

## MINUTES

### JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

November 19, 2007  
Room 519-S—Statehouse

#### Members Present

Representative Carl Holmes, Chairperson  
Senator Vicki Schmidt, Vice-Chairperson  
Senator Karin Brownlee  
Senator Ralph Ostmeyer  
Senator Chris Steineger  
Representative John Faber  
Representative Joe Patton  
Representative Jan Pauls  
Representative Arlen Siegfroid  
Representative Mark Treaster  
Representative Ed Trimmer

#### Member Absent

Senator Donald Betts

#### Staff Present

Raney Gilliland, Kansas Legislative Research Department  
Sharon Wenger, Kansas Legislative Research Department  
Jill Shelley, Kansas Legislative Research Department  
Kenneth Wilke, Office of the Revisor of Statutes  
Nobuko Folmsbee, Office of the Revisor of Statutes  
Judy Glasgow, Committee Assistant

#### Others Present

Cheryl Magathan, Real Estate Appraisal Board  
Sally Paige Kahle, Department of Social and Rehabilitation Services  
Bob Krehbiel, Racing and Gaming Commission  
Kathy Olsen, Kansas Bankers Association  
Randall J. Forbes, Kansas Pharmacy Board  
Larry Buening, Board of Healing Arts  
Chris Tymeson, Kansas Department of Wildlife and Parks

Susan Somers, Board of Accountancy  
Deletria Nash, Kansas Insurance Department  
Dick Cook, Kansas Insurance Department  
Larry J. Bruning, Kansas Insurance Department  
Tim Tyson, Weights and Measures, Kansas Department of Agriculture  
Randy Stookey, Kansas Department of Agriculture  
Don Saylor, Kansas Restaurant and Hospitality Association  
Neeley Carlson, Kansas Restaurant and Hospitality Association  
Ron Seeber, Kansas Restaurant and Hospitality Association  
Chris Ross-Baze, Kansas Department of Health and Environment  
Mary Glassburner, Kansas Department of Health and Environment

### **Morning Session**

Chairperson Carl Holmes called the meeting to order at 9:10 a.m. November 19, 2007. He asked for action on the minutes from the October 8, 2007, meeting. *Senator Vicki Schmidt moved to approve the minutes as presented, and Representative Pauls seconded the motion. Motion carried.*

Chairperson Holmes asked staff whether it would be necessary to have a December meeting. Staff stated that public hearings had been scheduled before the start of the 2008 Legislative Session, necessitating a December meeting. The Chairperson announced that the next meeting would be December 10, 2007, and the following meeting would be on the first day of the Legislative Session, January 14, 2008.

Staff distributed a copy of a letter from the Racing and Gaming Commission. In the letter, the Commission asked the Attorney General's Office to review the motion by Joint Committee on Administrative Rules and Regulations concerning the development and enactment of rules and regulations by the Racing and Gaming Commission concerning 2007 SB 66 (Attachment 1). The Chairperson requested that all Committee members be advised as soon as staff received a response from the Attorney General's Office.

Chairperson Holmes welcomed Cheryl Magathan, Real Estate Appraisal Board, to address the proposed rules and regulations noticed for hearing by the Real Estate Appraisal Board. KAR 117-2-2a, licensed classification, experience supervision requirements; KAR 117-3-2a, general classification, experience supervision requirements; KAR 117-4-2a, residential classification, experience supervision requirements; KAR 117-5-2a, provisional classification, supervised experience requirements; KAR 117-7-1, fees; and KAR 117-8-1, uniform standards of professional appraisal practice.

Ms. Magathan stated that the increase in fees in KAR 117-7-1 would ensure that the agency had sufficient funds for operation in the coming years. A Committee member questioned whether the agency would have a surplus with the increased fees. Ms. Magathan stated that the increase would allow the agency to break even, and that there would be no surplus. She stated that the number of appraisers is decreasing and the number of complaints has increased, and the increased fee would cover the expense to handle these additional complaints. The Committee did note that the economic impact statement should be amended before the public hearing to include the amount that would be raised by the increased fees. She stated that the increase would be \$27,500. The Committee requested that a copy of the budget history be provided to the Committee and also requested that the Committee receive a copy of a record showing the increase in complaints. Ms.

Magathan stated that these would be provided to the Committee. After answering all questions from the Committee, the Chairperson thanked Ms. Magathan for her appearance before the Committee.

