective date of a new private-pay rate.

(c) Rate for new construction or a new facility to the program.

(1) The per diem rate for any newly constructed nursing facility or a new facility to the Kansas medical assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 129-10-17.

(2) The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to the base-year period.

(3) The provider shall remain in new enrollment status until the base year is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider.

(4) Each 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.

(5) No rate shall be paid until a nursing facility financial and statistical report is received and processed to determine a rate.

(d) Change of provider.

(1) The payment rate for the first 24 months of operation shall be based on the base-year historical cost data of the previous owner or provider. If base-year data is not available, data for the most recent calendar year available preceding the base-year period shall be adjusted to the base-year period and used to determine the rate. If the 85 percent minimum occupancy requirement was applied to the previous provider’s rate, the 85 percent minimum occupancy requirement shall also be applied to the new provider’s rate.
(2) 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. The data shall be adjusted to the base-year period.

(3) The provider shall remain in change-of-provider status until the base year is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider.

(4) Each 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.

(e) Determination of the rate for nursing facility providers reentering the medicaid program.

(1) The per diem rate for each provider reentering the medicaid program shall be determined from either of the following:

(A) 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; or

(B) the base-year cost report filed with the agency or the most recent cost report filed preceding the base year, if the provider has actively participated in the program during the most recent 24 months.

(2) If the per diem rate for a provider reentering the program is determined in accordance with paragraph (e)(1)(A), the cost data shall be adjusted to the base-year period.

(3) The provider shall remain under reenrollment status until the base year is reestablished. During this time, the cost data used to determine the initial rates shall be used to determine all subsequent rates for the provider.

(4) Each factor for inflation that is applied to cost data for established providers shall be applied to the cost data for providers in reenrollment status.

(5) If the per diem rate for a provider reentering the program is determined in accordance with paragraph (e)(1)(A), a settlement shall be made in accordance with subsection (f).

(f) Per diem rate errors.

(1) If the per diem rate, whether based upon projected or historical cost data, is audited by the agency and found to contain an error, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. If a provider with an identified overpayment is no longer enrolled in the medicaid program, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation, unless other arrangements have been made to reimburse the agency. A net settlement may occur if a provider has more than one facility involved in settlements. In all cases, settlements shall be recouped within 12 months of the implementation of the corrected rates, or interest may be assessed.

(2) The per diem rate for a provider may be increased or decreased as a result of a desk review or audit of the provider’s cost reports. Written notice of this per diem rate change and of the audit findings shall be sent to the provider. Retroactive adjustment of the rate paid from a projected cost report shall apply to the same period of time covered by the projected rate.

(3) Each provider shall have 30 days from the date of the audit report cover letter to request an administrative review of an audit adjustment that results in an overpayment or underpayment. The request shall specify the finding or findings that the provider wishes to have reviewed.

(4) An interim settlement, based on a desk review of the historical cost report covering the projected cost report period, may be determined after the provider is notified of the new rate determined from the cost report. The final settlement shall be based on the rate after an audit of the historical cost report.

(5) A new provider that is not allowed to submit a projected cost report for an interim rate shall not be entitled to a retroactive settlement for the first year of operation.

(g) Out-of-state providers.

(1) The rate for out-of-state providers certified to participate in the Kansas medical assistance program shall be the rate approved by the agency.

(2) Each out-of-state provider shall obtain prior authorization by the agency.

(h) Reserve days. Reserve days as specified in K.A.R. 30-10-21 shall be paid at 67 percent of the Kansas medical assistance program per diem rate.

(i) Determination of rate for ventilator-dependent resident.

(1) The request for additional reimbursement for a ventilator-dependent resident shall be submitted to the agency in writing for prior approval. Each request shall include a current care plan for the resident, the most current resident assessment, and an itemized expense list for implementing that care plan.

(2) All of the following conditions shall be met in order for a resident to be considered ventilator-dependent:

(A) The resident is not able to breathe without mechanical ventilation.

(B) The resident uses a ventilator for life support 24 hours a day, seven days a week.

(C) The resident has a tracheostomy or endotracheal tube.

(3) The provider shall be reimbursed at the Kansas medical assistance program daily rate determined for the nursing facility plus an additional amount approved by the agency for the ventilator-dependent resident. The provider shall submit a budget with the detail of the expenditures requested to care for the ventilator-dependent resident. The additional reimbursement shall be negotiated based on the prevailing cost of the individual care plan and subject to an upper payment limit that is based on the comparable rate from the medicare prospective payment system.

(4) No additional amount above that figured at the Kansas medical assistance program daily rate shall be allowed until the service has been authorized by the agency.

