

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents - Volume 1

January 5, 2000

Volume 00-1

TABLE OF CONTENTS.....	1
PREFACE.....	7
THE OFFICE OF THE GOVERNOR	
EXECUTIVE ORDER NO. 99-11.....	14
EXECUTIVE ORDER NO. 99-12.....	16
EXECUTIVE ORDER NO. 99-13.....	17
IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE	
02.02.16 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ORGANIC LIVESTOCK Docket No. 02-0216-0001 Notice Of Temporary And Proposed Rule.....	19
02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION Docket No. 02-0303-9901 Notice Of Pending Rule.....	31
02.03.04 - RULES GOVERNING CHEMIGATION Docket No. 02-0304-9901 Notice Of Pending Rule.....	32
02.04.14 - RULES GOVERNING DAIRY WASTE Docket No. 02-0414-9901 Notice Of Pending Rule.....	33
02.05.03 - RULES FOR ADMINISTRATION OF AGRICULTURAL WATER QUALITY COST-SHARE PROGRAM FOR IDAHO Docket No. 02-0503-9901 Notice Of Pending Rule.....	34
02.06.31 - IDAHO DEPARTMENT OF AGRICULTURE NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES Docket No. 02-0631-9901 Notice Of Pending Rule.....	35

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS**05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS**Docket No. **05-0101-9901**

Notice Of Pending Rule.....36

**05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS
AND STANDARDS FOR PRIVATE CONTRACT PROVIDERS**Docket No. **05-0101-9902**

Notice Of Pending Rule.....37

**05.01.02 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS,
SECURE JUVENILE DETENTION FACILITIES**Docket No. **05-0102-9901**

Notice Of Pending Rule.....38

IDAPA 07 - DIVISION OF BUILDING SAFETY**07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS**Docket No. **07-0101-9901**

Notice Of Pending Rule.....39

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERALDocket No. **07-0103-9901**

Notice Of Pending Rule.....40

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSINGDocket No. **07-0104-9901**

Notice Of Pending Rule.....41

Docket No. **07-0104-9902**

Notice Of Pending Rule.....42

07.01.05 - RULES GOVERNING EXAMINATIONSDocket No. **07-0105-9901**

Notice Of Pending Rule.....43

07.03.12 - RULES GOVERNING MANUFACTURED/MOBILE HOME SETUP CODEDocket No. **07-0312-9901**

Notice Of Pending Rule.....44

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION**08.01.06 - STATE STUDENT INCENTIVE GRANT PROGRAM**Docket No. **08-0106-9901**

Notice Of Pending Rule.....45

**08.01.11 - OUT-OF-STATE INSTITUTIONS, IN-STATE NON-ACCREDITED INSTITUTIONS,
AND CORRESPONDENCE OR PRIVATE COURSES**Docket No. **08-0111-0001**

Notice Of Proposed Rule.....46

08.02.02 - RULES GOVERNING UNIFORMITY Docket No. 08-0202-9901 Notice Of Pending Rule.....	48
08.02.03 - RULES GOVERNING THOROUGHNESS Docket No. 08-0203-9901 Notice Of Pending Rule And Amendment To Temporary Rule	49
08.02.04 - RULES GOVERNING CHARTER SCHOOLS Docket No. 08-0204-9901 Notice Of Pending Rule.....	51
<u>IDAPA 09 - IDAHO DEPARTMENT OF LABOR</u>	
09.01.30 - RULES OF THE BENEFITS BUREAU Docket No. 09-0130-9902 Notice Of Pending Rule.....	52
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU Docket No. 09-0135-9901 Notice Of Pending Rule.....	53
09.06.01 - RULES GOVERNING PHYSICAL EXAMINATION REQUIREMENTS AND PROCEDURES FOR PAID FIREMEN Docket No. 09-0601-9901 Notice Of Pending Rule.....	54
09.06.02 - RULES GOVERNING MINIMUM MEDICAL AND HEALTH STANDARDS FOR PAID FIREMEN Docket No. 09-0602-9901 Notice Of Pending Rule.....	55
09.06.03 - RULES GOVERNING MINIMUM MENTAL EXAMINATION REQUIREMENTS FOR PAID FIREMEN Docket No. 09-0603-9901 Notice Of Pending Rule.....	56
09.06.04 - RULES GOVERNING MINIMUM PHYSICAL PERFORMANCE STANDARDS TEST Docket No. 09-0604-9901 Notice Of Pending Rule.....	57
<u>IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT</u>	
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL Docket No. 11-1101-9901 Notice Of Pending Rule.....	58
11.13.01 - THE MOTOR CARRIER RULES Docket No. 11-1301-0001 Notice Of Temporary And Proposed Rule	59

IDAPA 12 - DEPARTMENT OF FINANCE**12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT**Docket No. **12-0108-0001**

Notice Of Temporary And Proposed Rule61

IDAPA 13 - IDAHO FISH AND GAME COMMISSION**13.01.04 - RULES GOVERNING LICENSING**Docket No. **13-0104-9802**

Notice Of Rescission Of Temporary Rule.....63

Docket No. **13-0104-9901**

Notice Of Pending Rule.....64

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHODocket No. **13-0108-9902**

Notice Of Pending Rule.....65

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHODocket No. **13-0109-9802**

Notice Of Rescission Of Temporary Rule.....66

Docket No. **13-0109-9901**

Notice Of Pending Rule.....67

13.01.15 - RULES GOVERNING THE USE OF DOGSDocket No. **13-0115-9901**

Notice Of Pending Rule.....68

IDAPA 15 - OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING**15.01.01 - RULES GOVERNING SENIOR SERVICES PROGRAM**Docket No. **15-0101-0001**

Notice Of Temporary And Proposed Rule69

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**Docket No. **16-0101-9901**

Notice Of Pending Rule And Amendments To Temporary Rule.....72

Docket No. **16-0101-9904**

Notice Of Pending And Temporary Rule90

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTSDocket No. **16-0102-9704**

Notice Of Pending Rule.....93

16.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE Docket No. 16-0105-9901 Notice Of Pending Rule.....	99
16.01.07 - RULES FOR THE CONSTRUCTION AND OPERATION OF PUBLIC SWIMMING POOLS IN IDAHO Docket No. 16-0107-9901 Notice Of Pending Rule.....	100
16.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS Docket No. 16-0108-9802 Notice Of Pending Rule.....	101
Docket No. 16-0108-9901 Notice Of Pending Rule.....	103
16.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES Docket No. 16-0109-9901 Notice Of Pending And Temporary Rule	107
16.02.04 - RULES GOVERNING EMERGENCY MEDICAL SERVICES ACCOUNT III GRANTS Docket No. 16-0204-9901 Notice Of Pending Rule.....	113
16.02.08 - VITAL STATISTICS RULES Docket No. 16-0208-9901 Notice Of Pending Rule.....	115
16.02.10 - IDAHO REPORTABLE DISEASES Docket No. 16-0210-9901 Notice Of Pending Rule.....	116
16.02.14 - RULES GOVERNING CONSTRUCTION AND OPERATION OF PUBLIC SWIMMING POOLS IN IDAHO Docket No. 16-0214-9901 Notice Of Pending Rule.....	148
16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN Docket No. 16-0301-0001 Notice Of Temporary And Proposed Rule	154
Docket No. 16-0301-9902 Notice Of Pending Rule.....	172
16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES Docket No. 16-0303-0001 Notice Of Temporary And Proposed Rule	173

16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO	
Docket No. 16-0304-9901	
Notice Of Pending Rule.....	176
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND AND DISABLED (AABD)	
Docket No. 16-0305-0001	
Notice Of Temporary And Proposed Rule	177
16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO	
Docket No. 16-0308-0001	
Notice Of Temporary And Proposed Rule	186
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE	
Docket No. 16-0309-9902	
Notice Of Pending Rule.....	190
Docket No. 16-0309-9904	
Notice Of Pending Rule.....	191
Docket No. 16-0309-9905	
Notice Of Pending Rule And Amendment To Temporary Rule	192
Docket No. 16-0309-9906	
Notice Of Pending Rule And Amendment To Temporary Rule	195
Docket No. 16-0309-9907	
Notice Of Pending Rule.....	204
Docket No. 16-0309-9908	
Notice Of Pending Rule And Amendment To Temporary Rule	205
Docket No. 16-0309-9909	
Notice Of Pending Rule.....	216
Docket No. 16-0309-9910	
Notice Of Pending Rule And Amendment To Temporary Rule	217
Docket No. 16-0309-9912	
Notice Of Pending Rule.....	224
SUBJECTS AFFECTED INDEX.....	229
BULLETIN SUMMARY OF PROPOSED RULEMAKING	234
CUMULATIVE RULE-MAKING INDEX.....	236
SUBJECT INDEX.....	237

Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 98-1 refers to the first Bulletin issued in calendar year 1998, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1999 is cited as Volume 99-1. The December 1998 Bulletin is cited as Volume 98-12.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULE

Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rulemaking to the temporary and/or proposed rule stage.

PROPOSED RULE

A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULE

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.

A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.

An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.

PENDING RULE

A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and

remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:

- a) the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective; and
- d) an identification of any portion of the rule imposing or increasing a fee or charge.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.

FINAL RULE

A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone

(208) 332-1820.

The Administrative Bulletin is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

The Administrative Code, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

Individual Rule Chapters and Individual Rulemaking Dockets, are specific portions of the Bulletin and Administrative Code produced on demand.

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select the Administrative Rules link.

EDITOR'S NOTE: All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.060.02.c.ii.

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

"DOCKET NO. 38-0501-9901"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 1999.

*Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:*

"(BREAK IN CONTINUITY OF SECTIONS)"

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

"...in accordance with IDAPA 38.05.01.201."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEARS 2000 AND 2001

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	**November 17, 1999**	January 5, 2000
00-2	February, 2000	December 22, 1999	February 2, 2000
00-3	March, 2000	January 19, 2000	March 1, 2000
00-4	April, 2000	February 23, 2000	April 5, 2000
00-5	May, 2000	March 22, 2000	May 3, 2000
00-6	June, 2000	April 19, 2000	June 7, 2000
00-7	July, 2000	May 24, 2000	July 5, 2000
00-8	August, 2000	June 21, 2000	August 2, 2000
00-9	September, 2000	July 19, 2000	September 6, 2000
00-10	October, 2000	*August 22, 2000*	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
01-1	January, 2001	**November 15, 2000**	January 3, 2001
01-2	February, 2001	December 20, 1999	February 7, 2001
01-3	March, 2001	January 24, 2001	March 7, 2001
01-4	April, 2001	February 21, 2001	April 4, 2001
01-5	May, 2001	March 21, 2001	May 2, 2001
01-6	June, 2001	April 18, 2001	June 6, 2001
01-7	July, 2001	May 23, 2001	July 4, 2001
01-8	August, 2001	June 20, 2001	August 1, 2001
01-9	September, 2001	July 18, 2001	September 5, 2001
01-10	October, 2001	*August 22, 2001*	October 3, 2001
01-11	November, 2001	September 19, 2001	November 7, 2001
01-12	December, 2001	October 24, 2001	December 5, 2001

**Last day to submit proposed rules in order to complete rulemaking for review by legislature.*

***Last day to submit proposed rulemaking before moratorium begins.*

ALPHABETICAL INDEX OF AGENCY IDAPA AND ADMINISTRATIVE CODE VOLUME NUMBERS

<u>IDAPA</u>	<u>AGENCY</u>
01	Accountancy, Board of - Administrative Code Volume 1
38	Administration, Department of - Administrative Code Volume 8
44	Administrative Rules Coordinator, Office of the - Administrative Code Volume 8
02	Agriculture, Idaho Department of - Administrative Code Volume 1
40	Arts, Idaho Commission on the - Administrative Code Volume 8
03	Athletic Commission - Administrative Code Volume 1
04	Attorney General, Office of the - Administrative Code Volume 1
53	Barley Commission, Idaho - Administrative Code Volume 8
51	Beef Council, Idaho - Administrative Code Volume 8
07	Building Safety, Division of - Administrative Code Volume 2
43	Canola and Rapeseed Commission, Idaho - Administrative Code Volume 8
48	Commerce, Idaho Department of - Administrative Code Volume 8
06	Correction, Board of
19	Dentistry, Board of - Administrative Code Volume 6
08	Education, Board of - Administrative Code Volume 1
12	Finance, Department of - Administrative Code Volume 2
13	Fish and Game, Department of - Administrative Code Volume 2
14	Geologists, Professional, Board of Registration, - Administrative Code Volume 2
15	Governor, Office of the - Administrative Code Volume 2
16	Health and Welfare, Department of - Administrative Code Volumes 3, 4, 5
45	Human Rights Commission - Administrative Code Volume 8
17	Industrial Commission - Administrative Code Volume 5
18	Insurance, Department of - Administrative Code Volume 6
05	Juvenile Corrections, Department of - Administrative Code Volume 1
09	Labor, Idaho Department of - Administrative Code Volume 2
20	Lands, Department of - Administrative Code Volume 6
11	Law Enforcement, Department of - Administrative Code Volume 2
30	Library, Idaho State - Administrative Code Volume 7
52	Lottery Commission, Idaho State - Administrative Code Volume 8
22	Medicine, Board of - Administrative Code Volume 6
23	Nursing, Board of - Administrative Code Volume 6
24	Occupational Licenses, Board of - Administrative Code Volume 6
25	Outfitters and Guides Licensing Board - Administrative Code Volume 7
50	Pardons and Parole, Commission for - Administrative Code Volume 8
26	Parks and Recreation, Department of - Administrative Code Volume 7
59	PERSI - Public Employees Retirement System of Idaho - Administrative Code Vol. 8
27	Pharmacy, Board of - Administrative Code Volume 7
29	Potato Commission, Idaho - Administrative Code Volume 7
10	Professional Engineers & Land Surveyors, Board of - Administrative Code Volume 2
32	Public Works Contractors State Licenses Board - Administrative Code Volume 7
31	Public Utilities Commission - Administrative Code Volume 7
41	Public Health Districts - Administrative Code Volume 8
33	Real Estate Commission - Administrative Code Volume 7
34	Secretary of State - Administrative Code Volume 7
49	Shorthand Reporters, Board of Certified, - Administrative Code Volume 8
36	Tax Appeals, Idaho Board of - Administrative Code Volume 8
35	Tax Commission, State - Administrative Code Volume 7
39	Transportation, Department of - Administrative Code Volume 8
54	Treasurer, Office of the State - Administrative Code Volume 8
46	Veterinary Medical Examiners, Board of - Administrative Code Volume 8
55	Vocational Education, Division of - Administrative Code Volume 8
47	Vocational Rehabilitation, Division of - Administrative Code Volume 8
37	Water Resources, Department of - Administrative Code Volumes 8
42	Wheat Commission, Idaho - Administrative Code Volume 8

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 99-11

*CONTINUING THE GOVERNOR'S COUNCIL ON ADOLESCENT PREGNANCY PREVENTION,
REPLACING EXECUTIVE ORDER NO. 95-06*

WHEREAS, the percentage of adolescents giving birth remains alarmingly high in Idaho; and

WHEREAS, the incidence of inadequate prenatal care, out-of-wedlock babies, low-birthweight babies, and infant deaths is significantly higher for adolescent mothers; and

WHEREAS, in 1997, approximately 2,789 Idaho females aged 10 to 19 became pregnant, at a rate of 54 pregnancies per week; and

WHEREAS, twenty-eight percent of Idaho's adolescent pregnancies are repeat pregnancies; and

WHEREAS, adolescent childbearing causes delays in school completion or alters the young mother's aspirations for home, school, or career; and

WHEREAS, it is in the best interest of all Idahoans to prevent unintended adolescent pregnancies; and

WHEREAS, the most effective response to the problems of adolescent pregnancy is to prevent adolescents from becoming sexually active;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby continue the Governor's Council on Adolescent Pregnancy Prevention.

The duties of the Council shall include:

- 1. Development and implementation of a statewide campaign focused on delaying sexual activity by adolescents, and*
- 2. Assessing the impact of the campaign on reducing the rate of adolescent pregnancy and reporting the results annually.*

The Council shall be limited to no more than 17 members appointed by the Governor. The members shall serve two-year terms. A chair of the Council shall be appointed annually by the Governor.

The Council members shall include persons representing:

- public health/welfare*
- education*
- clergy*
- private business*
- parents*
- adolescents*
- local elected officials*
- health care providers*
- media*

The Department of Health and Welfare will provide administrative support to the Council.

This Order replaces Executive Order No. 95-06.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise the 28th day of September in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred tenth.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 99-12

AUTHORIZING THE ESTABLISHMENT OF AN INTERNATIONAL TRADE ADVISORY COMMITTEE

WHEREAS, the promotion of the international business activities and manufactured and agricultural exports contribute to Idaho's increased economic stability and diversification; and

WHEREAS, increased exports foster the retention and expansion of higher-paying jobs in Idaho; and

WHEREAS, building a business environment in Idaho that encourages and favors international trade is crucial to the success of Idaho firms in overseas markets; and

WHEREAS, over 830 Idaho companies either export or are interested in exporting;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby establish the International Trade Advisory Committee. The Committee shall:

Advise the Idaho Department of Commerce and the Idaho State Department of Agriculture on their international programs for Idaho's manufactured goods, services and agricultural products;

Assist the departments with the development of the international strategic plans;

Provide counsel to the departments on target markets and emerging markets;

Support and assist Idaho companies entering or expanding foreign markets; and

Provide advice to other Idaho commissions, bureaus, agencies and committees by making recommendations regarding their activities and policies that relate to international business.

The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the chairperson(s). Members of the Committee shall serve without compensation.

The Committee shall consist of persons who are appointed by and serve at the pleasure of the Governor. The membership of the Committee shall include the director of the Idaho State Department of Commerce, the director of the Idaho State Department of Agriculture and other citizens who are knowledgeable and experienced with international business. One or two of the members shall be selected to serve as chairman/co-chairman. The Committee shall be staffed and supported by the Idaho State Department of Commerce.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise the 1st day of November in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred tenth.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 99-13

**AUTHORIZING THE ESTABLISHMENT OF A STATE SCIENCE AND TECHNOLOGY ADVISORY COUNCIL
AND THE APPOINTMENT OF A SCIENCE AND TECHNOLOGY ADVISOR**

WHEREAS, Idaho has experienced a decade of rapid economic expansion led by growth in new technology industries; and

WHEREAS, the health and expansion of Idaho's future economy will depend on taking full advantage of research and technology; and

WHEREAS, Idaho has impressive resources for technology-based growth, internationally recognized university research programs, globally competitive technology companies, and the Idaho National Engineering and Environmental Laboratory; and

WHEREAS, a recent study of Idaho's science and technology potential recommended the appointment of a Science and Technology Advisor, establishment of a state Science and Technology Advisory Council, and the establishment of a state science and technology strategic plan;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, do hereby establish the Science and Technology Advisory Council and the position of Science and Technology Advisor. The Council shall:

Advise the Idaho State Department of Commerce, the State Board of Education, Idaho's colleges and Universities, and other state, local, federal and private sector agencies and organizations on science and technology interests and potentials;

Support the development and publishing of information on the conditions and importance of science and technology to the State's economy;

Assist with the development and implementation of a state strategic plan for science and technology; and

Assist with the coordination of local, state and federal interests to increase the positive economic impact of Idaho's science and technology resources.

The Science and Technology Advisor shall serve as Chairperson of the Council. The Council shall have regular meetings as determined by the Advisor and an executive committee of the Council. Members of the Council shall serve without compensation.

The Council shall be appointed by and serve at the pleasure of the Governor. The membership of the Council shall include individuals knowledgeable and experienced in science and technology issues. The Council shall also include representation from the Idaho State Department of Commerce, office of the State Board of Education and the office of the Governor. Representatives from the Idaho State Department of Commerce, the office of the State Board of Education and the office of the Governor shall serve as the executive committee. The Council shall be staffed and supported by the Idaho State Department of Commerce.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise the 12th day of November in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred tenth.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.02.16 - RULES OF THE DEPARTMENT OF AGRICULTURE
GOVERNING ORGANIC LIVESTOCK

DOCKET NO. 02-0216-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective April 1, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 22, Chapter 11, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Provides minimum standards and certification requirements for producers and handlers of organic animal products including meat, dairy and eggs pursuant to Title 22, Chapter 11, Idaho Code.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to have the rules in place for the 2000 growing season to assure the state's organic livestock producers will have a certification program in place that will allow them to market organic livestock and livestock products in Idaho and the national and international markets.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fee structure imposes the same fees and charges as are currently being assessed and provided under IDAPA 02.02.15, "Idaho Organic Food Products Rules". The fees reflect the costs of providing necessary certification services.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Lane Jolliffe, Administrator, Idaho State Department of Agriculture, at (208) 332-8660 or Margaret Misner, Program Manager, Idaho State Department of Agriculture, at (208) 332-8673.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2000.