Randy Forbes, General Counsel, was introduced by the Chairperson, to speak to the proposed rule and regulation noticed for hearing by the Kansas Pharmacy Board. KAR 68-7-20, shared services.

Committee members questioned the language in (f), and suggested that the agency clarify it to reflect more accurately the agency's intent. Mr. Forbes stated that the agency would look at this section again. Staff noted that the history section needed to be updated. There being no other questions, Chairperson Holmes thanked Mr. Forbes for his presentation before the Committee.

Chairperson Holmes recognized Bob Krehbiel, General Counsel for the Racing and Gaming Commission, to address the Committee concerning the motion of the Committee on SB 66 and the request for an opinion from the Attorney General's Office. Mr. Krehbiel stated that a formal opinion was not necessary but the agency did request that they receive something in writing. He stated that the race tracks are moving forward and the Racing and Gaming Commission thinks the agency needs to be prepared with rules and regulations in place. Mr. Krehbiel responded to general questions from the Committee. The Chairperson thanked Mr. Krehbiel for appearing before the Committee.

Chairperson Holmes welcomed Larry Buening, Executive Director, to address the proposed rule and regulation noticed for hearing by the State Board of Healing Arts. KAR 100-73-9, continuing education, persons exempt from licensure.

Mr. Buening responded to questions of a general nature from Committee members. In response to a question concerning what penalty the Board of Healing Arts can impose if an x-ray equipment operator does not comply with the regulation's educational requirements, he stated that the Board has no authority, but that the Kansas Department of Health and Environment can shut down the machine. Mr. Buening was thanked for his presentation before the Committee.

Staff distributed a copy of the memorandum decision and order made by Judge David E. Bruns concerning KAR 100-22-8. Attached was a note from the Attorney General's Office stating that there appears to be a need for legislation regarding post-hearing changes for proposed rules and regulations (Attachment 2). Chairperson Holmes noted it appears to be that any time "substantial" changes are made to proposed rules and regulations after this Committee hearing or the public hearing, those rules and regulations would have to go through the review process again. A discussion by Committee members questioned who would make the determination as to whether a change is "substantial," causing it to then go through the whole process again. Staff stated that the Attorney General's Office would be contacted to see what action that office was anticipating. After a lengthy discussion, the Committee suggested that the general letter prepared by staff and mailed to each agency be amended to notify the agencies of necessary actions in the event that changes were made to the proposed rules and regulations post-Committee and public hearing. Staff will bring a copy of the letter with the suggested language changes to the December meeting for Committee review.

Chairperson Holmes recognized Chris Tymeson, General Counsel, to speak to the proposed rules and regulations noticed for hearing by the Kansas Wildlife and Parks Commission. KAR 115-4-6, deer; management units; KAR 115-4-6a, revoked; KAR 115-4-14, revoked; and KAR 115-8-13, motorized vehicles and aircraft; authorized operation.

Mr. Tymeson responded to questions of a general nature from Committee members. Chairperson Holmes thanked Mr. Tymeson for appearing before the Committee.

Susan Somers, Executive Director, was introduced by Chairperson Holmes to speak to the proposed rules and regulations noticed for hearing by the Board of Accountancy. KAR 74-1-2, determining and reporting examination grades; KAR 74-1-3, retaking the examination and granting of credits; KAR 74-1-6, refund of examination fees; KAR 74-1-8, administration of examination; cheating; KAR 74-2-7, concentration in accounting; KAR 74-5-2, definitions; KAR 74-5-101, independence; KAR 74-5-201, general standards; KAR 74-5-202, compliance with standards; KAR 74-5-204, revoked; KAR 74-5-405a, certified public accountants who own a separate business; KAR 74-5-406, firm names; KAR 74-6-1, definitions of office and firm; and KAR 74-7-2, firms eligible for registration.

Ms. Somers answered several questions of a general nature from Committee members and staff. The Committee requested that they be furnished with the number of out-of-state firms that register with the board and this information be included in the economic impact statement. After she responded to all questions, Chairperson Holmes thanked Ms. Somers for her appearance before the Committee.

Chairperson Holmes recognized Deletria Nash, General Counsel, to address the proposed rules and regulations noticed for hearing by the Kansas Insurance Department ([Attachment 3](#)). KAR 40-2-29, life insurance; valuation of credit life insurance policies; KAR 40-3-12, fire and casualty insurance companies; rating plans; writing of risks declined in normal market; requirements; KAR 40-3-25, same; writing of risks rated differently from normal market; requirements; and KAR 40-3-52, fire and casualty insurance; title insurers; controlled business arrangements.