(5) The criteria shall be reviewed quarterly to determine if the resident is ventilator-dependent. If a resident is no longer ventilator-dependent, the provider shall not receive additional reimbursement beyond the Kansas
medical assistance program daily rate determined for the facility.

(6) The additional reimbursement for the ventilator-dependent resident shall be offset to the cost center of benefit on the nursing facility financial and statistical report. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-23a. Nonreimbursable costs. (a) Costs not related to resident care, as set forth in K.A.R. 30-101a, shall not be considered in computing reimbursable costs. In addition, the following expenses or costs shall not be allowed:

(1) Fees paid to nonworking directors and the salaries of nonworking officers;
(2) uncollectable debts, which are also known as “bad debts”;
(3) donations and contributions;
(4) fund-raising expenses;
(5) taxes, as follows:
(A) Federal income and excess profit taxes, including any interest or penalties paid on these taxes;
(B) state or local income and excess profits taxes;
(C) taxes from which exemptions are available to the provider;
(D) taxes on property that is not used in providing covered services;
(E) taxes levied against any resident and collected and remitted by the provider;
(F) self-employment taxes applicable to individual proprietors, partners, or members of a joint venture; and
(G) interest or penalties paid on federal and state payroll taxes;
(6) insurance premiums on lives of owners and related parties;
(7) the imputed value of services rendered by nonpaid workers and volunteers;
(8) utilization review not related to quality assurance;
(9) costs of social, fraternal, civic, and other organizations that concern themselves with activities unrelated to their members’ professional or business activities;
(10) accrued expenses that are not liquidated within 180 days after the end of the cost reporting period;
(11) vending machines and related supplies;
(12) board of director costs;
(13) resident personal purchases;
(14) advertising for resident utilization;
(15) public relations expenses;
(16) penalties, fines, and late charges;
(17) prescription drugs as defined in K.A.R. 30-10-1a;
(18) dental services;
(19) radiology;
(20) lab work;
(21) items or services provided only to non-Kansas medical assistance program residents and reimbursed from third-party payors;
(22) automobiles and related accessories in excess of $25,000.00 each. Buses and vans for resident transportation shall be reviewed for reasonableness and may exceed $25,000.00 in costs;
(23) provider-owned or related party-owned, -leased, or -chartered airplanes and related expenses;
(24) bank overdraft charges or other penalties;
(25) personal expenses not directly related to the provision of longterm resident care in a nursing facility;
(26) management fees paid to a related organization that are not clearly derived from the actual cost of materials, supplies, or services provided directly to an individual nursing facility;
(27) business expenses not directly related to the care of residents in a long-term care facility. These expenses shall include business investment activities, stockholder and public relations activities, and farm and ranch operations;
(28) legal and other costs associated with litigation, unless the litigation is decided in the provider’s favor and is directly related to Kansas nursing facility operations;
(29) lobbying expenses and political contributions.

(b) Purchase discounts, allowances, and refunds shall be deducted from the cost of the items purchased. Refunds of prior years’ expenses shall be deducted from the related expenses. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-23b. Costs allowed with limitations. (a) The following amortized expenses or costs shall be allowed with limitations:

(1) The provider shall amortize loan acquisition fees and standby fees over the life of the related loan if the loan is related to resident care.
(2) Only the following taxes shall be allowed as amortized costs:
(A) Taxes in connection with financing, refinancing, or refunding operations; and
(B) special assessments on land for capital improvements over the estimated useful life of those improvements.
(3) The start-up cost of a provider with a newly constructed facility or a facility that has been closed for 24 months or more shall be recognized if the cost meets the following criteria:
(A) Is incurred within 90 days of the opening of the facility and related to developing the ability to care for residents;
(B) is amortized over a period of at least 60 months;
(C) is consistent with the facility’s federal income tax return and internal and external financial reports, with the exception of paragraph (a)(3)(B); and
(D) is identified in the cost report as a start-up expense, which may include the following:
(i) Administrative and nursing salaries;
(ii) utilities;
(iii) taxes, as identified in paragraphs (a)(2)(A) and (B);
(iv) insurance;
(v) mortgage interest;
(vi) employee training costs; and
(vii) any other allowable costs incidental to the operation of the facility.
(4) Each cost that can properly be identified as an organization expense or can be capitalized as a construction expense shall be appropriately classified and excluded from the start-up cost.

(continued)
(5) Organization and other corporate costs, as defined in K.A.R. 30-101a, of a provider that is newly organized shall be amortized over a period of at least 60 months beginning with the date of organization.

(A) The costs shall be reasonable and limited to the preparation and filing of documents required by the various governmental entities, the costs of preparing sale or lease contracts, and the associated legal and professional fees.

(B) The costs shall not include expenses of resolving contested issues of title or disputes arising from the performance of contracts or agreements related to the purchase or sale of a property or business.