DATED this 17th day of November, 1999.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-2170 FAX

IDAPA 02
TITLE 02
CHAPTER 16

02.02.16 - IDAHO STATE DEPARTMENT OF AGRICULTURE
RULES GOVERNING ORGANIC LIVESTOCK

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of section 22-1103, (11), Idaho Code. (4-1-00)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.02.16, "Idaho State Department of Agriculture Rules Governing Organic Livestock". (4-1-00)T

02. Scope. To provide minimum standards and certification requirements for producers and handlers of organic animal products including meat, dairy and eggs pursuant to Title 22, Chapter 11, Idaho Code. (4-1-00)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations. (4-1-00)T

003. ADMINISTRATIVE APPEAL.

Section 22-1108, Idaho Code, provides for an appeal process pursuant to Title 67, Chapter 52, Idaho Code. (4-1-00)T

004. DEFINITIONS.

01. Adequate Mobility. Means an animal shall have enough room to get up, lie down, turn around, groom, and stretch its limbs. (4-1-00)T

02. Approved. Means any material or practice that meets the required criteria or standards for use in the production of organic animal products. (4-1-00)T

03. Aquaculture. Means husbandry of fish and aquatic animals. (4-1-00)T

04. Department. Means the Idaho State Department of Agriculture (ISDA). (4-1-00)T

05. Director. Means the director of the Idaho State Department of Agriculture or the director's designee. (4-1-00)T

06. Feed. Means all edible materials that are consumed by livestock, poultry, fish and aquatic animals including but not limited to concentrates, (grains, oilseed meals, fats and oils, vitamins and minerals) and forages, (hay, straw, stover, silage, cobs, husks, hulls, pasture plants). The term "feed" encompasses all edible agricultural commodities, including crops in pasture that are ingested by livestock for nutritional purposes. (4-1-00)T

07. Feed Additives. Means a substance or combination of substances added to feed or offered on free-choice basis for consumption by livestock to fulfill specific nutritional or physiological needs, (e.g. minerals, amino acids and vitamins). (4-1-00)T

08. Fertile. Means any poultry product that is a product of an animal that is in a flock of at least one (1) rooster per twenty (20) hens, and that incubating the eggs at a hatchery results in at least eighty percent (80%) of the eggs being fertile. (4-1-00)T

09. Food Product. Means all agricultural, horticultural, viticultural and vegetable products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, milk and dairy products and aquaculture products. (4-1-00)T

10. Handler. Means any person or organization who processes, packages, transports or stores organic or nonorganic animal product. (4-1-00)T

11. Lamb. Means a young sheep that has not reached one (1) year of age. (4-1-00)T

12. Livestock. Means the following animals: cattle, swine, sheep, goats, ratites, domestic cervidae, bison, poultry and aquatic animals. (4-1-00)T

13. Material. Means any substance or mixture of substances that is used internally or externally in the production of animals or animal products. (4-1-00)T

14. Organic Animal Product. Means livestock products that meet or exceed the organic standards and certification requirements contained in this rule and are labeled and offered for sale with the word organic or derivative of organic. (4-1-00)T

15. Organic Feed. Means feed grown, produced, processed and handled in accordance with the Organic Food Products Act, Title 22, Chapter 11, Idaho Code, or other recognized organic certification agencies. Approved feed additives may be added to organic feed. (4-1-00)T

16. Organic Livestock Producer. Means any person, firm or organization that produces, processes, handles or imports, with the purpose of subsequently marketing agricultural products referred to as organic or organically grown. (4-1-00)T

17. Organic Pasture Or Range. Means ground covered with vegetation that is suitable for grazing and has been managed in accordance with the Organic Food Products Act, Title 22, Chapter 11, Idaho Code, for at least thirty-six (36) months. (4-1-00)T

18. Preferred. Means to choose one (1) above another. The ISDA recommends that organic producers use certified organic products when available. (4-1-00)T

19. Prohibited. Means any material or practice that is disallowed by this rule for the production of organic livestock products. (4-1-00)T

005. -- 049. (RESERVED).

050. MINIMUM STANDARDS.

The minimum standards qualifying livestock and livestock products, poultry and poultry products, milk and dairy products, and aquaculture products to be labeled as organic are listed in Section 051 through 061. (4-1-00)T

051. ORGANIC FEED REQUIREMENTS.

01. Slaughter Stock. One hundred percent (100%) organic from birth to slaughter. (4-1-00)T

02. Breeder Stock. One hundred percent (100%) organic from the time it arrives on the organic farm, no less than last third of gestation. (4-1-00)T

03. Replacement Dairy Stock. Shall be fed one hundred percent (100%) organic feed from the time it arrives on an organic farm. A replacement cow shall maintain an organic status for a minimum of twelve (12) months prior to the milk being sold as organic. (4-1-00)T

04. Poultry Stock. Shall be fed one hundred percent (100%) organic feed after one-day old for either meat or egg production. (4-1-00)T

05. Aquaculture. Shall be fed organic feed from the time the aquatic animal is brought onto an organic operation. (4-1-00)T

- 06. Fish.** Shall be fed organic feed for a minimum of six (6) months. (4-1-00)T
- 07. Fiber Stock.** Shall be fed one hundred percent (100%) organic feed for at least twelve (12) months prior to shearing. (4-1-00)T
- 052. ORGANIC FEED EXCEPTIONS.**
- 01. Whole Milk.** Approved for young animals, organic preferred. (4-1-00)T
- 02. Colostrum.** Approved for young animals, organic preferred. (4-1-00)T
- 03. Milk Replacer.** Non-medicated, organic preferred for young animals. (4-1-00)T
- 04. Additional Exceptions.** Are addressed in the Emergency Feed Section 054. (4-1-00)T.
- 053. FEED ADDITIVES.**
- 01. Natural Additives.** Are allowed unless specifically prohibited in the most recent Organic Material Review Institute (OMRI) publication. (4-1-00)T
- 02. Synthetic Additives.** Are allowed if on the National Organic Standard Board (NOSB) list of allowed synthetics. (4-1-00)T
- 03. Hormones.** Are prohibited. (4-1-00)T
- 04. Antibiotics.** Are prohibited. (4-1-00)T
- 05. Growth Promoters.** Are prohibited. (4-1-00)T
- 06. Plastic Pellets.** Are prohibited. (4-1-00)T
- 07. Manure Re-Feeding.** Is prohibited. (4-1-00)T
- 08. Animal By-Products.** Are prohibited except for organic by-products used in aquaculture. (4-1-00)T
- 09. Fish And Fish By-Products.** Are allowed. (4-1-00)T
- 10. Urea.** Is prohibited. (4-1-00)T
- 11. Synthetic Vitamins And Minerals.** Shall be allowed, but natural sources preferred. (4-1-00)T
- 12. Genetically Modified Products.** Are prohibited. (4-1-00)T
- 13. Solvent Extracted Meals.** Are prohibited. (4-1-00)T
- 14. Certified Organic Fats, Oils, Minerals, And Micronutrients.** Are allowed. (4-1-00)T
- 054. EMERGENCY FEED.**
In organic feed shortages which result from weather conditions, road closures, crop failures or other emergency conditions, the organic livestock producer may feed non-organic feed to livestock for a limited period, provided that the organic feed shortage is temporary and unforeseen due to emergency conditions beyond the producer's control and: (4-1-00)T
- 01. Prioritization To Locate Organically Grown Feed.** The organic livestock producer shall make every reasonable effort and maintain a record of such effort to locate organically grown feed, using the following prioritization: (4-1-00)T

- a. Certified organic feed. (4-1-00)T
- b. Feed from farms under transition to organic status for less than three (3) years but more than one (1) year. (4-1-00)T
- c. Feed from farms under transition to organic status for one (1) year or less. (4-1-00)T
- d. Non-certified organic feed. (4-1-00)T
- e. Conventional feed. (4-1-00)T
- 02. Notification.** The organic livestock producer shall notify the ISDA before using the non-organic feed. (4-1-00)T
- 03. Verification.** The ISDA shall verify the emergency conditions. (4-1-00)T
- 04. Review By ISDA.** The ISDA shall review to determine a maximum time period during which second year transitional organic feed, first year transitional organic feed or conventional feed may be used. (4-1-00)T
- 05. Nonrepresentation.** The livestock producer shall not represent meat, egg, and dairy products as organic animal products during the period the animals are not fed certified organic feed plus an extended period of ninety (90) days. (4-1-00)T
- 055. USE OF ORGANIC CERTIFIED FIELDS.**
Livestock or animal products shall not be labeled “organic” until the farm’s pastures have been managed, using organic methods for at least thirty-six (36) months prior to the production of the animal products and to which organic certification has been granted. (4-1-00)T
- 056. SOURCE OF LIVESTOCK.**
- 01. Slaughter Stock.** Shall be from a certified organic breeder. (4-1-00)T
- 02. Breeder Stock.** Shall be from any source but shall be organic the last third of gestation period. To sell such stock as organic, the stock shall meet organic standards for a minimum of one (1) year. (4-1-00)T
- 03. Dairy Stock.** Dairy animals brought into organic dairy operations shall be managed using organic practices as soon as they are brought into an organic production system. ISDA makes a one-time exception to this requirement to allow producers who are transitioning their existing dairy herd to organic practices to continue to feed non-organic grain during a portion of the transition period. See Subsection 056.03.b. (4-1-00)T
- a. Bringing non-organic replacement stock into existing organic dairies. Milk sold as “organically produced” shall be from animals which have been under organic production methods for not less than the twelve (12) month period immediately preceding the sale of the milk from such stock. (4-1-00)T
- b. Bringing a non-organic start-up herd into organic production as part of the transition of the entire dairy operation to organic methods. In recognition of the financial difficulties associated with the increased expense of feeding organic grain during the transition period when producers are not yet receiving the premium price for organic milk, ISDA allows producers who are transitioning their start-up herds to continue to feed non-organic grain for a portion of the transition period of the dairy operation. For start-up herds, milk sold as “organically produced” must be from animals which have been under organic production methods for not less than the twelve (12) month period immediately preceding the sale of the milk from such stock. The single exception to the requirement for the use of organic production methods relates to the animals’ feed. During the first nine (9) months of this period, only eighty percent (80%) of the start-up herd’s daily ration must be from organic sources. During the last three (3) months before the sale of organic milk, the animals must receive one hundred percent (100%) organic feed. (4-1-00)T

- 04. Poultry Stock.** Any one (1) day old stock. Organic preferred. (4-1-00)T
- 05. Aquaculture.** Any source at youngest stage available. Organic preferred. (4-1-00)T
- 06. Fiber Stock.** Any source. Organic preferred. (4-1-00)T
- 057. BREEDING PRACTICES.**
- 01. Natural Service And Artificial Insemination.** Is allowed. (4-1-00)T
- 02. Embryo Transplants.** Are prohibited. (4-1-00)T
- 03. Genetically Modified Breeds.** Are prohibited. (4-1-00)T
- 058. MINIMUM AGE AT WEANING.**
- 01. Beef Calves.** Three (3) months. (4-1-00)T
- 02. Dairy Calves.** Twelve (12) to twenty-four (24) hours with whole milk or non-medicated milk replacer for three (3) months. (4-1-00)T
- 03. Lambs/kids.** Two (2) months or forty (40) pounds. (4-1-00)T
- 04. Piglet.** Four (4) weeks. (4-1-00)T
- 059. HEALTH CARE.**
- 01. Withholding Treatment.** Withholding treatment which could cause unnecessary suffering to an animal in order to maintain organic certification shall be grounds for de-certification of the entire operation. (4-1-00)T
- 02. Vaccinations.** Are allowed. (4-1-00)T
- 03. Growth Promoters.** Are prohibited. (4-1-00)T
- 04. Hormones.** Are prohibited. (4-1-00)T
- 05. Antibiotics.** Are prohibited. (4-1-00)T
- 06. Parasiticides.** Natural pest control materials are allowed. Synthetic parasiticides are restricted and routine use of internal parasiticides is prohibited. (4-1-00)T
- 07. Synthetic Medication.** Aspirin allowed to reduce inflammation. Iodine allowed. (4-1-00)T
- 08. Forced Molting.** Is prohibited. (4-1-00)T
- 09. De-Horning.** Is allowed. (4-1-00)T
- 10. Castration.** Is allowed. (4-1-00)T
- 11. Hoof Trimming.** Is allowed. (4-1-00)T
- 12. Tail Docking.** Is allowed for sheep only. (4-1-00)T
- 13. Branding.** Is allowed. (4-1-00)T
- 14. Poultry.** Wing clipping allowed; caponization and de-beaking is prohibited. (4-1-00)T

15. **Petroleum Oils For Pest Control.** Are prohibited. (4-1-00)T
- 060. LIVING CONDITIONS.**
01. **Prohibited Practices.** Organic livestock producers are prohibited from practices that are contrary to humane treatment guidelines, good sanitation practices, and good animal health programs. (4-1-00)T
02. **Fresh Air And Daylight.** Pasture, corral, runway, or other exercise areas are required. (4-1-00)T
03. **Adequate Mobility.** Is required. (4-1-00)T
04. **Clean Water.** Is required. (4-1-00)T
05. **Clean, Dry Bedding.** Is required; organic preferred. (4-1-00)T
06. **Sanitation, Cleaning.** Is required but no prohibited sanitation or cleaning materials allowed. (4-1-00)T
07. **Manure And Waste Water Management.** Is required. Applicable state or federal laws shall be adhered to. (4-1-00)T
08. **Limited Confinement For:** (4-1-00)T
- a. Farrowing is allowed when appropriate in the production system. (4-1-00)T
- b. Breeding is allowed when appropriate in the production system. (4-1-00)T
- c. Health treatment is allowed when appropriate in the production system. (4-1-00)T
- d. Temporary feeding is allowed when appropriate in the production system. (4-1-00)T
- e. Stacked or battery cages are prohibited. (4-1-00)T
- f. Farrowing crates or boxes are allowed when appropriate in the production system. (4-1-00)T
- g. Chaining is prohibited. (4-1-00)T
- h. Water (aquaculture) must meet current Environmental Protection Agency (EPA) and Division of Environmental Quality (DEQ) standards for aquaculture and testing requirements. (4-1-00)T
- 061. RECORD KEEPING.**
- All records shall be maintained for five (5) years. (4-1-00)T
01. **Source Of Stock.** Is required. (4-1-00)T
02. **Certification Records.** Are required. (4-1-00)T
03. **Identification System.** Is required. (4-1-00)T
04. **Sales Records Including Weight.** Shall include weight when appropriate. (4-1-00)T
05. **Feed Sources, Certification.** Are required. (4-1-00)T
06. **Health Care Applications.** (4-1-00)T

- a. Sources, labels are required. (4-1-00)T
- b. Dates and rates applied are required. (4-1-00)T
- c. Medical records are required. (4-1-00)T
- 07. Weight Records.** Are required, when appropriate. (4-1-00)T
- 08. Parallel Production.** Mixed production is discouraged on an ongoing basis because of the potential for confusion in the separation of categories. However, for an operation in transition to an organic status, accurate records shall be maintained to differentiate between the conventional and organic status. (4-1-00)T
- 09. Dairy Records.** (4-1-00)T
 - a. Milk production records are required. (4-1-00)T
 - b. Date began organic feed is required. (4-1-00)T
 - c. Date bred-calved are required. (4-1-00)T
 - d. Begin/end of lactation is required. (4-1-00)T
 - e. Dairy sanitation and milk quality records are required. (4-1-00)T
 - f. Well water test is required. (4-1-00)T
- 062. NOTARIZED STATEMENT.**
The applicant for certification shall provide a notarized statement on forms prescribed by the director attesting to the truth of information furnished and adherence to the Idaho Organic Livestock Rules. (4-1-00)T
- 063. -- 150. (RESERVED).**
- 151. LABELING STANDARDS.**
 - 01. Identification.** The name and address of the producer or handler shall be on the organic product label. (4-1-00)T
 - 02. Producer Number.** Organic livestock producers and transitional to organic livestock producers who make application to the certification program shall be assigned a producer/grower identification number by the ISDA. All sales from the producer to the first handler shall include the grower number on the invoice or other sales document. (4-1-00)T
- 152. INSPECTIONS.**
There shall be an annual, announced, on-site inspection by the ISDA or its designee, including an examination of the facility and all records pertinent to the organic production enterprise. Additional announced or unannounced inspections may be conducted as deemed necessary by the ISDA. (4-1-00)T
- 153. APPLICATION FOR CERTIFICATION – FEE SCHEDULE.**
All “Organic” livestock producers, “Transitional to Organic” livestock producers and “Organic” livestock handlers, shall register and apply for certification with the ISDA. The application for certification and fees shall be forwarded to the ISDA on forms furnished by the ISDA. (4-1-00)T
 - 01. Certification Procedures.** Producers and handlers may be certified annually as “Organic” if they meet all applicable standards. (4-1-00)T
 - 02. Fees.** Annual Registration Fees: (4-1-00)T

- a. Certified producer - One hundred dollars (\$100). (4-1-00)T
- b. Certified handler - One hundred dollars (\$100). (4-1-00)T
- c. Certified producer/handler - One hundred dollars (\$100). (4-1-00)T
- d. Transitional to organic producer - Twenty-five dollars (\$25). (4-1-00)T
- e. Transitional to organic producer/handler - Twenty-five dollars (\$25). (4-1-00)T
- f. To participate as a Certified “Organic” Producer, “Transitional to Organic” Producer or Certified Handler, the annual registration application shall be filed with the accompanying fee. A person who produces and handles their own organic livestock products shall pay only one (1) registration fee of one hundred dollars (\$100). (4-1-00)T

03. Inspection Fees. (4-1-00)T

- a. The hourly rate is twenty-five dollars (\$25). Minimum charge of twenty-five dollars (\$25). Travel time from an inspector's normal duty station to the inspection site and return to normal duty station will be compensable time charged to the applicant. (4-1-00)T
- b. A mileage rate as approved by the Board of Examiners will also be assessed. (4-1-00)T

04. Laboratory Fees. Fees assessed for residue analysis will be borne by the applicant and will include administrative charges. (4-1-00)T

05. Graduated Gross Sales Fee Schedule. (4-1-00)T

a. In addition to the fees prescribed above, all producers and handlers shall remit with their application an amount based on their annual gross organic sales during the last calendar year, or in the case of a first-time registrant, a projected gross dollar amount for the upcoming calendar year, with a minimum fee of ten dollars (\$10). The graduated gross organic sales fee structure is as follows:

0 - 2,000	\$ 10
2,001 - 5,000	\$ 25
5,001 - 10,000	\$ 50
10,001 - 15,000	\$ 75
15,001 - 20,000	\$ 100
20,001 - 25,000	\$ 125
25,001 - 30,000	\$ 150
30,001 - 35,000	\$ 175
35,001 - 50,000	\$ 250
50,001 - 75,000	\$ 375
75,001 - 100,000	\$ 500
100,001 - 150,000	\$ 690
150,001 - 200,000	\$ 835
200,001 - 280,000	\$1,050
280,001 - 375,000	\$1,250

375,001 - 500,000	\$1,460
500,001 and up	\$2,000

(4-1-00)T

- b. Registration and application fees are non-refundable. (4-1-00)T

154. -- 600. (RESERVED).

601. MEAT FROM LIVESTOCK.

Organic meat products produced from bovine animals, swine, lamb, sheep, goats and domestic cervidae shall meet the following criteria for at least twelve (12) months prior to slaughter or, when slaughtered in less than twelve (12) months from birth, from birth to slaughter. In addition, when animals are slaughtered in less than twelve (12) months from birth, the animal's mother shall meet the following criteria during the last third of gestation and while the slaughter animal is nursing. (4-1-00)T

01. Organically Grown Feed. Animals shall be raised on one hundred percent (100%) organically grown feed. (4-1-00)T

02. Hormones, Antibiotics Or Parasiticides. Animals shall not be administered hormones, antibiotics or synthetic parasiticides. (4-1-00)T

03. Fresh Air, Daylight And Access. Animals shall have fresh air, daylight and access to organic pasture or organic range. (4-1-00)T

04. Prior To Slaughter. Animals may be kept in a feedlot prior to slaughter as long as the animals have access to fresh air, daylight, water and are fed one hundred percent (100%) organic feed. (4-1-00)T

602. POULTRY AND POULTRY PRODUCTS.

Organic poultry products shall be from birds that meet the following criteria: (4-1-00)T

01. Feed. Birds shall be raised on one hundred percent (100%) organically grown feed from the time the animals are one (1) day old. (4-1-00)T

02. Birds Shall Be Raised In Either:

a. A moveable pen management system which is moved on a daily basis and provides access to organic pasture or organic range; or (4-1-00)T

b. A living space that provides a minimum of four (4) square feet space per bird, (including both inside and outside areas) and access to the outside areas. Inside areas shall provide a minimum of one-and-one-half (1 ½) square feet per bird and be sufficient to avoid stress such as cannibalism, nervousness and self-destructive behaviors such as feather picking, self-mutilation and limb harrowing. Outside areas shall provide a minimum of one-and-one-half (1 ½) square feet per bird. Minimum living space requirements are calculated for the size of an adult chicken with a mature body weight of five (5) pounds and requirements for other poultry animals are calculated proportionately according to the size of the species. (4-1-00)T

03. Shade And Dusting Wallows. Birds shall be provided shade and dusting wallows and laying birds shall also be provided nest boxes and perches. (4-1-00)T

04. Hormones, Antibiotics Or Synthetic Parasiticides. Birds shall not be administered hormones, antibiotics or synthetic parasiticides from one (1) day old to slaughter. (4-1-00)T

05. Organic Eggs. Are not required to be fertile. (4-1-00)T

603. DAIRY PRODUCTS.

Organic animal products produced from dairy animals shall meet the following criteria: (4-1-00)T

01. Feed. Dairy animals shall be raised on one hundred percent (100%) organic feed for ninety (90) days. (4-1-00)T

02. Synthetic Parasiticides And Hormones. Dairy animals shall not be administered synthetic parasiticides nor hormones for one (1) year prior to organic milk production. (4-1-00)T

03. Regulatory Requirements. All regulatory requirements including sanitary and quality standards and standards for somatic cell and bacteria count shall be observed. (4-1-00)T

604. HANDLER STANDARDS.

01. Organically Processed. To be organically processed, food, feed, and fiber products shall be prepared by biological, physical, or mechanical methods. These include cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, fermenting, slaughtering, cutting, eviscerating, preserving, dehydrating, chilling, freezing, drying, sewing, or otherwise manufacturing, including packaging, canning, jarring, or otherwise enclosing in a container. (4-1-00)T

02. Handler Prohibited Material Use. The handler has not used or added any prohibited material during the production, composition, processing, manufacturing, packaging, transporting or storage of an organic food product. Microorganisms, microbiological products and materials consisting of, or derived or extracted solely from plant, animal or mineral-bearing rock substances may be applied by the handler unless prohibited. Handlers shall not sell any Idaho certified organic product until they have registered with the ISDA and paid the appropriate fee. (4-1-00)T

03. Cleanliness. Necessary precautions shall be taken to protect against contamination of food, food-contact surfaces, or food-packaging materials. (4-1-00)T

04. Sanitation Of Food Contact Surfaces. In organic handling operations, treatment of food contact surfaces, including utensils and food-contact surfaces of equipment, with cleaning compounds and sanitizers shall be done in such a way as to prevent the loss of organic integrity. Extra rinses, flushes, purges and/or analyses may be required prior to the production of organic products. Records shall be maintained to verify protection of organic integrity. (4-1-00)T

05. Prevention Of Commingling And Contact With Prohibited Substances. All certified organic handling operations, and handling operations that are exempt or excluded from certification, shall establish adequate safeguards during the handling, storage and transportation of organically produced products in order to: (4-1-00)T

a. Prevent the commingling of organic and non-organic products; and (4-1-00)T

b. Assure that organic products and certified facilities are protected from contact with prohibited substances. (4-1-00)T

c. If the handling operation handles both organic and non-organic products, separation by space or time or both space and time shall be provided between the handling of non-organic products and the handling of organic products. (4-1-00)T

06. Packaging Materials. Use of any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives or fumigants; or that have previously been in contact with any substance in such a manner as to compromise the organic quality of such product is prohibited. (4-1-00)T

07. Audit Trails. Audit trail and inventory control procedures shall be adequate to trace all ingredients and products from the supplies(s) through the entire production system, including packaging and storage, and on through distribution, sales and transport, using lot numbers, date codes, or a similar product tracking system. Certification shall be denied or revoked for intentionally falsifying or refusing to supply adequate records.