Staff noted that in KAR 40-2-29 and KAR 40-3-25, the history section should be reviewed and updated. A Committee member asked whether language in KAR 40-3-52 (b)(3) would cover credit unions. Ms. Nash stated that the Department was following federal language and it did include credit unions. There were no other questions for Ms. Nash, and Chairperson Holmes thanked her for her presentation before the Committee.

Chairperson Holmes recessed the meeting until 1:00 p.m.

### **Afternoon Session**

The meeting was reconvened at 1:00 p.m. Chairperson Holmes introduced Randy Stookey, General Counsel, to speak to the proposed rules and regulations noticed for hearing by the Kansas Department of Agriculture. KAR 4-2-8, methods of analyses; KAR 4-2-20, adoption by reference; KAR 4-3-47, adoption by reference; KAR 4-3-49, good manufacturing practices; adoption by reference; KAR 4-3-51, prohibited feeding stuffs; adoption by reference; KAR 99-25-1, adoption by reference, exceptions; availability of copies; KAR 99-25-9, adoption by reference; and KAR 99-25-11, motor fuel defined.

For KAR 4-3-47, staff noted that the history section needed to be updated and reviewed. In KAR 99-25-9, staff suggested the reference to KSA 83-207 be put back in the history section. A Committee member suggested that KAR 99-25-11(b) be changed to read "including, but not limited to, B10 and B20" and © be changed to read "including, but not limited to, E10 and E85." In response to a question from the Committee concerning standards other than B100, Mr. Stookey stated that these standards would be available after the first of the year and the agency will not be using them until they are in place. Chairperson Holmes thanked Mr. Stookey for his appearance before the Committee.

The Chairperson recognized Mary Glassburner, Director, Bureau of Consumer Health, to review the proposed rules and regulations regarding lodging establishments noticed for hearing by the Bureau of Consumer Health, Department of Health and Environment (Attachment 4). KAR 28-36-70, definitions; KAR 28-36-71, licensure; plans and specifications; variances; KAR 28-36-72, food service and food safety; KAR 28-36-73, imminent health hazard; KAR 28-36-74, general requirements; KAR 28-36-75, personnel; health, cleanliness, and clothing; KAR 28-36-76, guest and public safety; KAR 28-36-77, guest rooms; KAR 28-36-78, dishware and utensils; KAR 28-36-79, housekeeping and laundry facilities; maintenance supplies and equipment; KAR 28-36-80, poisonous or toxic materials; KAR 28-36-81, public indoor areas; KAR 28-36-82, ice and ice dispensing; KAR 28-36-83, exterior premises; KAR 28-36-84, swimming pools, RWFs, and hot tubs; KAR 28-36-85, water supply systems; KAR 28-36-86, sewage systems; KAR 28-36-87, electrical systems; KAR 28-36-88, plumbing systems; and KAR 28-36-89, heating, ventilation and air-conditioning (HVAC) systems.

Ms. Glassburner stated that these proposed rules and regulations are identical to the temporary rules and regulations that were approved on October 8, 2007. Staff suggested that in KAR 28-36-70, page 4, line 2, that the term "five logarithms" be eliminated for clarification and simplification. Staff questioned whether the agency has the authority to require the submission of plans and specifications as required in KAR 28-36-71. Staff also noted that the history section needed to be updated with reference to statutory language. Ms. Glassburner stated that the agency would check with the Attorney General's Office concerning this issue. In KAR 28-36-72, page 2, (d) staff suggested line three be changed to read "each boarding house shall comply with 'applicable' provisions of the Kansas food code regulations...." Committee members had several questions concerning KAR 28-36-77, page 7, [4] "pet-friendly" and how these requirements related to service animals. In KAR 28-36-78, page 6, last paragraph, staff suggested that the words "comes into the room" be added at the end of the sentence. There was concern from a Committee member concerning KAR 28-36-84 and some of the requirements concerning water quality and sanitation in swimming pools, that the regulations do not specifically address alternatives to chlorine or bromine for disinfecting water. A discussion by Committee members regarding KAR 28-36-89 concerned the requirement that each guest room have air-conditioning in it. The concern was how this would affect some small owners who do not have air-conditioning in the cabins that they rent. It was the Committee's suggestion that there could be a disclosure to guests as they check in that the establishment is "pet friendly" or "is not air conditioned." In response to a question from the Committee, Ms. Glassburner stated that there is a penalty fee of up to \$500 a day as long as the violation continues, and any moneys collected go into the general fund. The Committee suggested that additional inspectors may be needed to enforce these rules and regulations and perhaps an addition budget request of \$250,000 might be in order. A Committee member also was concerned about the requirement for deep cleaning carpets in rooms where pets were allowed and how the costs for this would affect some small establishments. After much discussion by the Committee, it was requested that Ms. Glassburner provide the Committee with a list showing which of the rules and regulations relate only to health and safety. The Committee requested that the agency look at the Kansas Restaurant and Hospitality Association letter and address that Association's requests. It was the consensus of the Committee that Kansas Department of Health and Environment should come back before the Committee in December after reviewing the requests from the Committee. Chairperson Holmes thanked Ms. Glassburner for her presentation before the Committee.