(b) Membership dues and costs incurred as a result of membership in professional, technical, or business-related organizations shall be allowable. However, similar expenses specified in paragraph (a)(9) of K.A.R. 129-10-23a shall not be allowable.

(c) Each provider shall include the costs associated with services, facilities, equipment, and supplies furnished to the nursing facility by related parties, as defined in K.A.R. 30-101a, in the allowable cost of the facility at the actual cost to the related party, except that the allowable cost to the nursing facility provider shall not exceed the lower of the actual cost or the market price.

(d) If a provider pays an amount in excess of the market price for equipment, supplies, or services, the agency shall use the market price to determine the allowable cost under the Kansas medical assistance program in the absence of a clear justification for the premium.

(e) The net cost of job-related training and educational activities shall be an allowable cost. The allowable cost shall include the net cost of orientation and on-the-job training.

(f) Resident-related transportation costs shall include only reasonable costs that are directly related to resident care. Transportation costs not directly related to resident care shall not be allowable. Estimates shall not be acceptable.

(g)(1) Lease payments shall be reported in accordance with the financial accounting statements of the financial accounting standards board.

(2) Sale-leaseback transactions shall have the costs limited to the amount that the provider would have included in reimbursable costs if the provider had retained legal title to the facilities and equipment. These costs shall include mortgage interest, taxes, depreciation, insurance, and maintenance costs. The lease cost shall not be allowable if it exceeds the ownership costs before the sale-leaseback transaction.

(h) If the expenses reported for the current period are not paid within one year after the invoice date, the expenses shall be disallowed. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-25. Real and personal property fee. (a) A real and personal property fee shall be developed by the agency in lieu of an allowable cost for ownership or lease expense, or both. The fee shall be facility-specific and shall not change as a result of change of ownership, a change in lease, or reenrollment in the medicaid program by providers. An inflation factor may be applied to the fee on an annual basis.

The real and personal property fee shall include an appropriate component for the following:

1. Rent or lease expense;
2. Interest expense on a real estate mortgage;
3. Amortization of leasehold improvements; and
4. Depreciation on buildings and equipment.

(b)(1) The real and personal property fee shall be determined based on one of the following methodologies:

(A) For providers enrolled in the Kansas medical assistance program with a real and personal property fee for each facility, the real and personal property fee shall be the sum of the property allowance and value factor.

(B) For providers reenrolling 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 real and personal property fee shall be the sum of the last effective property allowance and the last effective value factor for the facility.

(C) The real and personal property fee for a newly constructed nursing facility or a nursing facility that enters the Kansas medical assistance program and has not had a fee established previously shall be calculated based on the following methodology:

(i) A projected real and personal property fee shall be calculated using a projected cost report by dividing the total of the four real and personal property fee components reported in the ownership cost center by the greater of the total number of resident days reported or 85 percent of the licensed capacity for the cost report period.

(ii) A historical real and personal property per diem shall be calculated using a historical cost report by dividing the total of the four line items reported in the ownership cost center by the greater of the total number of resident days reported or 85 percent of the licensed capacity for the cost report period.

(iii) A settlement between the projected and historical rates, which shall include the real and personal property fee, shall be made in accordance with K.A.R. 129-10-18(e).

(2) The real and personal property fee shall be subject to an upper payment limit. The upper payment limit for the real and personal property fee shall be determined by the median real and personal property fee plus a percentage of the median. The percentage factor applied shall be determined by the secretary.

(c)(1) The depreciation and amortization component of the real and personal property fee shall meet these criteria:

(A) Be identifiable and recorded in the provider’s accounting records;

(B) be based on the historical cost of the asset as established in this regulation; and

(C) be prorated over the estimated useful life of the asset using the straight-line method.

(2)(A) Appropriate recording of depreciation shall include the following:

(i) Identification of the depreciable assets in use;
(ii) the assets’ historical costs;
(iii) the method of depreciation;
(iv) the assets’ estimated useful life; and
(v) the assets’ accumulated depreciation.

(B) Each provider shall report gains and losses on the sale of depreciable personal property on the cost report at the time of the sale. The provider shall record trading of depreciable property in accordance with the income tax method of accounting for the basis of property acquired. Under the income tax method, gains and losses arising from the trading of assets shall not be recognized in the year of trade but shall be used to adjust the basis of the newly acquired property.

(3) The cost basis shall not include costs attributable to the negotiation or final purchase of the facility, which may include legal fees, accounting fees, travel costs, and the cost of feasibility studies.

(d) Any provider may request that the agency rebase the real and personal property fee. Providers shall submit rebase requests for completed capital improvement projects or phases of capital improvements projects. The following methodology shall be used to determine a revised real and personal property fee based on the rebase request.