Certification shall be suspended until the ISDA is provided adequate records. (4-1-00)T

a. Handlers shall provide detailed written information on all ingredients, additives and processing aids used in the production of products intended to be sold or labeled as organic or made with organic ingredients. (4-1-00)T

b. Records shall be maintained to verify that organic products do not come into contact with non-organic ingredients and/or prohibited substances including, but not limited to, detergents, sanitizers and pesticides. (4-1-00)T

605. PENALTY FOR VIOLATIONS.

As set forth in Section 22-1104, Idaho Code, any person violating a rule may be assessed a civil penalty by the ISDA or its duly authorized agent of not more than three thousand dollars (\$3,000) for each offense and shall be liable for reasonable attorney fees. (4-1-00)T

606. DIRECTOR'S DISCRETIONARY ACTION.

Nothing in this rule shall be construed to require the director or his authorized representative to report for prosecution or for the institution of civil action a violation of the provisions of this rule when he believes that the public interest will best be served by a suitable warning. (4-1-00)T

607. FINDINGS.

It is necessary to have the rules in place for the 2000 growing season to assure the state's organic livestock producers will have a certification program in place that will allow them to market organic livestock and livestock products in Idaho and the national and international markets. (4-1-00)T

608. -- 999. (RESERVED).

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3421, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. This pending rule will replace the subsections of the rule rejected by SCR 115 in the 1999 legislature concerning the use of the Livestock Protection Collar (LPC). In addition, subsequent to passage of HB 99 in the 1999 legislative session, this rule will combine Chemigation (IDAPA 02.03.04) and Pesticide Use and Application Rules (IDAPA 02.03.03) and name the combined rule "Rules Governing Pesticide and Chemigation Use and Application (IDAPA 02.03.03)". The existing Chemigation Rules (IDAPA 02.03.04) will be repealed in their entirety. In addition, this pending rule change will: add two crops to the list of non-food crops; provide for consistent licensing by issuing two-year Pesticide Dealer Licenses so all pesticide licenses will be effective for two years; and revise the aquatic weed applicator category to more accurately reflect activities in this licensing category.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999, Idaho Administrative Bulletin, Volume 99-10, pages 19 through 38.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rodney Awe, Agriculture Program Manager, at (208) 332-8615.

Dated this 5th day of November, 1999.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500 - Telephone / (208) 334-4623 - Fax

IDAPA 02
TITLE 03
Chapter 03

RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 19 through 38.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.03.04 - RULES GOVERNING CHEMIGATION

DOCKET NO. 02-0304-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3421, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. This proposal will delete the Idaho Chemigation Rules (IDAPA 02.03.04) in their entirety. This results from combining the old Chemigation Rules (IDAPA 02.03.04) and the Pesticide Use and Application Rules (IDAPA 02.03.03) into a new rule titled Rules Governing Pesticide and Chemigation Use and Application (IDAPA 02.03.03).

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999, Idaho Administrative Bulletin, Volume 99-10, page 39.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rodney Awe, Agriculture Program Manager, at (208) 332-8615.

Dated this 5th day of November, 1999.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 - Telephone / (208) 334-4623 - Fax

**IDAPA 02
TITLE 03
Chapter 04**

RULES GOVERNING CHEMIGATION

This Chapter Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 1, 1999, page 39.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.14 - RULES GOVERNING DAIRY WASTE

DOCKET NO. 02-0414-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 37, Chapter 4, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule adopts by reference the 1999 USDA, NRCS Conservation Practice Standard, Nutrient Management Code 590; the 1997 NRCS Agricultural Waste Management Field Handbook, Appendix 10D; and the 1999 Idaho Agricultural Pollution Abatement Plan – Nutrient Management Standard Component Practice. Additionally, the pending rule defines certified planner; amends the definition of non-compliance and the definition of livestock waste; incorporates nutrient management plans, nutrient management standard and appendix 10D into permit, certification and inspection procedures; includes approval of construction and operation of waste management systems in permit and certification sections; and makes non-substantive corrections to the rule.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999, Idaho Administrative Bulletin, Volume 99-10, pages 40 through 43.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Marv Patten at (208) 332-8550.

DATED this 17th day of November, 1999.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / (208) 334-4623 FAX

**IDAPA 02
TITLE 04
Chapter 14**

RULES GOVERNING DAIRY WASTE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 40 through 43.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.05.03 - RULES FOR ADMINISTRATION OF AGRICULTURAL WATER QUALITY
COST-SHARE PROGRAM FOR IDAHO

DOCKET NO. 02-0503-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 22, Chapter 27, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. This new rule sets the guidelines for establishing, implementing and administering the new agricultural water quality cost-share program for Idaho. This program provides financial assistance to eligible applicants to reduce or control agricultural non-point source water pollution. The rule is necessary to protect the public health, safety or welfare. The rule is also necessary to comply with deadlines in amendments to governing law, federal programs, and as provided by SB 1135 of the 1999 legislative session. Finally, the rule confers a benefit to the people of the state.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999, Idaho Administrative Bulletin, Volume 99-10, pages 44 through 58.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jerry Nicolescu, Administrator, Soil Conservation Commission, at (208) 332-8649.

DATED this 5th day of November, 1999.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4623 FAX

IDAPA 02
TITLE 05
Chapter 03

RULES FOR ADMINISTRATION OF AGRICULTURAL WATER QUALITY
COST-SHARE PROGRAM FOR IDAHO

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-10, October 6, 1999, pages 44 through 58.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.06.31 - IDAHO DEPARTMENT OF AGRICULTURE NOXIOUS WEED FREE
FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule renames the rule to include noxious weed free in the title, deletes obsolete provisions relative to the certification of forage pellets, clarifies the rule relative to certification of baled and cubed forage or straw, deletes provisions for "transit load tags" which is an unnecessary burden, clarifies existing language, and establishes a schedule of fees that may be charged by the certifying agent.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 1, 1999, Idaho Administrative Bulletin, Volume 99-9, pages 13 through 19.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Taylor Cox or Glen Secrist at (208) 332-8540.

DATED this 5th day of November, 1999.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4623 FAX

IDAPA 02
TITLE 05
Chapter 03

IDAHO DEPARTMENT OF AGRICULTURE NOXIOUS WEED FREE
FORAGE AND STRAW CERTIFICATION RULES

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-9, September 1, 1999, pages 13 through 19.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS
05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS

DOCKET NO. 05-0101-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, page 63.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy S. Bishop at (208) 334-5100, ext. 384.

DATED this 28th day of October, 1999.

Nancy S. Bishop
Deputy Attorney General
Department of Juvenile Corrections
P.O. Box 83720
Boise, ID 83720-0285

IDAPA 05
TITLE 01
Chapter 01

RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS

This Chapter Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, page 63.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS
05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS AND
STANDARDS FOR PRIVATE CONTRACT PROVIDERS

DOCKET NO. 05-0101-9902

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

These rules will define the standard operating procedures for private contract providers with the Department.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 64 through 108.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy S. Bishop at (208) 334-5100, ext. 384.

DATED this 28th day of October, 1999.

Nancy S. Bishop
Deputy Attorney General
Department of Juvenile Corrections
P.O. Box 83720
Boise, ID 83720-0285

IDAPA 05
TITLE 01
Chapter 01

RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS AND
STANDARDS FOR PRIVATE CONTRACT PROVIDERS

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-10, October 6, 1999, pages 64 through 108.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS
05.01.02 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS,
SECURE JUVENILE DETENTION FACILITIES

DOCKET NO. 05-0102-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

To update standards for juvenile detention centers in Idaho.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 109 through 132.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy S. Bishop at (208) 334-5100, ext. 384.

DATED this 28th day of October, 1999.

Nancy S. Bishop
Deputy Attorney General
Department of Juvenile Corrections
P.O. Box 83720
Boise, ID 83720-0285

IDAPA 05
TITLE 01
Chapter 02

RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS,
SECURE JUVENILE DETENTION FACILITIES

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 109 through 132.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS
DOCKET NO. 07-0101-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 152 and 153.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Bureau Chief, (208) 334-2183.

DATED this 28th day of October, 1999.

Gary Malmen, Bureau Chief
Electrical Bureau, Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

IDAPA 07
TITLE 01
Chapter 01

RULES GOVERNING ELECTRICAL INSPECTION TAGS

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 152 and 153.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 154 through 157.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Bureau Chief, (208) 334-2183.

DATED this 28th day of October, 1999.

Gary Malmen, Bureau Chief
Electrical Bureau, Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

IDAPA 07
TITLE 01
Chapter 03

RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 154 through 157.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 158 through 160.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Bureau Chief, (208) 334-2183.

DATED this 28th day of October, 1999.

Gary Malmen, Bureau Chief
Electrical Bureau, Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

IDAPA 07
TITLE 01
Chapter 04

RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 158 through 160.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-9902
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 161 and 162.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Bureau Chief, (208) 334-2183.

DATED this 28th day of October, 1999.

Gary Malmen, Bureau Chief
Electrical Bureau, Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

IDAPA 07
TITLE 01
Chapter 04

RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 161 and 162.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.05 - RULES GOVERNING EXAMINATIONS
DOCKET NO. 07-0105-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 163 and 164.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Bureau Chief, (208) 334-2183.

DATED this 28th day of October, 1999.

Gary Malmen, Bureau Chief
Electrical Bureau
Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

IDAPA 07
TITLE 01
Chapter 05

RULES GOVERNING EXAMINATIONS

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 163 and 164.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.12 - RULES GOVERNING MANUFACTURED/MOBILE HOME SETUP CODE

DOCKET NO. 07-0312-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 44-2102(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999, Idaho Administrative Bulletin, Volume 99-10, pages 168 through 173.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Programs Manager, (208) 334-3896.

DATED this 27th day of October, 1999.

Connie J Mumm
Division of Building Safety
277 N. 6th Street, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950 / fax (208) 334-2683

IDAPA 07
TITLE 03
Chapter 12

RULES GOVERNING MANUFACTURED/MOBILE HOME SETUP CODE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 168 through 173.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

08.01.06 - STATE STUDENT INCENTIVE GRANT PROGRAM

DOCKET NO. 08-0106-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code, and Title IV, Part A, Subpart 4, Higher Education Act of 1965 as amended.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

U.S. Dept. of Education has changed the name of the State Student Incentive Grant (SSIG) Program to the Leveraging Educational Assistance Partnership (LEAP) Program. These rule changes will be consistent with the federal regulations governing the program.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 174 through 179.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lynn Humphrey at 334-2270.

DATED this October 28, 1999.

Lynn Humphrey
Academic Program Coordinator
Idaho State Board of Education
650 W. State Street
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)334-2270; fax 334-2632

**IDAPA 08
TITLE 01
Chapter 06**

STATE STUDENT INCENTIVE GRANT PROGRAM

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 174 through 179.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

**IDAPA 08 - STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION
08.01.11 - OUT-OF-STATE INSTITUTIONS, IN-STATE NON-ACCREDITED INSTITUTIONS,
AND CORRESPONDENCE OR PRIVATE COURSES**

DOCKET NO. 08-0111-0001

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 33-107 and 33-2403, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than February 1, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To delete "certificate" from the definition of a program included in the requirement to maintain a register of accredited out-of-state higher education institutions.

FEE SUMMARY: There is no fee associated with this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Robin Dodson, State Board of Education, (208)334-2270.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before February 1, 2000.

DATED this 10th day of November, 1999.

Kevin D. Satterlee
Deputy Attorney General
State Board of Education
650 W. State Street
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)334-2270
FAX: (208)334-2632

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0111-0001

106. REGISTER OF ACCREDITED OUT-OF-STATE INSTITUTIONS.

01. Definitions. A course is defined as set forth in Section 33-2401(5), Idaho Code. A program is defined as a series of courses leading to the awarding of a certificate or degree. (3-18-99)()

02. Maintenance Of Register. A register of courses and programs is maintained at the Office of the State Board of Education. The Office will establish written procedures, available upon request, for compliance with the requirements of Section 33-107(6), Idaho Code. (3-18-99)

03. Submission To Academic Affairs And Program Committee. A registration form/application submitted by any out-of-state institution for each course or program to be offered in Idaho will be submitted to the Office of the State Board of Education. Critical evaluation of each of the components of such offerings by comparison with courses, programs, credit awarded, and faculty of postsecondary institutions under the governance of the Board will be accomplished by the Board's Academic Affairs and Program Committee (AAPC) or its designee. Should the course be evaluated as comparable to a course offered by an Idaho institution, it will be designated as "comparable" on the registration form; should the course not be comparable, it will be designated as "not comparable" on the form. Any interested person who makes inquiry concerning such course will be told whether the course is comparable or not comparable to offerings available from Idaho institutions. Academic credit for courses evaluated as not comparable shall not be accepted by Idaho postsecondary institutions under the direction and control of the Board. Courses or programs evaluated as comparable will be accepted for academic credit by Idaho's public postsecondary institutions and thus shall be fully transferable among the institutions. (3-18-99)

04. Fee Schedules. The State Board of Education, through its Academic Affairs and Program Committee, has set the following fee schedule: (3-18-99)

- a. Processing fee of one hundred dollars (\$100) per course or program. (3-18-99)
- b. Impact fee for use of library facilities of fifty dollars (\$50) per student. (3-18-99)

IDAPA 08 - IDAHO STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1999, Idaho Administrative Bulletin, Volume 99-10, pages 180 through 185.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Mike Stefanic at (208) 332-6884.

DATED this 9th day of November, 1999

Dr. Michael P. Stefanic
Administrator/Professional Standards Commission
& Chief Certification Officer
Idaho State Department of Education
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0027
(208) 332-6884 / Facsimile (208) 334-4664

**IDAPA 08
TITLE 02
Chapter 02**

RULES GOVERNING UNIFORMITY

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 180 through 185.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 08 - IDAHO STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-9901

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 22, 1999. The pending rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 33-105(1), 33-107(3), 33-116, 33-118, 33-119 and 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

To establish state exiting standards as a minimum requirement of graduation from the public schools. In addition, due to the adoption of the exiting standards, the rules in this chapter all have been renumbered. The renumbering involves only technical corrections made to the current rules and no substantive changes were made. The amendment to the temporary rule is to change the implementation date of the exiting standards to effect the graduating class of 2005 instead of the class of 2004.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the July 7, 1999 Idaho Administrative Bulletin, Volume 99-7, pages 15 through 81.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lydia Guerra, State Department of Education, (208)332-6800.

DATED this 10th day of November, 1999

Kevin Satterlee, Deputy Attorney General
State Board of Education
650 W. State Street
PO Box 83720
Boise, ID 83720-0037
Phone: (208)334-2270
FAX: (208)334-2632

**IDAPA 08
TITLE 02
Chapter 03**

RULES GOVERNING THOROUGHNESS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule and temporary rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 15 through 81.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-9901

200. STATE EXITING STANDARDS.

As stated in rule 105.02 of these Thoroughness rules, all students graduating from Idaho public high schools must meet locally established exiting standards. The standards set forth below in rules 200 through 600, inclusive, are state exiting standards that shall be the minimum standards used by every school district in the state in order to establish a level of academic achievement necessary to graduate from Idaho's public schools. Each school district may set standards more rigorous than these state exiting standards but no district shall use any standards less rigorous than those set forth in these rules. The implementation time for these Exiting Standards rules is the graduating senior class of 2004⁵. However, these rules are promulgated and effective as of July 1, 1999 to give school districts time to meet the state exiting standards for the graduating class of 2004⁵. Definitions of terms used in the state exiting standards are found at sections 210 through 215 and a glossary of mathematical terms is found at section 216.

(7-1-99)T(10-22-99)T

IDAPA 08 - IDAHO STATE DEPARTMENT OF EDUCATION

08.02.04 - RULES GOVERNING CHARTER SCHOOLS

DOCKET NO. 08-0204-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion becomes final and effective immediately by the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5223, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-5203, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

In House Bill 310, the Idaho legislature enacted amendments to Section 33-5203, Idaho Code, to provide that the date for calculating unused allotments of charter schools is June 1 of each year rather than October 1. The proposed rule makes the date for calculating unused allotments consistent with Section 33-5203, Idaho Code.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 186 and 187.

ASSISTANCE OF TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald C. Robertson, Deputy Attorney General at (208) 332-6812.

DATED this 12th of November, 1999.

Donald C. Robertson
Deputy Attorney General
Idaho Department of Education
650 W. State St.
P.O. Box 83720
Boise, ID 83720-0027
(208) 332-6812 / Facsimile (208) 334-2228

**IDAPA 08
TITLE 02
Chapter 04**

RULES GOVERNING CHARTER SCHOOLS

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 186 and 187.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-9902
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule is published in the Idaho Administrative Bulletin, Volume 99-10, pages 194 through 196.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jean Hull at 208/334-6280

DATED this 9th day of November, 1999.

Jean Hull
Unemployment Insurance Administrator
Department of Labor
317 W. Main Street
Boise, ID 83735
208/334-6280 / Fax: 208/334-6301

IDAPA 09
TITLE 01
Chapter 30

RULES OF THE BENEFITS BUREAU

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 194 through 196.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU
DOCKET NO. 09-0135-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10 pages 197 through 199.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mark Whitworth, Chief, Employer Accounts Bureau, Idaho Department of Labor, at 208/334-6385.

DATED this 9th day of November, 1999.

Roger B. Madsen
Director
Idaho Department of Labor
317 W. Main Street
Boise, Idaho 83735
208/334-6110
Fax: 208/334-6430

IDAPA 09
TITLE 01
Chapter 35

RULES OF THE EMPLOYER ACCOUNTS BUREAU

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 197 through 199.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 09 - DEPARTMENT OF LABOR
09.06.01 - RULES GOVERNING PHYSICAL EXAMINATION REQUIREMENTS
AND PROCEDURES FOR PAID FIREMEN

DOCKET NO. 09-0601-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The pending rule is being adopted as proposed. The original notice of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, page 200.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Craig G. Bledsoe at 208/334-6256.

DATED this 9th day of November, 1999.

Craig G. Bledsoe
Deputy Attorney General
Department of Labor
317 W. Main Street
Boise, Idaho 83735
208/334-6256 / Fax: 208/334-6125

IDAPA 09
TITLE 06
Chapter 01

RULES GOVERNING PHYSICAL EXAMINATION REQUIREMENTS
AND PROCEDURES FOR PAID FIREMEN

This Rule Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-10, October 6, 1999, page 200.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.06.02 - RULES GOVERNING MINIMUM MEDICAL AND HEALTH
STANDARDS FOR PAID FIREMEN

DOCKET NO. 09-0602-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The pending rule is being adopted as proposed. The original notice of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, page 201.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Craig G. Bledsoe at 208/334-6256.

DATED this 9th day of November, 1999.

Craig G. Bledsoe
Deputy Attorney General
Department of Labor
317 W. Main Street
Boise, Idaho 83735
208/334-6256
Fax: 208/334-6125

IDAPA 09
TITLE 06
Chapter 02

RULES GOVERNING MINIMUM MEDICAL AND HEALTH STANDARDS FOR PAID FIREMEN

This Rule Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, page 201.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.06.03 - RULES GOVERNING MINIMUM MENTAL EXAMINATION
REQUIREMENTS FOR PAID FIREMEN

DOCKET NO. 09-0603-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The pending rule is being adopted as proposed. The original notice of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, page 202.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Craig G. Bledsoe at 208/334-6256.

DATED this 9th day of November, 1999.

Craig G. Bledsoe
Deputy Attorney General
Department of Labor
317 W. Main Street
Boise, Idaho 83735
208/334-6256 / Fax: 208/334-6125

IDAPA 09
TITLE 06
Chapter 03

RULES GOVERNING MINIMUM MENTAL EXAMINATION
REQUIREMENTS FOR PAID FIREMEN

This Rule Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-10, October 6, 1999, page 202.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.06.04 - RULES GOVERNING MINIMUM PHYSICAL PERFORMANCE STANDARDS TEST

DOCKET NO. 09-0604-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The pending rule is being adopted as proposed. The original notice of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, page 203.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Craig G. Bledsoe at 208/334-6256.

DATED this 9th day of November, 1999.

Craig G. Bledsoe
Deputy Attorney General
Department of Labor
317 W. Main Street
Boise, Idaho 83735
208/334-6256
Fax: 208/334-6125

IDAPA 09
TITLE 06
Chapter 04

RULES GOVERNING MINIMUM PHYSICAL PERFORMANCE STANDARDS TEST

This Rule Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, page 203.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Idaho Administrative Bulletin, Volume 99-10, pages 204 through 209.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael N. Becar at (208) 884-7250.