Chairperson Holmes recognized Don Sayler, President/CEO for the Kansas Restaurant and Hospitality Association (KRHA), to address the proposed rules and regulations noticed for hearing by the Bureau of Consumer Health, Department of Health and Environment, concerning lodging establishment regulations (Attachment 5). Mr. Sayler ask the Legislature to limit the regulations to only those that truly impact the health and safety of guests in lodging facilities. He pointed out that the Legislature provided one year of funding to the expanded lodging regulatory program, but that KDHE must propose a future funding source during the 2008 Session. He stated that it is his

understanding that KDHE will be asking the industry to pay for the lodging program. The Chairperson thanked Mr. Saylor for appearing before the Committee.

Chris Ross-Baze, Director, Child Care Licensing and Registration, was introduced by Chairperson Holmes to speak to the proposed rules and regulations noticed for hearing by Kansas Department of Health and Environment, Division of Health, Bureau of Child Care and Health Facilities. KAR 28-4-122, general regulations for family day care homes and child care facilities; KAR 28-4-311, definition; KAR 28-4-312, revoked; KAR 28-4-313, revoked; KAR 28-4-314, revoked; KAR 28-4-315, revoked; KAR 28-4-316, revoked; KAR 28-4-317, revoked; KAR 28-4-800, definitions; KAR 28-4-801, license required; KAR 28-4-802, license requirements; KAR 28-4-803, licensing procedure; KAR 28-4-804, terms of license; validity of temporary permit or license, renewal of license; amendments; exceptions; withdrawal of application or request to close (should be KAR 28-4-804); KAR 28-4-805, background checks; KAR 28-4-806, training; KAR 28-4-807, reporting requirements for infectious or contagious disease; positive tuberculin test; critical incidents, abuse and neglect; KAR 28-4-808, recordkeeping requirements, confidentiality; KAR 28-4-809, basic placement information; other required placement information; departure requirements; KAR 28-4-810, case plan; KAR 28-4-811, caregiver qualifications; supervision; KAR 28-4-812, respite care; KAR 28-4-813, child growth and development; KAR 28-4-814, family life; KAR 28-4-815, behavior management practices; prohibited punishment; physical restraint; notification requirements; KAR 28-4-816, transportation; KAR 28-4-817, nutrition; food handling and storage; KAR 28-4-818, storage and administration of medication; KAR 28-4-819, health care; KAR 28-4-820, general environmental requirements; KAR 28-4-821, sleeping arrangements; KAR 28-4-822, safety procedures; emergency plan; drills; KAR 28-4-823, outside premises; KAR 28-4-824, swimming pools, wading pools, and hot tubs; off-premises swimming and wading activities; and KAR 28-4-825, animals.