(1) Rebase requests shall be reviewed to determine a revised real and personal property fee if the provider meets the following capital expenditure thresholds:

(A) $25,000.00 for facilities with 50 or fewer beds; or

(B) $50,000.00 for facilities with 51 or more beds.

(2) The per diem based on the interest expense, depreciation expense, and amortization of leasehold improvements shall be added to the real and personal property fee in effect on the date that the rebase is made effective. Interest expense reported in the operating cost center shall not be included in the request for a rebase of the real and personal property fee. Interest on loans for real and personal property that is included in a rebase shall be reported with mortgage interest in the ownership cost center.

(3) The number of resident days used in the denominator of the real and personal property fee calculation shall be based on the total number of resident days from the most recent desk-reviewed cost report to rebase the property fee. The resident days shall be subject to the 85 percent minimum occupancy requirement, including any new beds documented in the request for a rebase.

(4) The revised real and personal property fee shall be subject to the upper payment limit in effect on the date the rebase is made effective.

(5) (A) If the number of beds of an existing nursing facility is increased by the construction of a new addition to the existing facility, the real and personal property fee established through the rebase shall be effective according to either of the following schedules:

(i) On the first day of the month in which the new beds were certified if the certification date was on or before the 15th of the month; or

(ii) on the first day of the month following the month in which the beds were certified if the certification date is on or after the 16th of the month.

(B) If the capital expenditure that is the basis for the rebase request is not related to an increased number of beds, the real and personal property fee established through the rebase shall be effective according to either of the following schedules:

(i) On the first day of the month in which the complete documentation is received, if the request is received on or before the 15th of the month; or

(ii) on the first day of the month following the month in which the complete documentation is received, if the request is received on or after the 16th of the month.

(C) Complete documentation shall include the following:

(i) The depreciation or amortization schedule reflecting the expense, including the construction-in-progress subsidiary ledger;

(ii) the loan agreement;

(iii) the amortization schedule for interest;

(iv) invoices;

(v) receipts for contractor fees; and

(vi) receipts for other costs associated with the capital expenditure.

(6) Invoices or contractor statements dated more than two years before the date the rebase request is received shall not be allowed. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-26. Interest expense. (a) Only necessary interest on working capital or personal property loans shall be an allowable expense. Interest on real estate or personal property covered by the real and personal property fee in accordance with K.A.R. 129-10-25 shall not be included.

(b) The interest expense shall be incurred on indebtedness established with either of the following:

(1) Lenders or lending organizations not related to the borrower; or

(2) partners, stockholders, home office organizations, or related parties, if the following requirements are met:

(A) The terms and conditions of payment of the loans shall resemble terms and conditions of an arm’s-length transaction by a prudent borrower with a recognized, local lending institution with the capability of entering into a transaction of the required magnitude. Allowable interest expense shall be limited to the annual expense submitted on the loan amortization schedule, unless the loan principal is retired before the end of the amortization period, or working capital loans if the period is one year or less; and

(B) the provider shall demonstrate, to the satisfaction of the agency, a primary business purpose for the loan other than increasing the per diem rate.

(C) The transaction shall be recognized and reported by all parties for federal income tax purposes.

(c) If the general fund of a nursing facility borrows from a donor-restricted fund, this interest expense shall be an allowable cost. In addition, if a nursing facility operated by members of a religious order borrows from the order, interest paid to the order shall be an allowable cost.

(d) The interest expense shall be reduced by the investment income from restricted or unrestricted idle funds or funded reserve accounts, unless that income is from gifts and grants, whether restricted or unrestricted, that are held in a separate account and not commingled with other funds. Income from the provider’s qualified pension fund shall not be used to reduce interest expense.
(e) Interest earned on restricted or unrestricted reserve accounts of industrial revenue bonds or sinking fund accounts shall be offset against interest expense and limited to the interest expense on the related debt.

(f) Loans made to finance that portion of the cost of acquisition of a facility that exceeds historical cost or the cost basis recognized for program purposes shall not be considered to be reasonably related to resident care. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-27. Central office costs. (a) Allocation of costs. Allocation of central office costs shall be reasonable, conform to general accounting rules, and allowed only to the extent that the central office is providing a service normally available in the nursing facility. Central office costs shall not be recognized or allowed to the extent that they are unreasonably in excess of the central office costs of similar nursing facilities in the program. The burden of furnishing sufficient evidence to establish a reasonable level of costs shall be on the provider. All expenses reported as central office costs shall be limited to the actual resident-related costs of the central office.

(1) The provider shall report cost of ownership or the arm’s-length lease expense, utilities, maintenance, property taxes, insurance, and other plant operating costs of the central or regional office space for resident-related activities report as central office costs.