DATED this 26th day of October, 1999.

Michael N. Becar, Executive Director
Department of Law Enforcement
Peace Officer Standards and Training Council
700 South Stratford Drive
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7250
(208) 884-7295 (FAX)

IDAPA 11
TITLE 11
Chapter 01

RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 204 through 209.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT

11.13.01 - THE MOTOR CARRIER RULES

DOCKET NO. 11-1301-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-2901(A), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodations must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a statement in non-technical language of the substance of the proposed rule:

Regulatory authority over motor carriers operating within the state of Idaho was transferred on March 26, 1999, via House Bill 335, as Amended (1999 Session Laws Chapter 383) from the Public Utilities Commission to the Department of Law Enforcement and the Idaho Transportation Department. In order to facilitate the transfer of regulatory functions, the Department of Law Enforcement has transferred certain rules of the Idaho Public Utilities Commission relating to motor carriers, and has taken the opportunity to clarify certain other rules. This rule clarifies the need for vehicle and carrier identification numbers.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule complies with deadlines in amendments to governing law.

FEE SUMMARY: There is no fee or charge imposed by this rule.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule is complying with amendments to governing law and is merely transferring duties between agencies.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sandra DeKlotz at (208) 884-7200.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2000.

DATED this 17th day of November, 1999.

Margaret P. White
Law Enforcement Unit
Attorney General's Office
P.O. Box 700
Meridian, Idaho 83680-0700
Telephone: (208) 884-7050
Fax: (208) 884-7090

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1301-0001

020. -- 0292. (RESERVED).

023. VEHICLE AND CARRIER IDENTIFICATION (Rule 23).

01. Identification Number. Each carrier (except limousines or other similar passenger vehicles seating fewer than seven passengers) must display in a conspicuous place on both sides of each self-powered vehicle that it operates in Idaho in letters at least two (2) inches high, the name or trade name of the motor carrier operating the vehicle, and a "U.S.D.O.T." number. (Drive away vehicles must display a temporary identification (U.S.D.O.T.) number. To obtain a U.S.D.O.T. number, the carrier must complete and return the appropriate forms (OMC-151) supplied by the: (7-1-99)T

- a. Idaho Transportation Department (ITD) located at 3311 West State, Boise, Idaho; (7-1-99)T
- b. Office of Motor Carrier Safety (OMCS) located at 3150 W. State, Suite 126, Boise, Idaho; or
(7-1-99)T
- c. Idaho State Police CVS Division, (ISP) located at 700 W. Stratford Drive, Meridian, Idaho.
(7-1-99)T

02. Display Of Number. The number shall be displayed in the following form: U.S.D.O.T.
_____ (7-1-99)T

03. Removal Of Number. The U.S.D.O.T. number is specific to the motor carrier and should be removed when the carrier is no longer operating the vehicle. (7-1-99)T

024. -- 029. (RESERVED).

IDAPA 12 - DEPARTMENT OF FINANCE
12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT
DOCKET NO. 12-0108-0001
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective February 1, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 30-1448 and 30-1435(1)(p), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking incorporates recent amendments made to national securities registration review standards. By making these amendments, Idaho's review standards will continue to be consistent with those of a majority of states.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons

Rule changes will update Department policies concerning: Corporate securities definitions, impoundment of proceeds, options and warrants, promotional shares, use of proceeds, underwriting expenses, underwriter's warrants, selling expenses, selling security holders and unsound financial condition.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

NEGOTIATED RULEMAKING Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because comments on these rules were previously solicited on a national level by the North American Securities Administrators Association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Marilyn T. Scanlan, Bureau Chief, (208) 332-8070.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2000.

DATED this 17th day of November, 1999.

Marilyn T. Scanlan
Bureau Chief
Department of Finance
Securities Bureau
700 W. State, 2nd Floor
P. O. Box 83720
Boise, Idaho 83720-0031
Phone: (208) 332-8070
Fax: (208) 332-8099
e-mail: mscanlan@fin.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 12-0108-0001

231. ADOPTION OF NASAA STATEMENT OF POLICY (Rule 231).

01. Statements Of Policy For Offerings Registered. The following North American Securities Administrators Association (NASAA) Statements of Policy for offerings registered pursuant to Sections 30-1420 and 30-1423, Idaho Code, are adopted: (11-1-98)

- a. Loans and other material affiliated transaction, as adopted with amendments through November 18, 1997; (11-1-98)
- b. Options and warrants, as adopted with amendments through ~~November 18, 1997~~ September 28, 1999; ~~(11-1-98)~~(2-1-00)T
- c. Corporate securities definitions, as adopted with amendments through April 27, 1997 ~~September 28, 1999;~~ ~~(11-1-98)~~(2-1-00)T
- d. Impoundment of proceeds, as adopted with amendments through ~~April 27, 1997~~ September 28, 1999; ~~(11-1-98)~~(2-1-00)T
- e. Preferred stock, as adopted with amendments through April 27, 1997; (11-1-98)
- f. Promotional shares, as adopted with amendments through April 27, 1997 ~~September 28, 1999;~~ ~~(11-1-98)~~(2-1-00)T
- g. Promoters' equity investment, as adopted with amendments through April 27, 1997; (11-1-98)
- h. Specificity in use of proceeds, as adopted with amendments through April 27, 1997 ~~September 28, 1999;~~ ~~(11-1-98)~~(2-1-00)T
- i. Underwriting expenses, underwriter's warrants, selling expenses, and selling securities holders, as adopted with amendments through ~~April 27, 1997~~ September 28, 1999; ~~(11-1-98)~~(2-1-00)T
- j. Unsound, financial condition, as adopted with amendments through April 27, 1997 ~~September 28, 1999;~~ ~~(11-1-98)~~(2-1-00)T and
- k. Unequal voting rights, as adopted October 24, 1991. (11-1-98)

02. Compliance With Requirements. An offering registering pursuant to Sections 30-1420 and 30-1423, Idaho Code, that falls within one (1) or more of the statements of policy listed in Subsection 231.01 of this Section must comply with the requirements of said statement of policy or policies. (11-1-98)

03. Publications Of Statements Of Policy. The statements of policy referred to in Subsection 231.01 of this Section are found in CCH NASAA Reports published by Commerce Clearing House. Copies are also available at the Idaho Department of Finance. (11-1-98)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-9802

NOTICE OF RESCISSION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5221, 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 36-104(b)(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rescinding the temporary rule.

This temporary rule has been superceded.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule, contact Steve Barton at 208-334-3781

DATED this day 19th of November 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-3148

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 36-104(b)(2), Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104(b)(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Landowner appreciation permit rule changes to comply with statute amendments by House Bill 167, and set the permit levels for the 1999 seasons. Also sets 1999 outfitter allocations.

The pending rule is being adopted as proposed. The original text of the proposed rule were published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 99 through 114.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Barton at 208-334-3781.

DATED this 19th day of November, 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-3148

**IDAPA 13
TITLE 01
Chapter 04**

RULES GOVERNING LICENSING

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 99 through 114.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-9902

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104(b)(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

These amendments delete the season material for moose, sheep, goat, deer, elk, antelope, bear, and mountain lion. These 1999 seasons have been set by Commission Proclamation. Additionally, several rules were amended and corrected. Rule 421, Mandatory Report Form, is being amended to be consistent with Legislative action. (House Concurrent Resolution No. 18.) This action is effective March 19, 1999.

House Bill 727 of the 1998 Legislative Session allowed for the setting of seasons and takes by Commission Proclamation. It also allowed for the deletion of all sections in this rule that listed the seasons and take limits.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 116 through 159.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lonk Kuck at 208-334-2920.

DATED this 19th day of November 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25, Boise, ID 83707
208-334-3715/FAX: 208-334-3148

**IDAPA 13
TITLE 01
Chapter 08**

RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 116 through 159.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO
DOCKET NO. 13-0109-9802
NOTICE OF RESCISSION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5221, 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 36-104(b)(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rescinding the temporary rule.

This rule set the 1998 turkey seasons, and has been superceded.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule, contact Tom Hemker at 208-334-2920.

DATED this day 19th of November 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
PHONE: 208-334-3715
FAX: 208-334-3148

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO
DOCKET NO. 13-0109-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104(b)(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

These amendments delete season material for turkey, sandhill crane, and early goose, and delete redundant unit boundary descriptions. The 1999 turkey, sandhill crane, and early goose seasons were set by Commission proclamation. Additionally, the rules were amended to allow a second turkey tag in some areas.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 160 through 171.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Hemker, 208-334-2920.

DATED this 19th day of November 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-3148

IDAPA 13
TITLE 01
Chapter 09

RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 160 through 171.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.15 - RULES GOVERNING THE USE OF DOGS
DOCKET NO. 13-0115-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104(b)(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

House Concurrent Resolution No. 18, 1999 session, rejected pending rules in this area. These rules are the result of discussions with Legislators and negotiations with hound hunter organizations.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 173 through 176.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lonk Kuck, 208-334-2920.

DATED this 19th day of November 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-3148

IDAPA 13
TITLE 01
Chapter 15

RULES GOVERNING THE USE OF DOGS

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 173 through 176.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 15 - OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING

15.01.01 - RULES GOVERNING SENIOR SERVICES PROGRAM

DOCKET NO. 15-0101-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 15, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 67-5003, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Clarifies roles of volunteer and paid respite staff; clarifies duties related to medical attention and procedures; use of UAI in case management evaluation; and refers code of conduct to that of homemaker program

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

For protection of the public health, safety or welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No fee or charge is being imposed or increased.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rules are not considered controversial and are effectively adjusted for purposes of clarifying job descriptions and answering service provision questions.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ken Wilkes at 208/334-2219.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2000.

DATED this November 12, 1999.

Lupe Wissel, Director
Idaho Commission on Aging
3380 Americana Terrace, Suite 120
PO Box 83720
Boise, ID 83720-0007
Phone: 208/334-3833
Fax: 208/334-3033

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0101-0001

044. RESPITE.

01. Policy. Respite is a ~~volunteer-based program~~ Home and Community Based Service designed to encourage and support efforts of family caregivers to maintain functionally or cognitively impaired elderly relatives at home. The family may utilize respite care to meet emergency needs, to restore or maintain the physical and mental well being of family caregivers, and provide socialization for the client. ~~Respite Paid respite staff and~~ volunteers provide companionship and/or personal care services when needed and appropriate for the homebound consumer/client so the caregiver can attend to personal business or recreational interests outside the home in the absence of the caregiver. This allows the caregiver intervals of needed relief. ~~The Respite Care Service provides no hands-on care.~~
(7-1-98)(11-15-99)T

02. Eligibility. (7-1-98)

a. The client shall be homebound or have physical or cognitive impairments affecting ADL or IADL functioning to the extent twenty-four (24) hour care or supervision is required. (7-1-98)(11-15-99)T

b. Functionally or cognitively-impaired persons under sixty (60) years of age living in the household of a person sixty (60) years of age or older are eligible to receive Respite. (7-1-98)

03. Exclusions Service Limitations. (7-1-98)(11-15-99)T

a. ~~Respite care volunteers shall not perform housework, prepare meals, or provide any type of nursing or medical care.~~ Personal care services incidental to in-home respite care may be performed when necessary by trained paid or volunteer workers to help facilitate caregiver relief. Respite workers may provide assistance with personal care when such services are not otherwise available. (7-1-98)(11-15-99)T

b. Services requiring supervision of a registered nurse in accordance with the Nurse Practices Act shall not be performed by respite workers. (11-15-99)T

c. The contractor shall provide adequate and appropriate insurance coverage prior to assigning respite employees or volunteers to assist clients with personal care tasks. (11-15-99)T

~~bd.~~ Respite care volunteers shall not transport clients. (7-1-98)

04. Service Priority Eligibility Determination. ~~All approvals to receive respite services shall be based on an in-home visit and completion of the UAI. A UAI assessment shall be completed by the Area Agency on Aging (AAA) case management program (where case management is offered as a service by the AAA) for respite services exceeding three visits or for a plan of care that exceeds two (2) weeks. Highest priority shall be given to clients with the greatest degree of functional or cognitive impairment and then to clients lacking informal supports other than the regular caregiver.~~
(7-1-98)(11-15-99)T

05. Volunteer and Employee Recruitment, Training, And Supervision. (7-1-98)(11-15-99)T

a. Job Descriptions. All respite care programs shall have written job descriptions for employees and volunteers. (7-1-98)(11-15-99)T

b. Employee and Volunteer Screening. All respite care programs shall accept applications from, interview, and screen ~~volunteers prior to placement~~ all potential respite workers prior to employment. (7-1-98)(11-15-99)T

c. Orientation and Training. All respite care employees and volunteers shall receive ~~a minimum of three (3) hours~~ necessary orientation and training prior to placement. (7-1-98)(11-15-99)T

d. ~~Respite providers~~ Contractors. ~~Respite providers~~ contractors shall be available to ~~volunteers~~ all respite workers to discuss changes in client circumstances, ~~resolve scheduling problems, and respond to emergency situations and service provision.~~ (7-1-98)(11-15-99)T

e. The regular caregiver is responsible for providing the appropriate caregiving instructions to the respite worker. The contractor shall insure that this meeting takes place between the caregiver and respite worker prior to providing services. (11-15-99)T

06. Medical Emergencies. Employees and volunteers, in performance of their respite duties, shall in the case of an emergency immediately call 911 or the available emergency medical service. (11-15-99)T

07. Conduct Of Volunteers And Employees. Rules relating to conduct of homemakers, as set forth in IDAPA 15.01.01.041.09, shall also apply to the conduct of respite workers. (11-15-99)T

068. Client Outreach. In coordination with Information & Assistance (I&A) and other referral sources, providers shall actively promote the program. (7-1-98)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9901

NOTICE OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective November 19, 1999. This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a pending rule and amended a temporary rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code. In addition, 40 CFR Part 60, Subparts Cc and Ce require that states implement federal emission guidelines to control the emissions of hospital/medical/infectious waste incinerators (HMIWIs) and municipal solid waste landfills. 40 CFR Part 60, Subparts Ec and WWW contain standards of performance for new stationary sources of HMIWIs and municipal solid waste landfills, which are not required but are included in this rulemaking. 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999) (to be codified at 40 CFR Part 60, Subparts Cc and WWW).

DESCRIPTIVE SUMMARY: Federal law requires states to implement EPA's emission guidelines to control the emissions of HMIWIs and certain municipal solid waste landfills. In June 1999, the Board adopted a temporary rule to meet those federal requirements. The temporary rule provided an enforceable mechanism in the state rules to implement and enforce the emission guidelines through adoption of an approvable state plan for certain municipal solid waste landfills and HMIWIs. A state plan will allow Idaho more control in implementing EPA's emissions guidelines. In addition, the temporary rule included standards of performance for new stationary sources of HMIWIs and municipal solid waste landfills. The temporary rule also updated the incorporation by reference of 40 CFR Part 60 by adding amendments published at 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999) (to be codified at 40 CFR Part 60).

In August 1999, the Department of Health and Welfare, Division of Environmental Quality (DEQ) proposed final adoption of the temporary rule, inviting the public to comment on the rule. Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 28 through 44. DEQ received comments from the public concerning the proposed rule. DEQ's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public and an explanation of the reasons for changes between the text of the proposed rule and the text of the pending rule, is included in the rulemaking record maintained by DEQ at 1410 N. Hilton, Boise, ID 83706. Upon DEQ's recommendation, the Board revised the proposed rule at Sections 859, 860, 861 and 862 as provided at Section 67-5227, Idaho Code. Section 107 has been adopted as initially proposed but has been republished to correct an error made by the Office of Administrative Rules. Rather than keep the temporary rule in place while the pending rule awaits legislative review, the Board amended the temporary rule with the same revisions which have been made to the proposed rule.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Tim Teater at (208)373-0502 or tteater@deq.state.id.us.

Dated this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 01

RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed and temporary rule was published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 28 through 44.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0101-9901

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

02. Availability Of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

a. All federal publications: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at (202) 783-3238; and (5-1-94)

b. All documents herein incorporated by reference: (7-1-97)

i. Central Office, Division of Environmental Quality, Department of Health and Welfare, 1410 N. Hilton, Boise, Idaho 83706 at (208) 373-0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

03. Documents Incorporated By Reference. The following documents are incorporated by reference into these rules: (5-1-94)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Appendix W to Part 51--Guideline on Air Quality Models. 40 CFR Parts 51 and 52 revised as of July 1, 1998. (3-19-99)

b. Implementation Plan for the Control of Air Pollution in the State of Idaho (SIP), Division of Environmental Quality, Department of Health and Welfare, November 1996. (3-19-99)

- c. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 1998. (3-19-99)
- d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, Identification of Integral Vistas, Subsection a, 40 CFR Part 51.304(a), revised as of July 1, 1998. (3-19-99)
- e. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, revised as of July 1, 1998. (3-19-99)
- f. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 1998. (3-19-99)
- g. Ambient Air Quality Surveillance, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD Air Monitoring), 40 CFR Part 58, Appendix B, revised as of July 1, 1998. (3-19-99)
- h. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 1998. (3-19-99)
- i. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 1998. (3-19-99)
- j. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 1998. (3-19-99)
- k. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 1998. (11-13-98)T
- l. Permits, 40 CFR Part 72, revised as of July 1, 1998. (3-19-99)
- m. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 1998. (3-19-99)
- n. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 1998. (3-19-99)
- o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
- p. 63 Fed. Reg. 32,743-53 (June 16, 1998) (to be codified at 40 CFR Part 60), amending 40 CFR Part 60, Subparts Cc and WWW. (7-2-99)T
- q. 64 Fed. Reg. 9,257-62 (February 24, 1999) (to be codified at 40 CFR Part 60), amending 40 CFR Part 60, Subparts Cc and WWW. (7-2-99)T

(BREAK IN CONTINUITY OF SECTIONS)

859. STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMMENCED CONSTRUCTION, RECONSTRUCTION OR MODIFICATION ON OR AFTER MAY 30, 1991.

- 01. Applicability.** All owners or operators of each small or large municipal solid waste landfills in any one (1) of the following categories are subject to ~~this~~ Section ~~859~~: ~~(7-2-99)T~~~~(11-19-99)T~~
- a. Landfills constructed after May 30, 1991; (7-2-99)T
 - b. Existing landfills with modifications after May 30, 1991; or (7-2-99)T

- c. Landfills that closed after November 8, 1987 with modifications after May 30, 1991. (7-2-99)T

02. Definitions. Unless specifically provided otherwise immediately below, the definitions for all terms set forth in ~~this~~ Section 859 shall be the definitions set forth in 40 CFR Part 60. The following definitions apply to this Section: ~~(7-2-99)T~~(11-19-99)T

a. "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60. (7-2-99)T

- b. "Effective date" means July 2, 1999. (7-2-99)T

c. "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition. (7-2-99)T

d. "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to two point five (2.5) million megagrams or two point five (2.5) million cubic meters. (7-2-99)T

e. "Modification" means an action that results in an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion. (7-2-99)T

f. "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification). (7-2-99)T

g. "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 1991. (7-2-99)T

h. "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than two point five (2.5) million megagrams or two point five (2.5) million cubic meters. (7-2-99)T

03. General Requirements. All owners or operators of landfills subject to ~~this~~ Section 859 must comply with 40 CFR Part 60, Subpart WWW, as amended by 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257- 62 (February 24, 1999) and incorporated by reference into these rules at Section 107. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" shall be substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state. ~~(7-2-99)T~~(11-19-99)T

04. Permitting Requirements. All owners or operators of landfills subject to ~~this~~ Section 859 must comply with Federal Operating Permit Requirements (Title V) as specified in Sections 300 through 399 of these rules: ~~(7-2-99)T~~(11-19-99)T

a. All owners or operators of existing large landfills with modifications after May 30, 1991 must submit a complete Federal Operating Permit application by June 1, 2000. (7-2-99)T

- b. All owners or operators of existing large landfills with modifications after March 12, 1996 must

submit a complete Federal Operating Permit application the earliest of one (1) year from the date EPA approves the Clean Air Act Section 111(d) State Plan for ~~this~~ Section 859, or within one (1) year of the modification.

~~(7-2-99)T~~(11-19-99)T

c. All owners or operators of new large landfills, which includes newly constructed large landfills after March 12, 1996 and existing small landfills that become large landfills after March 12, 1996 must submit a complete Federal Operating Permit application within one (1) year of becoming subject to this requirement.

(7-2-99)T

d. All owners or operators of new and modified existing small landfills that are major sources as defined in 40 CFR Part 60, Subpart WWW, as amended by 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999), must submit a complete Federal Operating Permit application within one (1) year of becoming a major source.

(7-2-99)T

05. Reporting Requirements. All owners or operators of landfills subject to ~~this~~ Section 859 must comply with the following:

~~(7-2-99)T~~(11-19-99)T

a. All owners or operators of large landfills must:

(7-2-99)T

i. Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within thirty (30) days of the effective date of ~~this~~ Section 859; and

~~(7-2-99)T~~(11-19-99)T

ii. Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are less than fifty (50) ~~m~~Mg/yr.

~~(7-2-99)T~~(11-19-99)T

b. All owners or operators of small landfills of ~~this~~ Section 859 must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within thirty (30) days of the effective date of ~~this~~ Section 859.

~~(7-2-99)T~~(11-19-99)T

c. All owners or operators of landfills subject to ~~this~~ Section 859 after the effective date of ~~this~~ Section 859 must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within thirty (30) days of becoming subject to ~~this~~ Section 859.

~~(7-2-99)T~~(11-19-99)T

860. EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMMENCED CONSTRUCTION, RECONSTRUCTION OR MODIFICATION BEFORE MAY 30, 1991.