Ms. Ross-Baze stated that family foster homes were removed from the general regulations for family day care homes and child care facilities and these new regulations are being proposed to cover family foster homes. For KAR 28-4-800(l), staff questioned the definition of "exotic animal" since it does not exclude human beings. Ms. Ross-Baze stated that she would take this back to the agency. Staff noted that KAR 28-8-804 is misnumbered and should be changed to KAR 28-4-804. Also, in (a)(5), it was suggested that the word "unrelated" be placed so the sentence reads "any unrelated adult or adults to the applicant or licensee." In KAR 28-4-805, staff noted that the history section should be reviewed and may need to be updated. A question was raised in KAR 28-4-807 © about who is to report the TB test results. Staff noted in KAR 28-4-807, page 3 (e)(2), the rule and regulation should specify when the 24 hours begins for required notification to the secretary. A Committee member suggested that KAR 28-4-809(b) should be reworded to indicate that the placement agency is to provide the items listed to the licensee. Staff noted that in (b) the reference to 10 calendar days would be in conflict with KSA 60-206(a). Ms. Ross-Baze stated that she would take this back to the agency. A Committee member suggested that the term "pill container" be changed to "medication container" throughout KAR 28-4-818. A Committee member questioned whether a physician's assistant or advanced registered nurse practitioner should be added in addition to a physician in KAR 28-4-819 (d)(5)(A), page 4. A Committee member had concerns about the level of security for medications and the requirement for record keeping. Ms. Ross-Baze stated that the agency would look at this again. The Committee also questioned whether the term "infectious or contagious disease" included in KAR 28-4-819(a) would include the common cold or the flu and that perhaps some clarification as to the definition of infectious or contagious disease was needed. After she answered all questions from the Committee, Chairperson Holmes thanked Ms. Ross-Baze for her presentation before the Committee.

The Chairperson adjourned the meeting at 5:45 p.m.

## Committee Comments on Proposed Rules and Regulations

**Kansas Real Estate Appraisal Board.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning uniform standards of professional appraisal practice; and licensed classification, experience supervision requirements; general classification, experience supervision requirements; residential classification, experience supervision requirements; provisional classification, supervised experience requirements; and fees and had the following comment.

- Economic Impact Statement. The Committee believes that the Economic Impact Statement is incomplete and that it should contain more detailed information.
- Request. The Committee requests a copy of the current year budget as well as a copy of the proposed budget for state FY2009.
- Request. The Committee requests a summary of the complaint history for appraisers for the past three year.

**Kansas Pharmacy Board.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning shared services and had the following comment.

- KAR 68-7-20. The Committee believes there is a need to strike the words "inside or" in subsection (f) in order to clarify the intent of the regulation. In addition, please review the history section of this regulation.

**State Board of Healing Arts.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning continuing, persons exempt from licensure and had the following comment.

- Request. With respect to KAR 100-22-8 and the recent court ruling, the Committee requests a copy of the letter sent by the agency to impacted individuals or entities as well as another other documentation the agency may have indicating notice of change in the regulation after the public hearing.

**Kansas Department of Wildlife and Parks.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning deer, management units; motorized vehicles and aircraft, authorized operation; and revocations and had the following comment.

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.
- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.

- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

**Kansas Board of Accountancy.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning determining and reporting examination grades; retaking the examination and granting of credits; refund of examination fees; administration of examination, cheating; concentration in accounting; definitions; independence; general standards; compliance with standards; certified public accountants who own a separate business firm names; definitions of office and firm; firms eligible for registration; and revocation and had the following comment.

- Request. In KAR 74-6-1, reference is made to registered firms with a location in Kansas. The Committee would like to know the number of firms from out-of-state.

**Kansas Insurance Department.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning life insurance, valuation of credit life insurance policies; fire and casualty insurance companies, rating plans, writing of risks declined in normal market, requirements and had the following comment.

- Request. Please review the history sections of the proposed regulations and communicate the changes, if any, which the agency makes.

**Kansas Department of Agriculture.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning methods of analyses; adoption by reference; adoption by reference; good manufacturing practices, adoption by reference; prohibited feeding stuffs, adoption by reference; adoption by reference, exceptions, availability of copies; adoption by reference; and motor fuel defined and had the following comment.

- KAR 99-25-11. In subsections (b) and (c), please clarify the language so that it is clear that the fuel defined is not limited to the two examples cited in the proposed subsections.
- Request. Please review all history sections for accuracy.

**Kansas Department of Health and Environment.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions; licensure, plans and specifications, variances; food service and food safety; imminent health hazard; general requirements; personnel, health, cleanliness, and clothing; guest and public safety; guest rooms; dishware and utensils; housekeeping and laundry facilities, maintenance supplies and equipment; poisonous or toxic materials; public indoor areas; ice and ice dispensing; exterior premises; swimming pools, RWFs, and hot tubs; water supply systems; sewage systems; electrical systems; plumbing systems; heating, ventilation, and air-conditioning (HVAC) systems; and revocations; and had the following comments.