(2) The provider shall report all administrative expenses incurred by central and regional offices as central office costs. These may include the following:
   (A) Salaries;
   (B) benefits;
   (C) office supplies;
   (D) printing, management, and consultant fees;
   (E) telephones and other forms of communications;
   (F) travel and vehicle expenses;
   (G) allowable advertising;
   (H) licenses and dues; and
   (I) legal, accounting, data processing, insurance, and interest expenses.

The administrative expenses reported as central office costs shall not be directed to individual facilities operated by the provider or reported on any other line of the cost report.

(3) Nonreimbursable costs in K.A.R. 129-10-23a, costs allowed with limitations in K.A.R. 129-10-23b, and the revenue offsets in K.A.R. 30-10-23c shall apply to central office costs.

(4) Estimates of central office costs shall not be allowable.

(b) Central office salary and other limitations.

(1) Salaries of employees performing the duties for which they are professionally qualified shall be allocated to the direct health care cost center or the indirect health care cost center as appropriate for the duties performed. Professionally qualified employees shall include licensed and registered nurses, dietitians, and others that may be designated by the agency.

(2) Salaries of chief executives, corporate officers, department heads, and other employees with ownership interests of five percent or more shall be deemed owner’s compensation, and the provider shall report these salaries as owner’s compensation in the operating cost center.

(3) The provider shall include the salary of an owner or related party performing a resident-related service for which the person is professionally qualified in the appropriate cost center for that service, subject to the salary limitations for the owner or related party.

(4) The provider shall report salaries of all other central office personnel performing resident-related administrative functions in the operating cost center.

(5) Each provider operating a central office shall complete and submit detailed schedules of all salaries and expenses incurred in each fiscal year. Failure to submit detailed central office expenses and allocation methods shall result in an incomplete cost report. The provider shall submit methods for allocating costs to all facilities in this and any other states.

(6) A central office cost limit may be established by the agency within the overall operating cost center upper payment limit.

(7) The provider may allocate and report bulk purchases by the central office staff in the appropriate cost center of each facility if sufficiently documented. Questionable allocations shall be transferred to the central office cost line within the operating cost center. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-200. Definitions for intermediate care facility for mentally retarded (ICF-MR). (a) “Accrual basis of accounting” means that the revenue of the provider is reported in the period when the revenue is earned, regardless of when it is collected, and expenses are reported in the period in which the expenses are incurred, regardless of when the expenses are paid.

(b) “Adequate cost and other accounting information” means that the data, including source documentation, is accurate, current, and in sufficient detail to accomplish the purposes for which the data is intended. Source documentation, including petty cash payout memoranda and original payout invoices, shall be valid only if the documentation originated at the time and near the place of the transaction. In order to provide the required costs data, financial and statistical records shall be maintained in a manner that is consistent from one period to another. This requirement shall not preclude a beneficial change in accounting procedures if there is a compelling reason to effect a change of procedures.

(c) “Agency” means the Kansas department of social and rehabilitation services.

(d) “Ancillary services and other medically necessary services” mean those special services or supplies for which charges are made in addition to those for routine services.

(e) “Approved staff educational activities” means formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of client care in an ICF-MR. These activities shall be licensed when required by state law.

(f) A “client day” means that period of service rendered to a client between the census-taking hours on two suc-
cessive days and all other days for which the provider receives payment, either full or partial, for any Kansas medical assistance program or non-Kansas medical assistance program client who was not in the home. The census-taking hours consist of 24 hours beginning at midnight.

(f) “Common ownership” means that any individual or an organization holds five percent or more ownership or equity of the ICF-MR and of the facility or organization serving the ICF-MR.

(g) “Control” means that an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or facility.

(h) “Cost finding” means the process of recasting the data derived from the accounts ordinarily kept by a provider to ascertain costs of the various types of services rendered.

(i) “Costs related to client care” means all necessary and proper costs, arising from arm’s-length transactions in accordance with general accounting rules, that are appropriate and helpful in developing and maintaining the operation of client care facilities and activities. Specific items of expense shall be limited pursuant to K.A.R. 30-10-218, K.A.R. 30-10-219, K.A.R. 30-10-220, K.A.R. 30-10-221, K.A.R. 30-10-222, K.A.R. 30-10-223, K.A.R. 30-10-224, and K.A.R. 30-10-225.

(j) “Costs not related to client care” means costs that are not appropriate or not necessary and proper in developing and maintaining the ICF-MR operation and activities. These costs shall not be allowable in computing reimbursable costs.

(k) “Extra care” means temporary care required by a client that takes more time, services, and supplies than the care provided an average ICF-MR client. Extra care shall require prior authorization before reimbursement.

(l) “General accounting rules” mean the generally accepted accounting principles as established by the American institute of certified public accountants except as otherwise specifically indicated by ICF-MR program policies and regulations. Adoption of any of these principles shall not supersede any specific regulations and policies of the ICF-MR program.