01. Applicability. All owners or operators of any small or large municipal solid waste landfills in the following categories are subject to ~~this~~ Section 860:

~~(7-2-99)T~~(11-19-99)T

a. Landfills that have accepted waste since November 8, 1987;

(7-2-99)T

b. Landfills with no modifications after May 30, 1991; or

(7-2-99)T

c. Landfills that closed after November 8, 1987 with no modifications after May 30, 1991. (7-2-99)T

02. Definitions. Unless specifically provided otherwise immediately below, the definitions for all terms set forth in ~~this~~ Section 860 shall be the definitions set forth in 40 CFR Part 60. The following definitions apply to ~~this~~ Section 860:

~~(7-2-99)T~~(11-19-99)T

a. "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60.

(7-2-99)T

b. "Effective date" means July 2, 1999.

(7-2-99)T

c. "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition. (7-2-99)T

d. "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to two point five (2.5) million megagrams or two point five (2.5) million cubic meters. (7-2-99)T

e. "Modification" means an action that results in an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion. (7-2-99)T

f. "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification). (7-2-99)T

g. "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 1991. (7-2-99)T

h. "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than two point five (2.5) million megagrams or two point five (2.5) million cubic meters. (7-2-99)T

03. General Requirements. All owners or operators of landfills subject to ~~this~~ Section 860 must comply with, 40 CFR Section 60.30c through 60.36c and 40 CFR Section 60.751 through 60.759 as amended by 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999) and incorporated by reference into these rules at Section 107. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" shall be substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state. (~~7-2-99~~)T(11-19-99)T

04. Permitting Requirements. All owners or operators of landfills subject to ~~this~~ Section 860 must comply with Federal Operating Permit Requirements (Title V) as specified in Sections 300 through 399 of these rules: (~~7-2-99~~)T(11-19-99)T

a. All owners or operators of existing large landfills must submit a complete Federal Operating Permit application one (1) year after EPA approves the Clean Air Act Section 111(d) State Plan associated with ~~this~~ Section 860. (~~7-2-99~~)T(11-19-99)T

b. All owners or operators of existing small landfills that are major sources must submit a complete Federal Operating Permit application within one (1) year of becoming a major source. (7-2-99)T

05. Reporting Requirements. All owners or operators of landfills subject to ~~this~~ Section 860 ~~must~~ shall comply with the following: (~~7-2-99~~)T(11-19-99)T

a. All owners or operators of large landfills must: (7-2-99)T

i. Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within ninety (90) days of the effective date of ~~this~~ Section 860 and; (~~7-2-99~~)T(11-19-99)T

ii. Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are less than fifty (50) ~~m~~Mg/yr. (~~7-2-99~~)T(11-19-99)T

b. All owners or operators of small landfills must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within ninety (90) days of the effective date of ~~this~~ Section 860. ~~(7-2-99)T~~(11-19-99)T

06. Compliance Schedules And Increments Of Progress. All owners or operators of landfills subject to Section 860 that have a nonmethane organic compound emission rate fifty (50) Mg/yr or greater as specified in 40 CFR Section 60.752(b)(2) shall comply with the following schedule: (11-19-99)T

a. The owner or operator of an existing large landfill must submit their first Annual Emission Rate Report with the design capacity report no later than July 31, 2000. (11-19-99)T

b. The owner or operator of an existing landfill shall submit a collection and control system design plan within one (1) year of the date of the first Annual Emission Rate Report showing that the nonmethane organic compound emission rate is fifty (50) Mg/yr or greater as specified in 40 CFR Section 60.752(b)(2). (11-19-99)T

c. The owner or operator of an existing landfill shall award contracts for construction of collection and control systems or orders for purchase of components no later than January 31, 2002. (11-19-99)T

d. The owner or operator of an existing landfill shall initiate on-site construction or installation of the collection and control systems no later than April 30, 2002. (11-19-99)T

e. The owner or operator of an existing landfill shall complete, no later than September 30, 2002, on-site construction or installation of collection and control systems capable of meeting the requirements of Section 860. (11-19-99)T

f. The owner or operator of an existing landfill shall comply with Section 860 no later than September 30, 2002. (11-19-99)T

07. Compliance Schedules And Increments Of Progress For Municipal Solid Waste Landfills That Have Nonmethane Organic Compound Emission Rates Less Than 50 Mg/yr. All owners or operators of landfills subject to Section 860 that have nonmethane organic compound emission rates less than fifty (50) Mg/yr on or after November 19, 1999 shall install collection and control systems within thirty (30) months after the date the first annual nonmethane organic compound emission rate equals or exceeds fifty (50) Mg/yr as specified in 40 CFR Section 60.36c(b). (11-19-99)T

861. STANDARDS OF PERFORMANCE FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS THAT COMMENCED CONSTRUCTION AFTER JUNE 20, 1996, OR FOR WHICH MODIFICATION IS COMMENCED AFTER MARCH 16, 1998.

01. Applicability. All owners or operators of each individual hospital/medical/infectious waste incinerator for which construction is commenced after June 20, 1996 or for which modification is commenced after March 16, 1998 are subject to ~~this~~ Section 861 except as noted in Subsection 861.02. ~~(7-2-99)T~~(11-19-99)T

02. Exemptions. (7-2-99)T

a. A combustor is not subject to ~~this~~ Section 861 during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor: ~~(7-2-99)T~~(11-19-99)T

i. Notifies the Department of an exemption claim; and (7-2-99)T

ii. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned. (7-2-99)T

b. Any co-fired combustor is not subject to ~~this~~ Section 861 if the owner or operator of the co-fired combustor: ~~(7-2-99)T~~(11-19-99)T

- i. Notifies the Department of an exemption claim; (7-2-99)T
- ii. Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and (7-2-99)T
- iii. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor. (7-2-99)T
- c. Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to ~~this~~ Section 861; (~~7-2-99~~)T(11-19-99)T
- d. Any combustor which meets the applicability requirements under 40 CFR Part 60, Subparts Cb, Ea or Eb (relates to certain municipal waste combustors) is not subject to ~~this~~ Section 861; (~~7-2-99~~)T(11-19-99)T
- e. Any pyrolysis unit is not subject to ~~this~~ Section 861; (~~7-2-99~~)T(11-19-99)T
- f. Cement kilns firing hospital waste and/or medical/infectious waste are not subject to ~~this~~ Section 861; (~~7-2-99~~)T(11-19-99)T
- g. Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission guidelines under 40 CFR Part 60, Subpart Ce are not considered a modification and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to ~~this~~ Section 861; (~~7-2-99~~)T(11-19-99)T
- h. Affected facilities subject to ~~this~~ Section 861 are not subject to the requirements of 40 CFR Part 64. (~~7-2-99~~)T(11-19-99)T
- 03. Definitions.** As used in ~~this~~ Section 861, definitions shall have the meaning given in 40 CFR Part 60 including, but not limited to: (~~7-2-99~~)T(11-19-99)T
- a. “Chemotherapeutic waste” means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. (7-2-99)T
- b. “Co-fired combustor” means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered “other” wastes when calculating the percentage of hospital waste and medical/infectious waste combusted. (7-2-99)T
- c. “Hospital” means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuous medical supervision. (7-2-99)T
- d. “Hospital/medical/infectious waste incinerator” or HMIWI means any device that combusts any amount of hospital waste and/or medical/infectious waste. (7-2-99)T
- e. “Hospital waste” means discards generated at a hospital, except unused items returned to the manufacturer. This definition does not include human corpses, remains and anatomical parts intended for interment or cremation. (7-2-99)T
- f. “Infectious agent” means any organism such as a virus or bacteria that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans. (7-2-99)T

g. "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)). (7-2-99)T

h. "Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals that is listed in Subsections 861.03.h.i. through 861.03.h.vii. The definition of medical/infectious waste does not include hazardous waste identified or listed under 40 CFR Part 261; household waste as defined in 40 CFR Section 261.4(b)(1); ash from incineration of medical/infectious waste once the incineration process is completed; human corpses, remains, and anatomical parts intended for interment or cremation; and domestic sewage materials identified in 40 CFR Section 261.4(a)(1): (7-2-99)T

i. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate and mix cultures. (7-2-99)T

ii. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers. (7-2-99)T

iii. Human blood and blood products including: (7-2-99)T

(1) Liquid waste human blood; (7-2-99)T

(2) Products of blood; (7-2-99)T

(3) Items saturated and/or dripping with human blood; or (7-2-99)T

(4) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category. (7-2-99)T

iv. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips. (7-2-99)T

v. Animal waste including contaminated animal carcasses, body parts and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals. (7-2-99)T

vi. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases. (7-2-99)T

vii. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes and scalpel blades. (7-2-99)T

i. "Modification or modified hospital/medical/infectious waste incinerator" means any change to a hospital/medical/infectious waste incinerator unit after the effective date of this Section such that July 2, 1999: (7-2-99)T(11-19-99)T

(1) The cumulative costs of the modifications, over the life of the unit, exceed fifty percent (50%) of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or (7-2-99)T

(2) The change involves a physical change or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under Sections 129 or 111 of the Clean Air Act. (7-2-99)T

j. "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material and animal bedding (if applicable); (7-2-99)T

k. "Pyrolysis" means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy. (7-2-99)T

04. Requirements. The following requirements apply to all owners or operators of HMIWI subject to ~~this Section 861.~~ (7-2-99)T(11-19-99)T

a. All owners or operators of hospital/medical/infectious waste incinerators subject to ~~this Section 861~~ must comply with 40 CFR Part 60, Subpart Ec as incorporated by reference into these rules at Section 107. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" shall be substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state. (7-2-99)T(11-19-99)T

b. Beginning September 15, 2000 or on the effective date of an EPA-approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 CFR Part 70, whichever date is later, affected facilities shall operate pursuant to a permit issued under the EPA approved state operating permit program. (7-2-99)T

862. EMISSION GUIDELINES FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS THAT COMMENCED CONSTRUCTION BEFORE JUNE 20, 1996.

01. Applicability. All owners or operators of each individual hospital/medical/infectious waste incinerator for which construction is commenced on or before June 20, 1996, are subject to ~~this Section 862~~ except as noted in Subsection 862.02. (7-2-99)T(11-19-99)T

02. Exemptions. (7-2-99)T

a. A combustor is not subject to ~~this Section 862~~ during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor: (7-2-99)T(11-19-99)T

i. Notifies the Department of an exemption claim; and (7-2-99)T

ii. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned. (7-2-99)T

b. Any co-fired combustor is not subject to ~~this Section 862~~ if the owner or operator of the co-fired combustor: (7-2-99)T(11-19-99)T

i. Notifies the Department of an exemption claim; (7-2-99)T

ii. Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and (7-2-99)T

iii. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor. (7-2-99)T

c. Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to ~~this~~ Section 862. ~~(7-2-99)T~~(11-19-99)T

d. Any combustor which meets the applicability requirements under 40 CFR Part 60, Subparts Cb, Ea or Eb (relates to certain municipal waste combustors) is not subject to ~~this~~ Section 862. ~~(7-2-99)T~~(11-19-99)T

e. Any pyrolysis unit is not subject to ~~this~~ Section 862. ~~(7-2-99)T~~(11-19-99)T

f. Cement kilns firing hospital waste and/or medical/infectious waste are not subject to ~~this~~ Section 862. ~~(7-2-99)T~~(11-19-99)T

g. Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission guidelines under 40 CFR Part 60, Subpart Ce are not considered a modification and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to ~~this~~ Section 862. ~~(7-2-99)T~~(11-19-99)T

h. Affected facilities subject to ~~this~~ Section 862 are not subject to the requirements of 40 CFR Part 64. ~~(7-2-99)T~~(11-19-99)T

03. Definitions. As used in ~~this~~ Section 862, definitions shall have the meaning given in 40 CFR Part 60 including, but not limited to: ~~(7-2-99)T~~(11-19-99)T

a. “Chemotherapeutic waste” means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. (7-2-99)T

b. “Co-fired combustor” means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered “other” wastes when calculating the percentage of hospital waste and medical/infectious waste combusted. (7-2-99)T

c. “Hospital” means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuous medical supervision. (7-2-99)T

d. “Hospital/medical/infectious waste incinerator” or HMIWI means any device that combusts any amount of hospital waste and/or medical/infectious waste. (7-2-99)T

e. “Hospital waste” means discards generated at a hospital, except unused items returned to the manufacturer. This definition does not include human corpses, remains and anatomical parts intended for interment or cremation. (7-2-99)T

f. “Infectious agent” means any organism such as a virus or bacteria that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans. (7-2-99)T

g. “Large HMIWI,” except as provided in Subsections 862.03.g.iv.(1) and 862.03.g.iv.(2), means: (7-2-99)T

i. A HMIWI whose maximum design waste burning capacity is more than five hundred (500) pounds per hour; or (7-2-99)T

- ii. A continuous or intermittent HMIWI whose maximum charge rate is more than five hundred (500) pounds per hour; or (7-2-99)T
- iii. A batch HMIWI whose maximum charge rate is more than four thousand (4,000) pounds per day. (7-2-99)T
- iv. The following are not large HMIWI: (7-2-99)T
- (1) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to five hundred (500) pounds per hour; or (7-2-99)T
- (2) A batch HMIWI whose maximum charge rate is less than or equal to four thousand (4,000) pounds per day. (7-2-99)T
- h. “Low-level radioactive waste” means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)). (7-2-99)T
- i. “Medical/infectious waste” means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in Subsections 862.03.i.i. through 862.03.i.vii. The definition of medical/infectious waste does not include hazardous waste identified or listed under 40 CFR Part 261; household waste as defined in 40 CFR Section 261.4(b)(1); ash from incineration of medical/infectious waste once the incineration process is completed; human corpses, remains, and anatomical parts intended for interment or cremation; and domestic sewage materials identified in 40 CFR Section 261.4(a)(1): (7-2-99)T
- i. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate and mix cultures; (7-2-99)T
- ii. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers. (7-2-99)T
- iii. Human blood and blood products including: (7-2-99)T
- (1) Liquid waste human blood; (7-2-99)T
- (2) Products of blood; (7-2-99)T
- (3) Items saturated and/or dripping with human blood; or (7-2-99)T
- (4) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category. (7-2-99)T
- iv. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips. (7-2-99)T
- v. Animal waste including contaminated animal carcasses, body parts and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals),

production of biologicals or testing of pharmaceuticals. (7-2-99)T

vi. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases. (7-2-99)T

vii. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes and scalpel blades. (7-2-99)T

j. "Medium HMIWI": (7-2-99)T

i. Except as provided in Subsection 862.03.j.ii., medium HMIWI means: (7-2-99)T

(1) A HMIWI whose maximum design waste burning capacity is more than two hundred (200) pounds per hour but less than or equal to five hundred (500) pounds per hour; or (7-2-99)T

(2) A continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour but less than or equal to five hundred (500) pounds per hour; or (7-2-99)T

(3) A batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day but less than or equal to four thousand (4,000) pounds per day. (7-2-99)T

ii. The following are not medium HMIWI: (7-2-99)T

(1) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour or more than five hundred (500) pounds per hour; or (7-2-99)T

(2) A batch HMIWI whose maximum charge rate is more than four thousand (4,000) pounds per day or less than or equal to one thousand six hundred (1,600) pounds per day. (7-2-99)T

k. "Modification or modified hospital/medical/infectious waste incinerator" means any change to a HMIWI unit after ~~the effective date of these standards such that July 2, 1999:~~ July 2, 1999: (7-2-99)T(11-19-99)T

i. The cumulative costs of the modifications, over the life of the unit, exceed fifty percent (50%) of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or (7-2-99)T

ii. The change involves a physical change or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under Sections 129 or 111 of the Clean Air Act. (7-2-99)T

l. "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material and animal bedding (if applicable); (7-2-99)T

m. "Pyrolysis" means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy; (7-2-99)T

n. "Small HMIWI": (7-2-99)T

i. Except as provided in Subsection 862.03.n.ii, small HMIWI means: (7-2-99)T

(1) A HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour; or (7-2-99)T

(2) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour; or (7-2-99)T

(3) A batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day. (7-2-99)T

ii. The following are not small HMIWI: (7-2-99)T

(1) A continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour; or (7-2-99)T

(2) A batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day. (7-2-99)T

04. Requirements. The following requirements apply to all owners or operators of HMIWI subject to ~~this~~ Section 862: (~~7-2-99~~)T(11-19-99)T

a. Except as provided in Subsection 862.04.b., all owners or operators of HMIWI subject to ~~this~~ Section 862 shall comply with the following requirements within one (1) year after EPA approval of the State Plan: (~~7-2-99~~)T(11-19-99)T

i. Emission limits: (7-2-99)T

(1) Small HMIWI: (7-2-99)T

(a) Particulate matter: One hundred fifteen (115) milligrams per dry standard cubic meter (mg/dscm). (7-2-99)T

(b) Carbon monoxide: Forty (40) parts per million by volume (ppm). (7-2-99)T

(c) Dioxins/furans: One hundred twenty-five (125) nanograms per dry standard cubic meter (ng/dscm). (7-2-99)T

(d) Hydrogen chloride: One hundred (100) ppm or ninety-three percent (93%) reduction. (7-2-99)T

(e) Sulfur dioxide: Fifty-five (55) ppm. (7-2-99)T

(f) Nitrogen oxides: Two hundred fifty (250) ppm. (7-2-99)T

(g) Lead: One point two (1.2) mg/dscm or seventy percent (70%) reduction. (7-2-99)T

(h) Cadmium: Point sixteen (0.16) mg/dscm or sixty-five percent (65%) reduction. (7-2-99)T

(i) Mercury: Point fifty-five (0.55) mg/dscm or eighty-five percent (85%) reduction. (7-2-99)T

(2) Medium HMIWI: (7-2-99)T

(a) Particulate matter: Sixty-nine (69) mg/dscm. (7-2-99)T

(b) Carbon monoxide: Forty (40) ppm. (7-2-99)T

(c) Dioxins/furans: One hundred twenty-five (125) ng/dscm. (7-2-99)T

(d) Hydrogen chloride: One hundred (100) ppm or ninety-three percent (93%) reduction. (7-2-99)T

(e) Sulfur dioxide: Fifty-five (55) ppm. (7-2-99)T

(f) Nitrogen oxides: Two hundred fifty (250) ppm. (7-2-99)T

- (g) Lead: One point two (1.2) mg/dscm or seventy percent (70%) reduction. (7-2-99)T
- (h) Cadmium: Point sixteen (0.16) mg/dscm or sixty-five (65%) reduction. (7-2-99)T
- (i) Mercury: Point fifty-five (0.55) mg/dscm or eighty-five percent (85%) reduction. (7-2-99)T
- (3) Large HMIWI: (7-2-99)T
- (a) Particulate matter: Thirty-four (34) mg/dscm. (7-2-99)T
- (b) Carbon monoxide: Forty (40) ppm. (7-2-99)T
- (c) Dioxins/furans: One hundred twenty-five (125) ng/dscm; (7-2-99)T
- (d) Hydrogen chloride: One hundred (100) ppm or ninety-three percent (93%) reduction. (7-2-99)T
- (e) Sulfur dioxide: Fifty-five (55) ppm. (7-2-99)T
- (f) Nitrogen oxides: Two hundred fifty (250) ppm. (7-2-99)T
- (g) Lead: One point two (1.2) mg/dscm or seventy percent (70%) reduction. (7-2-99)T
- (h) Cadmium: Point sixteen (0.16) mg/dscm or sixty-five percent (65%) reduction. (7-2-99)T
- (i) Mercury: Point fifty-five (0.55) mg/dscm or eighty-five (85%) reduction. (7-2-99)T
- ii. Stack opacity requirements as provided in 40 CFR Section 60.52c(b) of Subpart Ec. (7-2-99)T
- iii. Operator training and qualification requirements as provided in 40 CFR Section 60.53c of Subpart Ec. (7-2-99)T
- iv. Waste management plan as provided in 40 CFR Section 60.55c of Subpart Ec. (7-2-99)T
- v. Compliance and performance testing as provided in 40 CFR Section 60.56c of Subpart Ec excluding the fugitive emissions testing requirements under Section 60.56c(b)(12) and (c)(3) of Subpart Ec. (7-2-99)T
- vi. Monitoring requirements as provided in 40 CFR Section 60.57c of Subpart Ec. (7-2-99)T
- vii. Reporting and recordkeeping requirements as provided in 40 CFR Section 60.58c(b)-(f) of Subpart Ec excluding fugitive emissions under Section 60.58c(b)(2)(ii) and siting under Section 60.58c(b)(7). (7-2-99)T
- viii. Permit requirements. Beginning September 15, 2000 or on the effective date of an EPA-approved operating permit program under Clean Air Act title V and the implementing regulations under 40 CFR Part 70, whichever date is later, affected facilities shall operate pursuant to a permit issued under the EPA approved state operating permit program. (7-2-99)T
- b. All owners or operators of small HMIWI that are located more than fifty (50) miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burn less than two thousand (2,000) pounds per week of hospital/medical/infectious waste, shall comply with the following requirements within one (1) year after EPA approval of the State plan in lieu of the requirements in Subsection 862.04.a.: (7-2-99)T
- i. Emission limits: (7-2-99)T
- (1) Particulate matter: One hundred ninety-seven (197) mg/dscm. (7-2-99)T