- KAR 28-36-70. In subsection (u), the Committee suggests that the agency simplify the regulation by deleting the reference to a "reduction of five logarithms" while retaining the reduction of 99.999% of disease-causing microorganisms.



- KAR 28-36-72. In subsection (d), the Committee suggests the addition of the word "applicable" before the word "provisions" to clarify that not all of the provisions of the Kansas Food Code are applicable.
- KAR 28-36-77. The Committee requests that the agency consider a requirement that guest rooms be "deep cleaned" after a guest has smoked in a non-smoking room.
- KAR 28-36-78. In subsection (e)(3), the Committee thinks that the word "arrives" should be placed after the last word in the sentence and before the period.
- KAR 28-36-84. The Committee thinks that the agency should consider providing for swimming pools that use the saline method for sanitation.
- KAR 28-36-89. The Committee questions the requirement that each guest room have air conditioning.
- Concern. The Committee is concerned that the cabins provided in state parks do not fall within the inspections provided by the agency for other public accommodations and asks the agency to address this concern.
- Request. The Committee asks that the agency review and respond to each of the concerns raised by the spokesperson from the Kansas Restaurant and Hospitality Association before the Committee's next meeting on December 10, 2007.
- Request. The Committee requests that the agency revise the Economic Impact Statement to reflect more information as it relates to the cost to the industry to comply with these rules and regulations.
- Request. The Committee requests that the agency review each of these rules and regulations and determine which deal with public safety. The Committee also requests that a spokesperson appear before the Committee at its December 10, 2007, meeting to review this information.

**Kansas Department of Health and Environment.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning general regulations for family day care homes and child care facilities; definition; definitions; license required; license requirements; licensing procedure; terms of license, validity of temporary permit or license, renewal of license, amendments, exceptions, withdrawal of application or request to close; background checks; training; reporting requirements for infectious or contagious disease, positive tuberculin test, critical incidents, abuse and neglect; record-keeping requirements, confidentiality; basic placement information, other required placement information, departure requirements; case plan; care giver qualifications, supervision; respite care; child growth and development; family life; behavior management practices, prohibited punishment, physical restraint, notification requirements; transportation; nutrition, food handling and storage; storage and administration of medication; health care; general environmental requirements; sleeping arrangements; safety procedures, emergency plan, drills; outside premises; swimming pools, wading pools, and hot tubs, off-premises swimming and wading activities; animals; and revocations. After discussion, the Committee had the following comments.

- KAR 28-4-804. In subsection (a)(5), the Committee believes that the language needs to be clarified so that the language of the subsection is clear and suggests

that the sequence of the words "unrelated adult or adults" be rearranged. Also, at the beginning of this rule and regulation, there appears to be a typographical error and "28-8-804" should instead be "28-4-804."

- KAR 28-4-807. In subsection (c), the Committee suggests language be inserted to clarify who would report to the Department a positive tuberculin test. In subsection (e), the Committee suggests language be added to reflect that child abuse be reported within 24 hours of when "first discovered."
- KAR 28-4-808. The Committee requests the language be clarified to ensure records also are accessible to appropriate law enforcement agencies and court personnel.
- KAR 28-4-809. The Committee believes that this rule and regulation imposes requirements that the licensee has no ability to complete. See subsection (b)(2) and (b)(3). In addition, please review this regulation in light of its use of both "calendar" and "business" days. The Committee believes that the use of "calendar" days may be in conflict with KSA 60-206 if such term includes intermediate Saturdays, Sundays and holidays.
- Concern. The Committee believes that school information should go with the child so that transition into a new school could be less disruptive. In addition, the Committee is concerned with the confidentiality issues which the transfer of personal information presents.
- KAR 28-4-818. The Committee suggests the substitution of the term "medication container" for the term "pill container" used in the regulation. The Committee also is concerned with practicality of locking up medications and the need to document the administration of all medications.
- KAR 28-4-819. In subsection (d)(5)(A), the Committee wonders whether the word "physician" also is intended to mean "physician assistant" and "advanced registered nurse practitioner."
- KAR 28-4-820. The Committee is concerned with the requirement in subsection (d)(12) to have a "working, wired, land line telephone" when many people in this country rely solely on a cellular telephone as a means of communication. The Committee asks the agency to review this issue.

Prepared by Judy Glasgow  
Edited by Sharon Wenger and Jill Shelley

Approved by Committee on:

January 14, 2008

(Date)