(m) “Inadequate care” means any act or failure to take action that potentially could be physically or emotionally harmful to a recipient.

(n) “Inspection of care review of intermediate care facilities for the mentally retarded” means a yearly, client-oriented review of only Kansas medical assistance program clients, conducted by a team from the Kansas department on aging consisting of a nurse, a social worker, and a medical doctor, to determine whether those clients’ needs are being met.

(o) “Intermediate care facility for the mentally retarded” and “ICF-MR” mean a facility that has met state licensure standards and meets the following conditions:

(1) Is primarily for the diagnosis, treatment, or habilitation of the mentally retarded or persons with related conditions; and

(2) provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination, and integration of health or habilitative services to help each individual function at that person’s greatest ability.

(p) “Levels-of-care model” means a residential model with five residential facility levels established by service-intensity categories and size of facilities, according to the following:

(1) Small facility: four through eight beds;

(2) medium facility: nine through 16 beds; and

(3) large facility: more than 16 beds.

(q) “Mental retardation” means subaverage general intellectual functioning that originates in the developmental period and is associated with impairment in adaptive behavior, as defined by the 1983 revision of “classification in mental retardation,” authored by the American association of mental deficiency.

(r) “Net cost of educational activities” means the cost of approved educational activities less any grants, specific donations, or reimbursements of tuition.

(s) “Organization costs” mean those costs directly incidental to the creation of the corporation or other form of business. These costs are intangible assets in that they represent expenditures for rights and privileges that have value to the enterprise. The services inherent in organization costs extend over more than one accounting period and shall be amortized over a period of not less than 60 months from the date of incorporation.

(t) “Owner-related party compensation” means salaries, drawings, consulting fees, or other payments paid to or on behalf of any owner with an interest of at least five percent in the provider and does not perform a client-related function for the ICF-MR.

(u) “Nonworking owners” means any individual or organization who has an interest of at least five percent in the provider and does not perform a client-related function for the ICF-MR.

(v) “Organization costs” mean those costs directly incidental to the creation of the corporation or other form of business. These costs are intangible assets in that they represent expenditures for rights and privileges that have value to the enterprise. The services inherent in organization costs extend over more than one accounting period and shall be amortized over a period of not less than 60 months from the date of incorporation.

(w) “Owner-related party compensation” means salaries, drawings, consulting fees, or other payments paid to or on behalf of any owner with an interest of at least five percent in the provider and does not perform a client-related function for the ICF-MR.

(x) “Nonworking related party” means any related party, as defined in this regulation, who does not perform a client-related function for the ICF-MR.

(y) “Nonworking related party compensation” means salaries, drawings, consulting fees, or other payments paid to or on behalf of any owner with an interest of at least five percent in the provider and does not perform a client-related function for the ICF-MR.

(z) “Persons with related conditions” means individuals who have a severe, chronic disability that meets all of the following conditions:

(1) Is attributable to either of the following:

(A) Cerebral palsy or epilepsy; or

(B) any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons and requires treatment or services similar to those required for these persons;

(2) is manifested before the person attains the age of 22;

(3) is likely to continue indefinitely; and

(4) results in substantial functional limitations in three or more of the following areas of major life activity:

(A) Self-care;

(B) understanding and use of language;

(C) learning;

(D) mobility;

(E) self-direction; and

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(F) capacity for independent living.

(y) “Physician extender” means a person who is registered as a physician’s assistant or licensed advanced registered nurse practitioner in the jurisdiction where the service is provided and who is working under supervision as required by law or state regulation.

(z) “Plan of care” means a document that states the need for care, the estimated length of the program, the methodology to be used, and the expected results.

(aa) “Projected cost report” means a cost report submitted to the agency by a provider prospectively for a 12-month period. The projected cost report is based on an estimate of the costs, revenues, resident days, and other financial data for the 12-month period.

(bb) “Projection status” means that a provider has been assigned a previous provider’s rate for a set period or is allowed to submit a projected cost report. The provider shall submit a historic cost report at the end of the projection period to be used for a settlement of the interim rates and to determine a prospective rate.

(cc) “Provider” means the operator of the ICF-MR specified in the provider agreement.

(dd) “Psychological evaluations or reevaluations in intermediate care facilities for the mentally retarded” means a review of the previous pertinent psychological material to determine if the evaluation is consistent with the client’s present status.

(ee) “Related parties” means two or more parties with a relationship in which one party has the ability to influence another party to the transaction such that one or more of the transacting parties might fail to pursue its own separate interests fully. This term shall include parties related by family, business, or financial association or by common ownership or control. Transactions between related parties shall not be considered to have arisen through arm’s-length negotiations. Transactions or agreements that are illusory or a sham shall not be recognized.