- (2) Carbon monoxide: Forty (40) ppm. (7-2-99)T
- (3) Dioxins/furans: Eight hundred (800) ng/dscm. (7-2-99)T
- (4) Hydrogen chloride: Three thousand one hundred (3,100) ppm. (7-2-99)T
- (5) Sulfur dioxide: Fifty-five (55) ppm. (7-2-99)T
- (6) Nitrogen oxides: Two hundred fifty (250) ppm. (7-2-99)T
- (7) Lead: Ten (10) mg/dscm. (7-2-99)T
- (8) Cadmium: Four (4) mg/dscm. (7-2-99)T
- (9) Mercury: Seven point five (7.5) mg/dscm. (7-2-99)T
- ii. Stack opacity requirements as provided in 40 CFR Section 60.52c(b) of Subpart Ec. (7-2-99)T
- iii. Initial equipment inspection which, at a minimum includes the following: (7-2-99)T
 - (1) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation; clean pilot flame sensor, as necessary; (7-2-99)T
 - (2) Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary; (7-2-99)T
 - (3) Inspect hinges and door latches, and lubricate as necessary; (7-2-99)T
 - (4) Inspect dampers, fans, and blowers for proper operation; (7-2-99)T
 - (5) Inspect HMIWI door and door gaskets for proper sealing; (7-2-99)T
 - (6) Inspect motors for proper operation; (7-2-99)T
 - (7) Inspect primary chamber refractory lining; clean and repair/replace lining as necessary; (7-2-99)T
 - (8) Inspect incinerator shell for corrosion and/or hot spots; (7-2-99)T
 - (9) Inspect secondary/tertiary chamber and stack, clean as necessary; (7-2-99)T
 - (10) Inspect mechanical loader, including limit switches, for proper operation, if applicable; (7-2-99)T
 - (11) Visually inspect waste bed (grates), and repair/seal, as appropriate; (7-2-99)T
 - (12) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments; (7-2-99)T
 - (13) Inspect air pollution control device(s) for proper operation, if applicable; (7-2-99)T
 - (14) Inspect waste heat boiler systems to ensure proper operation, if applicable; (7-2-99)T
 - (15) Inspect bypass stack components; (7-2-99)T
 - (16) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and (7-2-99)T
 - (17) Generally observe that the equipment is maintained in good operating condition. (7-2-99)T

iv. Equipment repairs. Within ten (10) operating days following an equipment inspection all necessary repairs shall be completed unless the owner or operator obtains written approval from the Department establishing a date whereby all necessary repairs of the designated facility shall be completed. (7-2-99)T

v. Equipment inspection. Equipment inspections shall be conducted annually (no more than twelve (12) months following the previous annual equipment inspection), as outlined in Subsection 862.04.b.iii. and 862.04.b.iv. (7-2-99)T

vi. Compliance and performance testing requirements as follows: (7-2-99)T

(1) Compliance and performance testing requirements as provided in 40 CFR Section 60.56c(a)(b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1) of Subpart Ec. The two thousand (2,000) lb/week limitation under Subsection 862.04.b. does not apply during performance tests. (7-2-99)T

(2) Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits. (7-2-99)T

(3) Following the date on which the initial performance test is completed or is required to be completed under 40 CFR Section 60.8, whichever date comes first, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three (3) hour rolling averages (calculated each hour as the average of the previous three (3) operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s). (7-2-99)T

(4) Except as provided in Subsection 862.04.b.vi.(5), operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3) hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits; (7-2-99)T

(5) The owner or operator of a designated facility may conduct a repeat performance test within thirty (30) days of violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under Subsection 862.04.b.vi.(4). (7-2-99)T

vii. Monitoring requirements as follows: (7-2-99)T

(1) Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation. (7-2-99)T

(2) Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI. (7-2-99)T

(3) The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy-five percent (75%) of the operating hours per day and for ninety percent (90%) of the operating hours per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste. (7-2-99)T

viii. Reporting and recordkeeping requirements as follows: (7-2-99)T

(1) Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within ten (10) days of an inspection or the timeframe established by the Department; and (7-2-99)T

(2) Submit an annual report containing information recorded under Subsection 862.04.b.vii.(1) no later than sixty (60) days following the year in which data were collected. Subsequent reports shall be sent no later than twelve (12) calendar months following the previous report, once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator must submit these reports semiannually. The report shall be signed by the facilities manager. (7-2-99)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9904

NOTICE OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: The temporary rule is effective November 19, 1999. This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending/temporary rule. The action is authorized by Sections 9-342A(8), 39-105 and 39-107, Idaho Code. In addition, this rulemaking is mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 45 through 50. The agency received no comments from the public concerning the proposed rule, and the rule has been adopted as initially proposed. Section 107 has been republished to correct an error made by the Office of Administrative Rules. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule complies with deadlines in amendments to governing law.

GENERAL INFORMATION: For more information about the Division of Environmental Quality's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Tim Teater at (208)373-0502 or tteater@deq.state.id.us.

DATED this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 01

RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 45 through 50.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0101-9904

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

02. Availability Of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

a. All federal publications: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at (202) 783-3238; and (5-1-94)

b. All documents herein incorporated by reference: (7-1-97)

i. Central Office, Division of Environmental Quality, Department of Health and Welfare, 1410 N. Hilton, Boise, Idaho 83706 at (208) 373-0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

03. Documents Incorporated By Reference. The following documents are incorporated by reference into these rules: (5-1-94)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Appendix W to Part 51--Guideline on Air Quality Models. 40 CFR Parts 51 and 52 revised as of July 1, 1998~~9~~.~~(3-19-99)~~(11-19-99)T

b. Implementation Plan for the Control of Air Pollution in the State of Idaho (SIP), Division of Environmental Quality, Department of Health and Welfare, November 1996. (3-19-99)

c. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 1998~~9~~.~~(3-19-99)~~(11-19-99)T

d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, Identification of Integral Vistas, Subsection a, 40 CFR Part 51.304(a), revised as of July 1, 1998~~9~~.~~(3-19-99)~~(11-19-99)T

e. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, revised as of July 1, 1998~~9~~.

- ~~(3-19-99)~~(11-19-99)T
- f. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- g. Ambient Air Quality Surveillance, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD Air Monitoring), 40 CFR Part 58, Appendix B, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- h. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- i. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- j. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- k. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 1998~~9~~. ~~(11-13-98)~~T(11-19-99)T
- l. Permits, 40 CFR Part 72, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- m. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- n. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 1998~~9~~. ~~(3-19-99)~~(11-19-99)T
- o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
- p. 63 Fed. Reg. 32,743-53 (June 16, 1998) (to be codified at 40 CFR Part 60), amending 40 CFR Part 60, Subparts Cc and WWW. (7-2-99)T
- q. 64 Fed. Reg. 9,257-62 (February 24, 1999) (to be codified at 40 CFR Part 60), amending 40 CFR Part 60, Subparts Cc and WWW. (7-2-99)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 16-0102-9704

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code, and is being conducted to meet the requirements of the Federal Water Pollution Control Act (Clean Water Act).

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for commencing the proposed rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-6, June 2, 1999, pages 68 through 223.

DEQ received comments from the public concerning the proposed rule. DEQ's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public and an explanation of the reasons for changes between the text of the proposed rule and the text of the pending rule, is included in the rulemaking record maintained by DEQ at 1410 N. Hilton, Boise, ID 83706. Upon DEQ's recommendation, the Board revised the proposed rule at Sections 053, 070, 100, 101, 109, 130, 140, 150, and 250 as provided at Section 67-5227, Idaho Code. The remaining sections have been adopted as initially proposed and, therefore, have not been republished with this Notice.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Chris Mebane at (208)373-0502 or cmebane@deq.state.id.us.

Dated this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 02

WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

There are substantive changes from the proposed rule text.

Only those subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-6, June 2, 1999, pages 68 through 233.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0102-9704

053. BENEFICIAL USE SUPPORT STATUS.

In determining whether a water body fully supports designated and existing beneficial uses, the Department shall determine whether all of the applicable water quality standards are being achieved, including any criteria developed pursuant to these rules, and whether a healthy, balanced biological community is present. The Department shall utilize biological and aquatic habitat parameters listed below and in the current version of the "Water Body Assessment Guidance", as published by the Idaho Department of Health and Welfare, Division of Environmental Quality, 1996, as a guide to assist in the assessment of beneficial use status. Revisions to this guidance will be made after notice and an opportunity for public comment. These parameters are not to be considered or treated as individual water quality criteria or otherwise interpreted or applied as water quality standards. (3-20-97)()

- 01. *No change to this Subsection.*
- 02. *No change to this Subsection.*

(BREAK IN CONTINUITY OF SECTIONS)

070. APPLICATION OF STANDARDS.

- 01. *No change to this Subsection.*
- 02. *No change to this Subsection.*
- 03. *No change to this Subsection.*
- 04. *No change to this Subsection.*
- 05. *No change to this Subsection.*
- 06. **Natural Background ~~For Toxic Substances~~ Conditions.** Where natural background concentrations of toxic substances ~~conditions~~ from natural surface or ground water sources exceed any applicable water quality criteria identified in Sections 200 or 250 as determined by the Department, that background level shall become the applicable site-specific water quality criteria. Natural background means any physical, chemical, biological, or radiological condition existing in a water body ~~before any~~ due only to non-human-caused influence on, discharge to, or addition of material to, the water body sources. Natural background shall be established according to procedures established or approved by the Department consistent with 40 CFR 131.11. The Department may require additional or continuing monitoring of natural conditions. (7-1-93)()

- 07. *No change to this Subsection.*
- 08. *No change to this Subsection.*

(BREAK IN CONTINUITY OF SECTIONS)

100. SURFACE WATER USE CLASSIFICATIONS DESIGNATIONS.

Wherever attainable, the designated beneficial uses for which the surface waters of the state are to be protected include: (8-24-94)()

021. Aquatic Life. (7-1-93)

a. Cold water biota (COLD): waters which are suitable or intended to be made suitable water quality appropriate for the protection and maintenance of a viable aquatic life community of aquatic organisms and populations of significant aquatic species which have optimal growing temperatures below eighteen (18) degrees C for cold water species. (8-24-94)()

eb. Salmonid spawning: waters which provide or could provide a habitat for active self-propagating populations of salmonid fishes. (7-1-93)

c. Seasonal cold water (SC): water quality appropriate for the protection and maintenance of a viable aquatic life community of cool and cold water species, where cold water aquatic life may be absent during, or tolerant of, seasonally warm temperatures. ()

bd. Warm water biota (WARM): waters which are suitable or intended to be made suitable water quality appropriate for the protection and maintenance of a viable aquatic life community of aquatic organisms and populations of significant aquatic species which have optimal growing temperatures above eighteen (18) degrees C for warm water species. (8-24-94)()

e. Modified (MOD): water quality appropriate for an aquatic life community that is limited due to one (1) or more conditions set forth in 40 CFR 131.10(g) which preclude attainment of reference streams or conditions. ()

032. No change to this Subsection.

043. No change to this Subsection.

04. No change to this Subsection.

05. No change to this Subsection.

101. USE DESIGNATIONS FOR NONDESIGNATED SURFACE WATERS.

01. No change to this Subsection.

02. Man-Made Waterways. Unless designated in Sections 110 through 160, man-made waterways are to be protected for the use for which they were developed. (7-1-93)

03. No change to this Subsection.

(BREAK IN CONTINUITY OF SECTIONS)

102. HUC INDEX AND ABBREVIATIONS FOR SECTIONS 110, 120, 130, 140, 150, AND 160.

01. No change to this Subsection.

02. No change to this Subsection.

03. Abbreviations. ()

- a. COLD - Cold Water Communities. ()
- b. SS - Salmonid Spawning. ()
- c. SC - Seasonal Cold Water Communities. ()
- d. WARM - Warm Water Communities. ()
- e. MOD - Modified Communities. ()
- f. PCR - Primary Contact Recreation. ()
- g. SCR - Secondary Contact Recreation. ()
- h. DWS - Domestic Water Supply. ()
- i. SRW - Special Resource Water. ()
- j. NONE - Use Unattainable. ()

(BREAK IN CONTINUITY OF SECTIONS)

130. SALMON BASIN.

The waters found within the Salmon hydrologic basin are designated for use Surface waters found within the Salmon basin total twelve (12) subbasins and are designated as follows: (7-1-93)()

- 01. *No Change to this Subsection.* ()
- 02. *No Change to this Subsection.* ()
- 03. *No Change to this Subsection.* ()
- 04. *No Change to this Subsection.* ()
- 05. *No Change to this Subsection.* ()
- 06. *No Change to this Subsection.* ()
- 07. *No Change to this Subsection.* ()
- 08. *No Change to this Subsection.* ()
- 09. *No Change to this Subsection* ()

10. South Fork Salmon Subbasin. The South Fork Salmon Subbasin, HUC 17060208, is comprised of thirty-five (35) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	South Fork Salmon River - East Fork Salmon River to mouth	COLD SS	PCR SCR	DWS SRW
<u>S-2</u>	<u>Raines Creek - source to mouth</u>			

Unit	Waters	Aquatic Life	Recreation	Other
S-3	<u>Pony Creek - source to mouth</u>			
S-4	<u>Bear Creek - source to mouth</u>			
S-5	Secesh River - confluence of Summitt Creek and Lake Creek to mouth	COLD SS	PCR SCR	DWS SRW
S-6	<u>Lake Creek - source to mouth</u>			
S-7	<u>Summit Creek - source to mouth</u>			
S-8	<u>Loon Creek - source to mouth</u>			
S-9	<u>Lick Creek - source to mouth</u>			
S-10	South Fork Salmon River - source to East Fork of the South Fork Salmon River	COLD SS	PCR SCR	DWS SRW
S-11	<u>Fitsum Creek - source to mouth</u>			
S-12	<u>Buckhorn Creek - source to mouth</u>			
S-13	<u>Cougar Creek - source to mouth</u>			
S-14	<u>Blackmare Creek - source to mouth</u>			
S-15	<u>Dollar Creek - source to mouth</u>			
S-16	<u>Six-bit Creek - source to mouth</u>			
S-17	<u>Trail Creek - source to mouth</u>			
S-18	<u>Rice Creek - source to mouth</u>			
S-19	<u>Cabin Creek - source to mouth</u>			
S-20	<u>Warm Lake</u>			
S-21	<u>Fourmile Creek - source to mouth</u>			
S-22	<u>Camp Creek - source to mouth</u>			
S-23	East Fork of the South Fork Salmon River - source to mouth	COLD SS	PCR SCR	DWS SRW
S-24	<u>Caton Creek - source to mouth</u>			
S-25	Johnson Creek - source to mouth	COLD SS	PCR SCR	DWS SRW
S-26	<u>Burntlog Creek - source to mouth</u>			
S-27	<u>Trapper Creek - source to mouth</u>			
S-28	<u>Riordan Creek - source to mouth</u>			
S-29	<u>Sugar Creek - source to mouth</u>			
S-30	<u>Tamarack Creek - source to mouth</u>			
S-31	<u>Profile Creek - source to mouth</u>			
S-32	<u>Quartz Creek - source to mouth</u>			
S-33	<u>Sheep Creek - source to mouth</u>			
S-34	<u>Elk Creek - source to mouth</u>			

Unit	Waters	Aquatic Life	Recreation	Other
S-35	Porphyry Creek - source to mouth			

()

11. *No Change to this Subsection.*

12. *No Change to this Subsection.*

(BREAK IN CONTINUITY OF SECTIONS)

250. SURFACE WATER QUALITY CRITERIA FOR ~~USE CLASSIFICATIONS~~ AQUATIC LIFE USE DESIGNATIONS.

~~a01.~~ *No Change to this Subsection.*

~~e02.~~ *No Change to this Subsection.*

03. Seasonal Cold Water. Between the summer solstice and autumn equinox, waters designated for seasonal cold water aquatic life are to exhibit the following characteristics. For the period from autumn equinox to summer solstice the cold water criteria will apply: ()

a. Dissolved Oxygen Concentrations exceeding six (6) mg/l at all times. In lakes and reservoirs this standard does not apply to: ()

i. The bottom twenty percent (20%) of water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less. ()

ii. The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters. ()

iii. Those waters of the hypolimnion in stratified lakes and reservoirs. ()

b. Water temperatures of twenty-seven (27) degrees C or less as a daily maximum with a daily average of no greater than twenty-four (24) degrees C. ()

c. Ammonia. ()

i. One (1) hour average concentration of un-ionized ammonia is not to exceed the criteria defined at Subsection 250.02.c.i. ()

ii. Four (4) day average concentration of un-ionized ammonia is not to exceed the criteria defined at Subsection 250.02.c.ii. ()

~~b04.~~ *No Change to this Subsection.*

05. *No Change to this Subsection.*

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 16-0105-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 53 through 59. The agency received no public comments on the proposal, and the rule has been adopted as initially proposed. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact John Brueck at (208)373-0502 or jbrueck@deq.state.id.us.

Dated this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 05

RULES AND STANDARDS FOR HAZARDOUS WASTE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 53 through 59.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.07 - RULES FOR THE CONSTRUCTION AND OPERATION
OF PUBLIC SWIMMING POOLS IN IDAHO

DOCKET NO. 16-0107-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: The repeal of the Rules for Construction and Operation of Public Swimming Pools has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The repeal will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the action is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. Coinciding with the repeal of this rule, the Board has adopted a replacement pending rule (Docket No. 16-0214-9901). The actions have been scheduled so that, once approved by the Legislature, both actions will take effect simultaneously.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has repealed a rule chapter. The action is authorized by Chapter 1, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for repealing the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, page 60. The agency received no comments on the proposal, and the rule has been repealed as initially proposed. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this repeal, contact Rick Huddleston at (208)373-0502 or rhuddles@deq.state.id.us.

Dated this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 07

RULES FOR THE CONSTRUCTION AND OPERATION
OF PUBLIC SWIMMING POOLS IN IDAHO

This Rule Is Being Repealed In Its Entirety.

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-9, September 1, 1999, page 60.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS
DOCKET NO. 16-0108-9802
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapter 1, Title 39, Idaho Code and Chapter 21, Title 37, Idaho Code. Section 39-105(3)(e), Idaho Code, contains explicit authorization for the adoption and implementation of an operator certification program. In addition, this rulemaking is required by Section 1419(b) of the federal Safe Drinking Water Act (42 U.S.C. Section 300g-8(b)). Failure to comply with this provision will result in losing 20% of the state's annual Drinking Water Revolving Loan Fund capitalization grant from the federal government.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for commencing the proposed rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 80 through 91.

DEQ received comments from the public concerning the proposed rule. DEQ's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public and an explanation of the reasons for changes between the text of the proposed rule and the text of the pending rule, is included in the rulemaking record maintained by the Division of Environmental Quality, 1410 N. Hilton, Boise, ID 83706. Upon DEQ's recommendation, the Board revised the proposed rule at Section 554 as provided at Section 67-5227, Idaho Code. The remaining sections have been adopted as initially proposed and, therefore, have not been republished with this Notice.

FEE SUMMARY: Subsections 554.03 and 554.04, respectfully, establish examination as a major requirement for certification and give DEQ the authority to out-source administration of a certification program to a qualified operator certifying entity. Subsection 556.02 provides for examinations to be administered in accordance with established examination procedures. Established procedures will be those used by DEQ's operator certifying entity which in part requires an application and examination fee. Subsections 555.03 and 558.02 impose fees for renewal of certificates. Subsection 558.05 requires a reinstatement fee to renew invalidated certificates. Section 39-119, Idaho Code, authorizes imposition of the fees. Subsections 554.03, 554.04, 555.03, 556.02, 558.02, and 558.05 shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Alan Stanford at (208)373-0502 or astanfor@deq.state.id.us.

DATED this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton, Boise, Idaho 83706-1255

16.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 80 through 91.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0108-9802

554. CERTIFICATION OF WATER SYSTEM OPERATORS.

01. System Operator Certification Requirement. Owners of all community and nontransient noncommunity water systems must place the direct supervision of their drinking water system, including each treatment facility and/or distribution system, under the responsible charge of an operator holding a valid certification equal to or greater than the classification of the drinking water system and/or distribution system. ()

02. Operator Certification Requirement. Operators in responsible charge or equivalent of community and nontransient noncommunity public drinking water systems in Idaho must hold a valid certification equal to or greater than the classification of their water system, including each treatment facility, where present, and distribution system as determined by the Department. ()

03. Shift Operator. A designated certified public drinking water system operator must be available for each operating shift. ()

04. Minimum Certification. All operating personnel at community and nontransient noncommunity public drinking water systems making process control/ system integrity decisions about water quality or quantity that affect public health must be certified. ()

05. Compliance Deadline. All community and nontransient noncommunity public drinking water systems addressed in these rules shall be in compliance with these rules within two (2) years of April 15, 2000. ()

06. Qualifications For Certification. To qualify for a certificate an applicant must meet requirements of education, experience and examination as described in Section 556. Applicants may also receive certification through reciprocity upon evaluation of his or her qualifications and comparison of Idaho certification rules to those of another state on a case-by-case basis. ()

07. Administration Of The Certification Program. Administration of all aspects of the drinking water system operator certification program in Idaho shall be the responsibility of the Department. All administrative activities except enforcement may be contracted to an operator certifying entity. ()

08. Contractor Activities. All administrative activities contracted to an operator certifying entity will be carried out in accordance with these rules. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS
DOCKET NO. 16-0108-9901
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Section 9-342A(8), Idaho Code; Chapter 1, Title 39, Idaho Code; and Chapter 21, Title 37, Idaho Code. In addition, states such as Idaho which have primacy for enforcement of the Safe Drinking Water Act are required by 40 CFR 142.10(a) to adopt, within two years of promulgation, national primary drinking water regulations that are no less stringent than those in effect under 40 CFR Part 141.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 92 through 116. The agency received no public comments on the proposal; however, Sections 302 and 551 were revised to make citation and housekeeping corrections. The remaining sections have been adopted as initially proposed and, therefore, have not been republished with this notice. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking with respect to the Interim Enhanced Surface Water Treatment Rule and Disinfectants and Disinfection Byproducts Rule, contact Tom John at (208)373-0502 or tjohn@deq.state.id.us.

For assistance on technical questions concerning this rulemaking with respect to the Consumer Confidence Report Rule, contact Tom Aucutt at (208)373-0502 or taucutt@deq.state.id.us.

DATED this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 08

IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the proposed text
are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 99-8, August 4, 1999, pages 92 through 116.