(ff) “Related to the ICF-MR” means that the facility, to a significant extent, is associated or affiliated with, has control of, or is controlled by, the organization furnishing the services, facilities, or supplies.

(gg) “Representative” means legal guardian, conservator, or representative payee as designated by the social security administration, or any person who is designated in writing by the client to manage the client’s personal funds and is willing to accept the designation.

(hh) “Routine services and supplies” mean services and supplies that are commonly stocked for use by or provided to any client. These services and supplies shall be included in the provider’s cost report.

(1) Routine services and supplies may include the following:

(A) All general nursing services;

(B) items that are furnished routinely to all clients;

(C) items stocked at nursing stations in large quantities and either distributed or utilized individually in small quantities;

(D) routine items covered by the pharmacy program if ordered by a physician for occasional use; and

(E) items that are used by individual clients but are reusable and expected to be available in a facility.

(2) Routine services and supplies shall be distinguished from nonroutine services and supplies that are ordered or prescribed by a physician on an individual or scheduled basis. Medication ordered may be considered nonroutine if either of the following conditions is met:

(A) The medication is not a stock item of the facility.

(B) The medication is a stock item with unusually high usage by the individual for whom prior authorization may be required.

(3) Routine services and supplies shall not include ancillary services and other medically necessary services as defined in subsection (d) and also shall not include those services and supplies the client must provide.

(4) Reasonable transportation expenses necessary to secure routine and nonemergency medical services shall be considered reimbursable through the medicaid per diem rate.

(ii) “Working trial balance” means the summary from the provider’s general ledger that was used in completing the cost report. This summary shall contain the account number, a description of the account, the amount of the account, and the line of the cost report specifying the account. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

129-10-210. ICF-MR reimbursement. (a) (1) Each provider with a current signed provider agreement shall be paid a per diem rate for services furnished to eligible Kansas medical assistance program clients. Payment shall be for the type of medical or health care required by the beneficiary as determined by either of the following:

(A) The attending physician’s or physician extender’s certification upon admission; or

(B) inspection of care and utilization review teams, as specified in K.A.R. 30-10-207.

(ii) Payment for services shall not exceed the type of care the provider is certified to provide under the Kansas medical assistance program. The type of care required by the beneficiary may be verified by the agency before and after payment. No payment shall be made for care or services determined to be the result of unnecessary utilization.

(A) Initial eligibility for ICF-MR level services shall be determined based on a screening completed by the agency or its designee.

(B) Continued eligibility for ICF-MR level services shall be determined by a professional review of the client by the utilization review team of the Kansas department on aging.

(b) Payment for routine services and supplies, pursuant to K.A.R. 129-10-200, shall be included in the per diem reimbursement. No provider shall bill or be reimbursed for these services and supplies.

(1) The following durable medical equipment, medical supplies, and other items and services shall be considered routine:

(A) Alternating pressure pads and pumps;

(B) armboards;

(C) bedpans, urinals, and basins;

(D) bed rails, beds, mattresses, and mattress covers;

(E) canes;
(F) commodes;
(G) crutches;
(H) denture cups;
(I) dressing items, including applicators, tongue blades, tape, gauze, bandages, adhesive bandages, pads and compresses, elasticized bandages, petroleum jelly gauze, cotton balls, slings, triangle bandages, and pressure pads;
(J) emesis basins and bath basins;
(K) enemas and enema equipment;
(L) facial tissues and toilet paper;
(M) footboards;
(N) foot cradles;
(O) gel pads or cushions;
(P) geriatric chairs;
(Q) gloves, rubber or plastic;
(R) heating pads;
(S) heat lamps and examination lights;
(T) humidifiers;
(U) ice bags and hot water bottles;
(V) intermittent positive-pressure breathing (IPPB) machines;
(W) IV stands and clamps;
(X) laundry, including personal laundry;
(Y) lifts;
(Z) nebulizers;
(AA) occupational therapy that exceeds the quantity of services covered by the Kansas medical assistance program;
(BB) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae, and humidifiers;
(CC) parenteral and enteral infusion pumps;
-DD) patient gowns and bed linens;
(EE) physical therapy that exceeds the quantity of services covered by the Kansas medical assistance program;
(FF) restraints;
(GG) sheepskins and foam pads;
(HH) speech therapy that exceeds the quantity of services covered by the Kansas medical assistance program;
(II) sphygmomanometers, stethoscopes, and other examination equipment;
(JJ) stretchers;
(KK) suction pumps and tubing;
(LL) syringes and needles;
(MM) thermometers;
(NN) traction apparatus and equipment;
(OO) underpads and adult diapers, disposable and nondisposable;
(PP) walkers;
(QQ) water pitchers, glasses, and straws;
(RR) weighing scales;
(SS) wheelchairs;
(TT) irrigation solution, including water and normal saline;
(UU) lotions, creams, and powders, including baby lotion, oil and powders;
(VV) first aid-type ointments;
(WW) skin antiseptics, including alcohol;
(xx) antacids;
(yy) mouthwash;
(zz) over-the-counter analgesics;
(AAA) two types of laxatives;
(BBB) two types of stool softeners;
(CCC) nutritional supplements; and
(DDD) blood glucose monitors and supplies;
(Eee) urinary supplies; and
(FFF) nutritional therapy.
(c) Payment for ancillary services, as defined in K.A.R. 129-10-200, shall be billed separately when the services are required.
(d) Payment for a day service program for clients of an ICF-MR shall be included in the per diem reimbursement. Each provider shall allow the client or the client’s guardian to select a day service program offered by another agency. The other agency shall be licensed and unencumbered by documented service deficiencies that would prevent the provider from becoming certified or remaining certified as a Medicaid provider. The provider shall pay the actual cost of the service provided by the other agency, which shall not exceed 24 percent of the provider’s approved per diem rate. Expenses incurred by the provider for this service shall be allowable expenses and may be reported on the provider’s financial and statistical report.
(e) Payment shall be limited to providers who accept, as payment in full, the amount paid in accordance with the fee structure established by the Kansas medical assistance program. (Authorized by K.S.A. 2007 Supp. 75-7403 and 75-7412; implementing K.S.A. 2007 Supp. 75-7405 and 75-7408; effective Sept. 19, 2008.)