This rule has been adopted as Final by the Agency and is now pending review
by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0108-9901

302. SANITARY SURVEYS.

The Department shall conduct a sanitary survey of all public water systems which use surface water or ground water under the direct influence of surface water. ()

01. Frequency. For noncommunity water systems, a sanitary survey shall be conducted every five (5) years. For community water systems, a sanitary survey shall be conducted every three (3) years, except that a community water system that has been determined to have outstanding performance, according to criteria established by the Department, may have a sanitary survey conducted every five (5) years. ()

02. Report. A report describing the results of the sanitary survey will be provided to the water system. ()

03. Response Required. A water system must respond in writing not later than forty-five (45) days after receipt of the sanitary survey report describing how and on what schedule the system will address significant deficiencies identified in the survey. ()

04. Violation. Failure to address significant deficiencies identified in a sanitary survey that are within the control of the public water system and its governing body shall constitute a violation of these rules. ()

(BREAK IN CONTINUITY OF SECTIONS)

551. CONSTRUCTION REQUIREMENTS FOR PUBLIC WATER SYSTEMS.

01. Engineering Report. For all new water systems or modifications to existing water systems, an engineering report shall be submitted for the Department's review and approval prior to or concurrent with the submittal of plans and specifications as required in Subsection 551.04. This report shall provide the following information: (12-10-92)

- a. A general description and location of the project; (12-10-92)
- b. The estimated design population of the project; (12-10-92)
- c. Design data for domestic, irrigation, fire fighting, commercial and industrial water uses, including maximum hourly, maximum daily, and average daily demands; (12-10-92)
- d. Storage requirements; (12-10-92)

- e. Pressure ranges for normal and peak flow conditions; (12-10-92)
- f. A hydraulic analysis of the distribution system if requested by the Department; (12-10-92)
- g. Adequacy, quality and availability of sources of water; (12-10-92)
- h. For a community system, results of analysis for total coliform, turbidity inorganic chemical contaminants, organic chemicals ~~other than trihalomethanes~~, and radionuclide contaminants, ~~and total trihalomethanes~~ listed in Subsections 050.01, 050.02, 050.05, 100.01, 100.03, 100.04, 100.06, and 100.02, unless analysis is waived pursuant to Subsection 100.07. (12-10-92) (~~10-1-93~~)()
- i. For a nontransient noncommunity system, results of analysis for total coliform and inorganic and organic chemical contaminants listed in Subsections 100.01, 100.03, and 100.04, unless analysis is waived pursuant to Subsection 100.07. (12-10-92)
- j. For a noncommunity system, results of a total coliform, nitrite, and nitrate analysis listed in Subsections 100.01 and 100.03. (12-10-92)
- k. For any system supplied by surface water or groundwater under the direct influence of surface water, results of turbidity analysis listed in Subsection 100.02. (12-10-92)
- l. For all new groundwater sources, including but not limited to wells, springs, and infiltration galleries, systems shall supply information as required by the Department to determine if these sources are under the direct influence of the surface water. (12-10-92)
- m. Potential sources of contamination to proposed sources of water; (12-10-92)
- n. Mechanisms for protection of the system from flooding; (12-10-92)
- o. In addition to the items listed in Subsections 551.01.a. through 551.01.n., the following information must be provided for proposed surface water sources and groundwater sources under the direct influence of surface water: (12-10-92)
 - i. Hydrological and historical low stream flow data; (12-10-92)
 - ii. A copy of the water right from the Idaho Department of Water Resources; (12-10-92)
 - iii. Anticipated turbidity ranges, high and low; and (12-10-92)
 - iv. Treatment selection process and alternative evaluations. (12-10-92)
- p. In addition to the items listed in Subsections 551.01.a. through 551.01.n., the following information must be provided for a proposed groundwater source: (12-10-92)
 - i. A site plan including potential sources of contamination within five hundred (500) feet of a well or spring; (12-10-92)
 - ii. Dimensions of the well lot; and (12-10-92)
 - iii. Underground geological data and existing well logs. (12-10-92)

02. Ownership. Documentation of the ownership and responsibility for operating the proposed system shall be made available to the Department prior to or concurrent with the submittal of plans and specifications as required in Subsection 551.04. The documentation must show organization and financial arrangements adequate to assure construction, operation and maintenance of the system according to these rules. Documentation shall also include the name of the water system, the name, address, and phone number of the supplier of water, the system size,

and the name, address, and phone number of the system operator. (10-1-93)

03. Connection To An Existing System. If the proposed project is to be connected to an existing public water system, a letter from the purveyor must be submitted to the Department stating that they will be able to provide services to the proposed project. This letter must be submitted prior to or concurrent with the submittal of plans and specifications as required in Subsection 551.04. (12-10-92)

04. Review Of Plans And Specifications. (12-1-92)

a. Prior to construction of new public water supply systems or modifications of existing public water supply systems, plans and specifications must be submitted to the Department for review, and approved. The minimum review requirements are as follow: (10-1-93)

i. Plans and specifications shall be submitted by an Idaho registered professional engineer and bear the imprint of the engineer's seal; (12-10-92)

ii. Plans shall provide topographical data; (12-10-92)

iii. Plans shall show location of sources or potential sources of contamination; (12-10-92)

iv. Plans shall require all new equipment, piping, and appurtenances to meet American Water Works Association standards, as set forth in Subsection 002.01.j. Used materials shall be approved by the Department prior to installation, and shall have been used previously only in the delivery of potable water; and (7-1-97)

v. Plans shall specify that the project is to be disinfected prior to use in accordance with American Water Works Association standards, as set forth in Subsection 002.01.j. (7-1-97)

b. During construction or modification, no deviation can be made from the approved plans without the Department's prior written approval; and (12-10-92)

c. Within thirty (30) days after the completion of construction, as constructed plans and specifications are to be submitted to the Department by an Idaho registered professional engineer. If the construction did not deviate from the approved plans and specifications, a registered professional engineer may certify in writing that the constructed plans and specifications are the same as the originally submitted plans and specifications. (12-10-92)

05. Exclusion. A District Health Department may exclude noncommunity water systems from the Department's plan and specification review if the District has reviewed the project and will inspect it during construction. (12-10-92)

06. Construction. No construction shall commence until all of the necessary approvals have been received from the Department. (12-10-92)

07. Source. Before a public water system uses a new source of water to provide water to consumers, the source shall be approved by the Department. (12-10-92)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES
DOCKET NO. 16-0109-9901

NOTICE OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: This new rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The temporary rule is effective November 19, 1999. The pending rule will become final and effective on April 1, 2000, unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a pending rule and a temporary rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. In addition, Section 39-104A, Idaho Code, contains explicit authorization for regulating swine and poultry facilities.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for commencing the proposed rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 61 through 73.

DEQ received comments from the public concerning the proposed rule. DEQ's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public and an explanation of the reasons for changes between the text of the proposed rule and the text of the pending rule, is included in the rulemaking record maintained by the Division of Environmental Quality, 1410 N. Hilton, Boise, ID 83706. Upon DEQ's recommendation, the Board revised the proposed rule at Sections 010, 200, 210, 250, 500, and 550 as provided at Section 67-5227, Idaho Code. Prior to adoption, the Board made further revisions to Section 010 at Subsections 010.01 and 010.13. The remaining sections have been adopted as initially proposed and, therefore, have not been republished with this notice.

With the exception of Subsection 200.10, this rule has been adopted as a temporary rule and a pending rule. Section 67-5226(2), Idaho Code, provides that a temporary rule shall not impose a fee unless the Governor finds that the fee is necessary to avoid immediate danger; therefore, Section 200.10, which imposes an application fee, has been adopted as a pending rule only.

FEE SUMMARY: An application fee is required for all facilities seeking a permit. The fee is based on a scale depending on the animal unit capacity of the proposed facility. Section 39-119, Idaho Code, authorizes imposition of this fee. Subsection 200.10, which imposes the fee, shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule, with the exception of Subsection 200.10, is necessary to protect public health.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Susan Burke at (208)373-0502 or sburke@deq.state.id.us.

DATED this 18th day of November, 1999.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 09

RULES REGULATING SWINE AND POULTRY FACILITIES

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 61 through 73.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0109-9901

010. DEFINITIONS.

01. Animal Unit. An animal unit equals two and a half (2.5) swine, each weighing over twenty-five (25) kilograms (approximately fifty-five (55) pounds), or ten (10) weaned swine, each weighing under twenty-five (25) kilograms, or one hundred (100) poultry. Total animal units are calculated by adding the number of swine weighing over twenty-five (25) kilograms multiplied by four-tenths (.4) plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (.1) plus the number of poultry multiplied by one one-hundredth (.01). (11-19-99)T

02. No Change to this Subsection. (11-19-99)T

03. No Change to this Subsection. (11-19-99)T

04. No Change to this Subsection. (11-19-99)T

05. No Change to this Subsection. (11-19-99)T

06. No Change to this Subsection. (11-19-99)T

07. No Change to this Subsection. (11-19-99)T

08. No Change to this Subsection. (11-19-99)T

09. No Change to this Subsection. (11-19-99)T

10. No Change to this Subsection. (11-19-99)T

11. Nutrient Management Plan. A plan prepared in compliance with the Nutrient Management

Standard or other equally protective standard approved by the Director for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production and to minimize the potential for environmental degradation, particularly impairment of water quality. (11-19-99)T

12. *No Change to this Subsection.* (11-19-99)T

13. **One-Time Animal Unit Capacity.** The maximum number of animal units that a facility is capable of housing at any given point in time. (11-19-99)T

14. *No Change to this Subsection.* (11-19-99)T

15. *No Change to this Subsection.* (11-19-99)T

16. *No Change to this Subsection.* (11-19-99)T

17. *No Change to this Subsection.* (11-19-99)T

18. *No Change to this Subsection.* (11-19-99)T

19. **Process Wastewater.** Any water used in the facility that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of swine or poultry and any products directly or indirectly used in the operation of a facility, such as spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or spray cooling of animals; and dust control and any precipitation which comes into contact with animals or animal waste. (11-19-99)T

20. *No Change to this Subsection.* (11-19-99)T

21. *No Change to this Subsection.* (11-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

200. PERMIT APPLICATION.

01. *No Change to this Subsection.* (11-19-99)T

02. *No Change to this Subsection.* (11-19-99)T

03. *No Change to this Subsection.* (11-19-99)T

04. *No Change to this Subsection.* (11-19-99)T

05. **Construction Plan.** Plans and specifications for the facility's animal waste management system that include the following information: (11-19-99)T

a. Vicinity map(s) prepared on one (1) or more seven and one-half minute (7.5') USGS topographic quadrangle maps or a high quality reproduction(s) that includes the following: (11-19-99)T

i. Layout of the facility, including buildings and animal waste management system; (11-19-99)T

ii. The one hundred (100) year FEMA flood zones or other appropriate flood data for the facility site and land application sites owned or leased by the applicant; (11-19-99)T

iii. The location of occupied dwellings, public and private gathering places, such as schools, churches and parks, and incorporated municipalities which are within a two (2) mile radius of the facility; and (11-19-99)T

- iv. Private and community domestic water wells, irrigation wells, irrigation conveyance and drainage structures, monitoring wells, wetlands, streams, springs, and reservoirs which are within a one (1) mile radius of the facility. (11-19-99)T
 - b. Facility construction specifications including: (11-19-99)T
 - i. A site plan showing: (11-19-99)T
 - (1) Building locations; (11-19-99)T
 - (2) Waste facilities; (11-19-99)T
 - (3) All waste conveyance systems; and (11-19-99)T
 - (4) All irrigation systems used for land application, including details of approved water supply protection devices. (11-19-99)T
 - ii. Building plans showing: (11-19-99)T
 - (1) All wastewater collection systems in housed units; (11-19-99)T
 - (2) All freshwater supply systems, including details of approved water supply protection devices; (11-19-99)T
 - (3) Detailed drawings of wastewater collection and conveyance systems and containment construction; and (11-19-99)T
 - (4) Detailed construction and installation procedures. (11-19-99)T
- 06. Site Characterization.** A characterization of the facility and any land application site(s) owned or operated by the applicant, prepared by a registered professional geologist, a registered professional engineer or a qualified ground water hydrologist, that includes the following information: (11-19-99)T
- a. A description of monitoring methods, frequency, and reporting components related to either leak detection systems and/or ground water monitoring wells; (11-19-99)T
 - b. The climatic, hydrogeologic, and soil characteristics; (11-19-99)T
 - c. The depth to water and a potentiometric map for the uppermost and regional aquifer; (11-19-99)T
 - d. The vertical and horizontal conductivity, gradient, and ground water flow direction and velocity; (11-19-99)T
 - e. Estimates of recharge to the uppermost aquifer; (11-19-99)T
 - f. Information which characterizes the relationship between the ground water and adjacent surface waters; and (11-19-99)T
 - g. A summary of local ground water quality data. (11-19-99)T
- 07. No Change to this Subsection.** (11-19-99)T
- 08. Closure Plan.** A plan describing the procedures for final closure of a facility that ensures no adverse impacts to the environment and waters of the state and that includes: (11-19-99)T
- a. The estimated length of operation of the facility; and (11-19-99)T

b. A description of the procedures, methods, and schedule to be implemented at the facility for final disposal, handling, management and/or treatment of all animal waste. (11-19-99)T

09. No Change to this Subsection. (11-19-99)T

10. Application Fee. A fee shall be submitted with each permit application as follows: ()

a. Three thousand dollars (\$3,000) for facilities that have a one-time animal unit capacity of less than five-thousand (5,000) animal units; ()

b. Five thousand dollars (\$5,000) for facilities that have a one-time animal unit capacity of five thousand to ten thousand (5,000-10,000) animal units; and ()

c. Ten thousand dollars (\$10,000) for facilities that have a one-time animal unit capacity over ten thousand (10,000) animal units. ()

(BREAK IN CONTINUITY OF SECTIONS)

210. EXISTING FACILITIES.

01. No Change to this Subsection. (11-19-99)T

02. No Change to this Subsection. (11-19-99)T

03. Expanding Facility. The owner of an existing facility shall not increase the one-time animal unit capacity of the facility by ten percent (10%) or more without first obtaining a permit for the expansion as required by these rules. The ten percent (10%) increase is measured cumulatively from the original effective date of these rules. (11-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

250. REQUIREMENTS FOR WATER QUALITY PROTECTION.

The following minimum design and performance standards are intended as a baseline for protection of public health and the waters of the state. These standards shall apply to all facilities and be reflected in the permit unless the Director approves, based on an applicant's site specific information, that compliance with a specific standard is not required to protect water quality and the public health. Other conditions, as determined by the Director to be necessary to protect water quality, may be included in a permit. (11-19-99)T

01. Animal Waste Management System Design Criteria. A facility's animal waste management system shall be designed and constructed in accordance with the NRCS and the American Society of Agricultural Engineers standards, whichever is most stringent and shall: (11-19-99)T

a. Contain the maximum expected operating water balance and the twenty-five (25) year twenty-four (24) hour rainfall event and the one (1) in five (5) year winter runoff. (11-19-99)T

b. Provide capacity to store the peak volume of process wastewater that will be generated during a six (6) month period. (11-19-99)T

c. Provide a one (1) foot freeboard in addition to the storage requirements, specified in Subsections 250.01.a. and 250.01.b. (11-19-99)T

d. Impoundments, other than for emergency runoff, containing or designed to contain process

wastewater shall be designed for efficient leak detection and shall not be located in the one-hundred (100) year floodplain. (11-19-99)T

e. Seepage rates for impoundments shall be no greater than 1×10^{-7} cm/sec. (11-19-99)T

02. Water Quality Monitoring. Ground water and/or leak detection monitoring shall be conducted for every facility with a liquid storage impoundment and shall be designed to give the earliest possible detection of an unauthorized discharge to ground water. (11-19-99)T

03. No Change to this Subsection. (11-19-99)T

04. No Change to this Subsection. (11-19-99)T

05. No Change to this Subsection. (11-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

500. PERMIT MODIFICATION.

01. Minor Modifications. Minor modifications are those which do not have a potential affect to the environment or the public health. Such modifications shall be made by the Director. Minor modifications are generally limited to: (11-19-99)T

a. The correction of typographical errors; (11-19-99)T

b. Transfer of ownership or operational control in accordance with Section 550; or (11-19-99)T

c. Certain minor changes in monitoring or operational conditions. (11-19-99)T

02. No Change to this Subsection. (11-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

550. TRANSFER OF PERMITS.

01. No Change to this Subsection. (11-19-99)T

02. Transfer Approval. An approved permit transfer shall be a minor modification in accordance with Subsection 500.01 as long as there are no major changes of conditions at the facility. Major changes of conditions at a facility will be subject to the provisions of Subsection 500.02. (11-19-99)T

03. No Change to this Subsection. (11-19-99)T

04. No Change to this Subsection. (11-19-99)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.04 - RULES GOVERNING EMERGENCY MEDICAL SERVICES ACCOUNT III GRANTS

DOCKET NO. 16-0204-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 39-145(2), 39-146B and 49-306, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rules have been amended to make a clerical correction to Section 300 of these rules and to correct a citation to Idaho Code in Section 400. These changes are being made pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the September 1, 1999 Administrative Bulletin, Volume 99-9, pages 74 through 79.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dia Gainor, Bureau Chief, at (208) 334-4000.

DATED this 30th day of September, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone;
(208) 334-5548 fax

IDAPA 16
TITLE 02
Chapter 04

RULES GOVERNING EMERGENCY MEDICAL SERVICES ACCOUNT III GRANTS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 74 through 79.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0204-9901

300. AWARD RECOMMENDATION.

The EMS Bureau shall request a recommendation from the state EMS Advisory Committee (EMSAC) as defined in IDAPA 16.02.03, "Rules Governing Emergency Medical Services," Section 100, regarding the distribution of grant funds. ()

01. Assessment And Validation Of Need. The EMSAC shall review grant applications prior to EMSAC making a recommendation about the distribution of awards. ()

02. Contingency Awards. The EMSAC may make a recommendation about what awards should be considered by the EMS Bureau in the event that other awards are withdrawn as described in Section 501 of these rules. ()

(BREAK IN CONTINUITY OF SECTIONS)

400. SECURITY INTEREST.

Successful applicants shall be required to execute a security agreement as required by Section 39-146B(2)(e), Idaho Code, and shall sign a Memorandum of Grant Terms, Conditions, and Security Agreement for Vehicle/Equipment provided by the EMS Bureau. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.08 - VITAL STATISTICS RULES

DOCKET NO. 16-0208-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) Title 39, chapter 2 - Vital Statistics Act, Section 39-255, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 210 through 213.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jane S. Smith at (208) 334-5976.

DATED this 28th day of October, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 16
TITLE 02
Chapter 08**

VITAL STATISTICS RULES

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 210 through 213.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.10 - IDAHO REPORTABLE DISEASES

DOCKET NO. 16-0210-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Chapters 1, 5, 6, 9, 10, 16, 17, and 43, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rule has been amended in response to public comment and to make transcriptional corrections to Sections 004, 010 and 020 of these rules. The rule is being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the August 4, 1999 Administrative Bulletin, Volume 99-8, pages 117 through 154.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Christine Hahn or Dr. Leslie Tengelsen at (208) 334-5939.

DATED this 20th day of September, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 16
TITLE 02
Chapter 10**

IDAHO REPORTABLE DISEASES

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-8, August 4, 1999, pages 117 through 154.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0210-9901

0034. DEFINITIONS.

For the purposes of this chapter, the following definitions apply. (12-31-91)

01. Airborne Precautions. Methods used to prevent airborne transmission of infectious agents, as described in "Guideline for Isolation Precautions in Hospitals" as defined in Subsection 005.01. ()

02. Approved Fecal Specimens. Specimens of feces obtained from the designated person who has not taken any antibiotic orally or parenterally for two (2) days prior to the collection of the fecal specimen. The specimen must be collected and transported to the laboratory in a manner appropriate for the test to be performed. (9-21-92)

023. Bite Or Other Exposure To Rabies. For the purpose of these rules, bite or bitten shall mean that the skin of the person or animal has been nipped or gripped, or has been wounded or pierced, including scratches, and includes probable contact of saliva with a break or abrasion of the skin. The term "exposure" shall also include contact of saliva with any mucous membrane. In the case of bats, even in the absence of an apparent bite, scratch, or mucous membrane contact, exposure may have occurred, as described in "Human Rabies Prevention -- United States, 1999" as defined in Subsection 005.03. (9-21-92)()

034. Board. The Idaho State Board of Health and Welfare as described in Section 39-107, Idaho Code. (12-31-91)

045. Cancers. Cancers that are designated reportable include the following as described in Section 57-1703, Idaho Code: (9-21-92)()

a. In-situ or malignant neoplasms, but excluding basal cell and squamous cell carcinoma of the skin unless occurring on a mucous membrane and excluding in-situ neoplasms of the cervix. (9-21-92)()

b. Basal or squamous cell carcinoma of the skin if occurring on mucous membranes or lip, eyelids, labia, vulva, penis, scrotum or anus; and (9-21-92)

eb. Benign tumors of the brain, meninges, pineal gland, or pituitary gland. (9-21-92)

056. Carrier. A person who can transmit a communicable disease to another person but may not have symptoms of the disease. (12-31-91)

067. Case. A person who has been diagnosed as having a specific disease or condition by a physician or other health care provider. The diagnosis may be based on clinical judgment, or on laboratory evidence, or on both criteria. Individual case definitions are ~~found~~ described in "Case Definitions for Infectious Conditions Under Public Health Surveillance", Mortality and Morbidity Weekly Report, October 19, 1990, Vol. 39, No. RR-13. Centers for Disease Control as defined in Subsection 005.02. (9-21-92)()

078. Cohort System. A communicable disease control mechanism in which cases having the same disease are temporarily segregated to continue to allow supervision and structured attendance in a day care facility.