Marcia J. Nielsen, Ph.D., MPH
Executive Director
Doc. No. 036153
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**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

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**AGENCY 44: DEPARTMENT OF CORRECTIONS**

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**AGENCY 63: BOARD OF MORTUARY ARTS**

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**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

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<td>66-10-10a</td>
<td>Amended</td>
<td>V. 26, p. 1024</td>
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<td>66-11-10</td>
<td>Amended</td>
<td>V. 26, p. 1025</td>
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**AGENCY 68: BOARD OF PHARMACY**

<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>Action</th>
<th>Register</th>
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<tr>
<td>68-5-16</td>
<td>Amended</td>
<td>V. 26, p. 488</td>
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<td>68-7-11</td>
<td>Amended</td>
<td>V. 26, p. 1112</td>
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<td>68-7-12</td>
<td>Amended</td>
<td>V. 26, p. 1114</td>
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<td>68-7-20</td>
<td>Amended</td>
<td>V. 27, p. 435</td>
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<td>68-20-17</td>
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<td>V. 26, p. 488</td>
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<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>Action</th>
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<tr>
<td>70-5-1</td>
<td>Amended</td>
<td>V. 26, p. 1803</td>
</tr>
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**AGENCY 74: BOARD OF ACCOUNTANCY**

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<thead>
<tr>
<th>Reg. No.</th>
<th>Action</th>
<th>Register</th>
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<tr>
<td>74-1-2</td>
<td>Amended</td>
<td>V. 26, p. 1954</td>
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<tr>
<td>74-1-3</td>
<td>Amended</td>
<td>V. 26, p. 1954</td>
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<td>74-1-6</td>
<td>Amended</td>
<td>V. 26, p. 1955</td>
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<td>74-1-8</td>
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<td>V. 26, p. 1955</td>
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*(continued)*
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A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No. Action Register
111-2-211 New V. 27, p. 992
111-4-2614 Amended V. 27, p. 964
111-4-2645 through
111-4-2656 New V. 27, p. 436-442
111-4-2677 through
111-4-2692 New V. 27, p. 992-996
111-5-127 Amended V. 27, p. 442
111-5-128 Amended V. 27, p. 443
111-5-132 Amended V. 27, p. 443

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112-4-11a Amended V. 27, p. 19
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112-6-1 Amended V. 27, p. 20
112-7-6 Amended V. 27, p. 20
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112-7-18a Amended V. 27, p. 22
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112-8-9 Amended V. 27, p. 23
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112-10-32 Amended V. 27, p. 24
112-11-10 Amended V. 27, p. 24
112-11-20 Amended V. 27, p. 24
112-18-1 Amended V. 27, p. 26

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115-2-5 Amended V. 27, p. 1265
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115-4-6a Revoked V. 27, p. 112
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115-8-9 Amended V. 26, p. 1365
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115-8-13 Amended V. 26, p. 112
115-9-9 Amended V. 26, p. 641
115-9-19 Amended V. 26, p. 406
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115-18-20 Amended V. 26, p. 1364
115-30-1 Amended V. 26, p. 1365
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117-2-2a Amended V. 27, p. 16
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