(9-21-92)

089. Communicable Disease. A disease which may be transmitted from one (1) person or an animal to another person either by direct contact or through an intermediate host, vector, inanimate object, or other means which may result in infection, illness, disability, or death. (12-31-91)

0910. Contact. A person who has been exposed to a case or carrier of a communicable disease under circumstances in which he or she could possibly contract the disease or infection. (12-31-91)

11. Contact Precautions. Methods used to prevent contact transmission of infectious agents, as described in Garner, JS, et al., "Guideline for Isolation Precautions in Hospitals" as defined in Subsection 005.01. ()

102. Day Care. Care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes as described by Section 30-1102, Idaho Code. (9-21-92)

113. Department. The Idaho Department of Health and Welfare. (12-31-91)

124. District. Any one of the District Health Departments as established by Section 39-409, Idaho Code. (12-31-91)

135. District Director. Any one of the directors of a district health department appointed by the District Board as described in Section 39-413, Idaho Code. (9-21-92)

14. Enteric Precautions. ~~Standard procedures designed to prevent transmission of diseases which can be conveyed through direct or indirect contact with infected feces or with articles contaminated by feces. The procedures are those described in "Guidelines for the Prevention and Control of Nosocomial Infections," as defined in Section 004.~~ (12-31-91)

16. Droplet Precautions. Methods used to prevent droplet transmission of infectious agents, as described in Garner, JS, et al., "Guideline for Isolation Precautions in Hospitals" as defined in Subsection 005.01. ()

157. Extraordinary Occurrence Of Illness Including Clusters. ~~An unusual occurrence of a rare communicable disease or other illness~~ Rare diseases and unusual outbreaks of illness which may be a risk to the public. Illnesses related to drugs, foods, contaminated medical devices, contaminated medical products, and illnesses related to environmental contamination by infectious or toxic agents, or illnesses associated with occupational exposure to physical or chemical agents may be included in this definition. (12-31-91)()

168. Foodborne Outbreak. An incident in which two (2) or more persons experience a similar illness after ingestion of a common food, and epidemiological analysis implicates the food as the source of the illness. There are two (2) exceptions: one (1) case of botulism or chemical poisoning constitutes an outbreak. (9-21-92)

179. Food Handler. Any person who handles food utensils or who prepares, processes, handles, or serves food for people other than members of his/her immediate household. (12-31-91)

1820. Health Care Facility. An establishment organized and operated to provide health care to three (3) or more individuals who are not members of the immediate family. (12-31-91)

1921. Health Care Provider. A person who has direct or supervisory responsibility for the delivery of health care or medical services. This shall include, but not be limited to: licensed physicians, nurse practitioners, physician assistants, nurses, dentists, chiropractors, and administrators, superintendents, and managers of clinics, hospitals, and licensed laboratories. (9-21-92)

202. Medical Record. Hospital or medical records are all those records compiled for the purpose of recording a medical history, diagnostic studies, laboratory tests, treatments, or rehabilitation. Access shall be limited

to those parts of the record which will provide a diagnosis, or will assist in identifying contacts to a reportable disease or condition. Records specifically exempted by statute shall not be reviewable. (9-21-92)

243. Isolation. The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent. The place of isolation shall be designated by the Department or the District Board of Health. (12-31-91)

224. Laboratory Director. A person who has direct responsibility for the operation of a licensed laboratory. (12-31-91)

235. Livestock. Cattle, swine, horses, mules, asses, native and non-native ungulates, as provided in Section 25-221, Idaho Code. (9-21-92)

246. Licensed Laboratory. A medical diagnostic laboratory which is inspected, licensed, or approved by the Department or licensed according to the provisions of the Clinical Laboratory Improvement Act by the United States Health Care and Financing Administration. Licensed laboratory may also refer to the Idaho State Public Health Laboratory, the branch laboratories, and to the United States Centers for Disease Control and Prevention. (12-31-91)()

257. Licensed Physician. Any physician who is licensed by the Board of Medicine to practice medicine and surgery in Idaho. (9-21-92)

268. Licensed Veterinarian. Any veterinarian licensed by the Board of Veterinary Medicine. (12-31-91)

279. Outbreak. An unusual rise in the incidence of a disease. An outbreak may consist of just one (1) case. (12-31-91)

2830. Personal Care. The service provided by one (1) person to another for the purpose of feeding, bathing, dressing, assisting with personal hygiene, changing diapers, changing bedding, and other services involving direct physical contact. (12-31-91)

2931. Quarantine. The restriction placed on the entrance to and exit from the place or premise where a case or suspected case of a communicable disease exists. The place of quarantine shall be designated by the Department or District Board of Health. (12-31-91)

32. Rabies Post-Exposure Prophylaxis (PEP). The administration of a rabies vaccine series with or without the antirabies immune-globulin, depending on pre-exposure vaccination status, following a documented or suspected rabies exposure, as described in "Human Rabies Prevention -- United States, 1999" as defined in Subsection 005.03. ()

303. Rabies Susceptible Animal. Any animal capable of being infected with the rabies virus. (9-21-92)

314. Residential Care Facility. A commercial or non-profit establishment organized and operated to provide a place of residence for three (3) or more individuals who are not members of the same family, but live within the same household. (12-31-91)

32. Respiratory Isolation. ~~A standard isolation procedure which is designed to prevent transmission of organisms by means of direct contact or droplets that are coughed, sneezed, or breathed into the environment. Procedures described in "Guidelines for the Prevention and Control of Nosocomial Infections," as defined in Section 004, satisfy this method of isolation.~~ (12-31-91)

335. Restrictable Disease. A communicable disease which occurs in a setting where predictable and serious consequences may occur to the public. The determination of whether a disease is restrictable is based upon the specific environmental setting and the likelihood of transmission to susceptible persons. (12-31-91)

34. Secretion Precautions. ~~Standard procedures designed to prevent transmission of diseases which~~

~~can be conveyed through direct contact with wounds, oral secretions, drainages or secretion contaminated articles. Procedures described in “Guidelines for the Prevention and Control of Nosocomial Infections,” as defined in Section 004, satisfy these precautions.~~ (12-31-91)

356. Severe Reaction To Any Immunization. Severe reaction to any immunization means ~~a~~Any serious or life-threatening condition which results directly from the administration of any immunization against a communicable disease. (12-31-91)()

367. Significant Exposure To Blood Or Body Fluids. Significant exposure ~~occurs when a person is exposed to blood or any blood contaminated body fluid, semen, vaginal secretions, cerebrospinal fluid, or other fluids requiring universal precautions from an individual through needle puncture wound, scalpel cut or skin perforation; through any mucous membrane surface such as the eye, nose or mouth; or through an existing open cut, scratch, hangnail or other broken skin barrier~~ is defined as a percutaneous injury, contact of mucous membrane or non-intact skin, or contact with intact skin when the duration of contact is prolonged or involves an extensive area, with blood, tissue, or other body fluids as defined in “Public Health Service Guidelines for the Management of Health Care Worker Exposures to HIV and Recommendations for Postexposure Prophylaxis” as defined in Subsection 005.04. (5-16-90)()

38. Standard Precautions. Methods used to prevent transmission of all infectious agents, as described in Garner, JS, et al., “Guideline for Isolation Precautions in Hospitals” as defined in Subsection 005.01. ()

379. State Epidemiologist. ~~The~~ A person employed by the Department to serve as ~~the~~ a statewide epidemiologist. (9-21-92)()

3840. State Health Officer. The person appointed by the Director of the Department of Health and Welfare to serve as the statewide health officer. (12-31-91)

39. Strict Isolation. ~~A standard isolation procedure which is designed to minimize the likelihood of transmission of all highly communicable diseases. Procedures described in “Guidelines for the Prevention and Control of Nosocomial Infections,” as defined in Section 004, satisfy this method of isolation.~~ (12-31-91)

401. Suspected Case. A person who is diagnosed with or reasonably thought to have a particular disease or condition by a licensed physician or other health care provider. The suspected diagnosis may be based on signs and symptoms, or on laboratory evidence, or both criteria. Suspected cases of some diseases are reportable as described in Section 020. (12-31-91)

41. Universal Precautions. ~~Standard procedures designed to prevent transmission of diseases which can be conveyed by direct contact with blood/body fluids or items contaminated with blood or body fluids, according to the recommendations of the Center for Disease Control.~~ (9-21-92)

42. Vaccination Of An Animal Against Rabies. Vaccination of an animal by a licensed veterinarian with a rabies vaccine licensed or approved for the animal species and administered according to the specifications on the product label or package insert as described in the Compendium of Animal Rabies Control, 1999 as defined in Subsection 005.05. (9-21-92)()

43. Week. One (1) week means seven (7) days. (9-21-92)

44. Working Day. One (1) 8 a.m. to 5 p.m. official state work shift. (9-21-92)

45. Wound And Skin Precautions. ~~Standard procedures which are designed to minimize the transmission of infectious agents from wound or skin lesions. Procedures for contact isolation described in “Guidelines for the Prevention and Control of Nosocomial Infections,” as defined in Section 004, satisfy these precautions.~~ (9-21-92)

(BREAK IN CONTINUITY OF SECTIONS)

010. REPORTABLE DISEASES AND CONDITIONS.

A licensed physician who diagnoses, treats or cares for a person with a reportable disease or condition must make a report of such disease or condition to the Department or District as described in these rules. The hospital or health care facility administrator, or his delegated representative, must report in accordance with these rules all persons who are diagnosed, treated, or receive care for a reportable disease or condition in the administrator's facility. Reports need not be made by the hospital administrator, or his representative, if they can assure that the attending physician has previously reported the disease or condition. The physician is also responsible for reporting diseases and conditions diagnosed, or treated by physician assistants, nurse practitioners or others under the physician's supervision. In addition to licensed physicians, reports must also be made by physician assistants, certified nurse practitioners, registered nurses, school health nurses, infection surveillance staff, public health officials, laboratory directors, and coroners. No physician, hospital administrative person, or patient may deny Districts or agents of the Board access to medical records in discharge of their duties in implementing the reportable disease rules. School administrators shall report as indicated in Subsection 025.03.g. (9-21-92)

01. Reportable Diseases And Conditions. The following diseases and conditions are reportable to the Department or District. (11-17-83)

- a. Diseases. (11-17-83)
- i. Acquired immunodeficiency syndrome (AIDS); (11-17-83)
- ii. Amebiasis; (11-17-83)
- iii. Anthrax; (11-17-83)
- iv. Botulism; (11-17-83)
- v. Brucellosis; (11-17-83)
- vi. Campylobacteriosis; (11-17-83)
- vii. Cancer; (9-21-92)
- viii. Chancroid; (11-17-83)
- ix. Chlamydia trachomatis infections; (4-1-86)
- x. Cholera; (11-17-83)
- xi. Cryptosporidiosis; ()
- xii. Diphtheria; (11-17-83)
- xiii. Escherichia coli 0157:H7 and other shiga toxin producing E. coli (STEC); (~~9-21-92~~)()
- xiiii. Giardiasis; (11-17-83)
- xv. Hantavirus pulmonary syndrome; ()
- xvi. Haemophilus influenza invasive disease; (9-21-92)
- xvii. Hepatitis A; (11-17-83)
- xviii. Hepatitis B; (11-17-83)

xxix.	Hepatitis C;	(9-21-92)
xxiii.	Herpes simplex, genital;	(11-17-83)
xix.	Legionellosis;	(11-17-83)
xxi.	Leprosy;	(11-17-83)
xxij.	Leptospirosis;	(11-17-83)
<u>xxiii.</u>	<u>Listeriosis;</u>	()
xxiv.	Lyme Disease;	(9-21-92)
xxiiiv.	Malaria;	(11-17-83)
xxivj.	Measles (Rubeola);	(11-17-83)
xxvij.	Mumps;	(11-17-83)
<u>xxviii.</u>	<u>Myocarditis, viral;</u>	()
xxvix.	Neisseria gonorrhoeae infections;	(9-21-92)
xxvix.	Neisseria meningitidis invasive disease;	(9-21-92)
xxvixi.	Pertussis;	(11-17-83)
xxixii.	Plague;	(11-17-83)
xxxiii.	Pneumocystis carinii pneumonia (PCP);	(9-21-92)
xxxiv.	Poliomyelitis;	(11-17-83)
xxxiv.	Psittacosis;	(11-17-83)
xxxivvi.	Q fever;	(11-17-83)
xxxivvi.	Rabies (<u>human and animal</u>);	(11-17-83) ()
xxxviii.	Relapsing fever, <u>tick-borne and louse-borne</u> ;	(11-17-83) ()
xxxvi.	Reye syndrome;	(11-17-83)
xxxvix.	Rocky Mountain spotted fever;	(11-17-83)
xxxviii.	Rubella (including congenital rubella syndrome);	(11-17-83)
xxxixli.	Salmonellosis (including typhoid fever);	(11-17-83)
xlii.	Shigellosis;	(11-17-83)
xliii.	Streptococcus pyogenes, Group A, infections which are invasive or result in rheumatic fever;	(9-21-92)
xliiv.	Syphilis;	(11-17-83)

- xliii. Tetanus; (11-17-83)
- xlvi. Trichinosis; (11-17-83)
- ~~xlv.~~ ~~Toxic shock syndrome;~~ (~~11-17-83~~)
- xlvi. Tuberculosis; (11-17-83)
- xlvi. Tularemia; (11-17-83)
- xlviii. ~~Viral myocarditis, or aseptic encephalitis; and aseptic meningitis;~~ (~~9-21-92~~)()
- ~~xlix.~~ Yersinosis. (11-17-83)
- b. Conditions: (11-17-83)
- i. CD-4 lymphocyte counts less than two hundred (200) per cubic millimeter of blood or less than or equal to fourteen percent (14%). (~~9-21-92~~)()
- ii. Extraordinary occurrence of illness, including clusters. (~~11-17-83~~)()
- iii. Severe reactions to any immunization. (~~11-17-83~~)
- iv. Food poisoning and foodborne illness. (11-17-83)
- iv. Hemolytic-uremic syndrome (HUS). ()
- v. Human Immunodeficiency Virus (HIV) infections including, but not limited to AIDS related complex (ARC); positive HIV tests: HIV Antibody, HIV Antigen, Human Immunodeficiency Virus isolations, other tests of infectiousness, as specified by the Department. (~~9-21-92~~)()
- vi. Human T-Lymphotropic Virus Type I (HTLV I) infections. (~~9-21-92~~)()
- vii. Lead levels of ten (10) micrograms or more per deciliter of whole blood (ug/dl). (9-21-92)
- viii. Positive HIV tests: HIV Antibody, HIV Antigen, Human Immunodeficiency Virus isolations, other tests of infectiousness, as specified by the Department. Reye syndrome; (~~9-21-92~~)()
- ix. Severe or unusual reactions to any immunization. ()
- x. Toxic shock syndrome; ()
- 02. Form Of The Report.** (11-17-83)
- a. Each report of a reportable disease or condition shall include the identity and address of the attending licensed physician or the person reporting, the diagnosed or suspected disease or condition, the name, current address, telephone number and birth date or age, race, ethnicity, and sex of the individual with the disease or condition, and the date of onset of the disease or condition. (~~11-17-83~~)()
- b. A written report of a case or suspected case shall be made to the Department or the District on a form, specified and provided by the Department and distributed by Districts, or reports can be made by telephone, mail or fax to the Department or District where a report form shall be completed on each case. (~~9-21-92~~)()
- c. The identification of any organism known to cause a reportable disease or condition listed in Subsection 010.03.d. shall be reported to the Department or District by the laboratory director or his authorized representative. The report shall include the name (if known) or other identifier of the individual from whom the

specimen was obtained, the name and address of the individual's physician or other person requesting the test, and the identity of the organism or other significant test result. (9-21-92)

03. When To Report. (11-17-83)

a. Some reportable diseases are considered to be of urgent public health importance, and must be reported to the Department or District immediately, day or night. These diseases include: (11-17-83)

- i. Anthrax; ()
- ii. Botulism; (11-17-83)
- iii. Diphtheria; (11-17-83)
- ~~iii.~~ Neisseria meningitidis invasive disease; (~~9-21-92~~)
- iv. Plague; (11-17-83)
- v. Rabies in humans. (9-21-92)

b. The following reportable diseases and conditions must be reported to the Department or District within one (1) working day after diagnosis: (9-21-92)

- i. ~~Anthrax~~ Brucellosis; (~~11-17-83~~)()
- ii. Cholera; (9-21-92)
- iii. Escherichia coli O157:H7 and other shiga toxin producing E. coli (STEC); ()
- iv. Hantavirus pulmonary syndrome; ()
- ~~iii~~v. Haemophilus influenzae invasive disease; (9-21-92)
- ~~iv~~i. Hepatitis A; (9-21-92)
- vii. Hepatitis B; (9-21-92)
- ~~vi.~~ Hepatitis C; (~~9-21-92~~)
- viii. Hemolytic-uremic syndrome (HUS); ()
- ~~vix.~~ Measles; (11-17-83)
- x. Neisseria meningitidis invasive disease; ()
- ~~vix~~i. Pertussis; (11-17-83)
- ixii. Poliomyelitis; (11-17-83)
- xiii. Rabies in animals; (9-21-92)
- xiv. Rubella (including congenital rubella syndrome); (11-17-83)
- ~~xiv~~v. Salmonellosis (including typhoid fever); (11-17-83)
- ~~xiv~~vi. Extraordinary occurrence of illness including clusters; (~~11-17-83~~)()

- xivii. Severe or unusual reactions to any immunization; (11-17-83)
- xviii. Food poisoning and foodborne illness; (11-17-83)
- c. The remaining reportable diseases and conditions listed below shall be reported to the Department or District by telephone or by report form within one (1) week of the identification of a case; ~~(9-21-92)~~()
- i. Acquired immunodeficiency syndrome (AIDS); (9-21-92)
- ii. Amebiasis; (9-21-92)
- ~~iii. Brucellosis;~~ ~~(9-21-92)~~
- ~~iv. CD-4 lymphocyte counts less than two hundred (200) per cubic millimeter of blood or less than or equal to fourteen percent (14%);~~ ~~(9-21-92)~~()
- iv. Campylobacteriosis; (9-21-92)
- vi. Chancroid; (9-21-92)
- vii. Chlamydia trachomatis infections; (9-21-92)
- vii. Cryptosporidiosis; ()
- ~~viii. Escherichia coli 0157:H7;~~ ~~(9-21-92)~~
- ~~ix. Giardiasis;~~ (9-21-92)
- ix. Gonococcal infections; (9-21-92)
- ~~x. Herpes simplex, genital;~~ ~~(11-17-83)~~
- x. Hepatitis C; ()
- xii. Human Immunodeficiency Virus (HIV) infections including, ~~but not limited to AIDS related complex (ARC);~~ positive HIV tests: HIV Antibody, HIV Antigen, Human Immunodeficiency Virus isolations, other tests of infectiousness, as specified by the Department. ~~(9-21-92)~~()
- xiii. Human T-Lymphotropic Virus ~~Type I (HTLV-I)~~ infections; ~~(9-21-92)~~()
- ~~xiv. Lead levels of ten (10) micrograms or more per deciliter of whole blood (ug/dl);~~ (9-21-92)
- xiv. Legionellosis; (9-21-92)
- xvi. Leprosy; (9-21-92)
- xvii. Leptospirosis; (9-21-92)
- ~~xviii. Listeriosis;~~ ()
- xviii. Lyme Disease; (9-21-92)
- xix. Malaria; (9-21-92)
- xx. Mumps; (9-21-92)
- ~~xxi. Myocarditis, viral;~~ ()

- xxi. ~~Positive HIV tests: HIV Antibody, HIV Antigen, Human Immunodeficiency Virus isolations, other tests of infectiousness, as specified by the Department;~~ (9-21-92)
- xxii. Pneumocystis carinii pneumonia (PCP); (9-21-92)
- xxiii. Psittacosis; (9-21-92)
- xxiv. Q fever; (9-21-92)
- xxv. Relapsing fever, tick-borne or louse-borne; (~~9-21-92~~)()
- xxvi. Reye syndrome; (9-21-92)
- xxvii. Rocky Mountain spotted fever; (9-21-92)
- xxviii. Shigellosis; (9-21-92)
- xxix. Streptococcus pyogenes, Group A, infections which are invasive or result in rheumatic fever; (9-21-92)
- xxx. Syphilis; (9-21-92)
- xxxi. Tetanus; (9-21-92)
- xxxii. Trichinosis; (9-21-92)
- xxxiii. Toxic shock syndrome; (9-21-92)
- xxxiv. Tuberculosis; (9-21-92)
- xxxv. Tularemia; (9-21-92)
- xxxvi. ~~Viral myocarditis, or aseptic encephalitis, and aseptic meningitis;~~ (~~9-21-92~~)()
- xxxvii. Yersiniosis; (9-21-92)

d. The laboratory director or his authorized representative shall report the identification of the following organisms or significant serologic results or chemical determinations to the Department or District immediately, day or night. The organisms, serologic tests, and chemical determinations to be reported include: ()

- i. Bacillus anthracis; ()
- ii. Yersinia pestis; ()
- iii. Corynebacteria diphtheria; and ()
- iv. Rabies, human or animal. ()

e. The laboratory director or his authorized representative shall report the identification of the following organisms or significant serologic results or chemical determinations to the Department or District within one (1) working day after identification. The organisms, serologic tests, and chemical determinations to be reported include: ()

- i. Bordetella pertussis; ()
- ii. Brucella species; ()

- iii. Escherichia coli 0157:H7 or other shiga-toxin producing E. coli (STEC); ()
- iv. Hantavirus; ()
- v. Neisseria meningitidis from CSF or blood; and ()
- vi. Vibrio cholerae. ()
- ¶f. The laboratory director or his authorized representative shall report the identification of the following organisms or significant serologic results or chemical determinations to the Department or District within one (1) week. The organisms, serologic tests, and chemical determinations to be reported include: (9-21-92)
 - i. ~~Positive Human Immunodeficiency Virus (HIV) tests: HIV Antibody, HIV Antigen, Human Immunodeficiency Virus culture, other tests of infectiousness, as specified by the Department;~~ (9-21-92)
 - ii. Positive Human T-Lymphotropic Virus Type I (HTLV-I) tests; (9-21-92)
 - iii. CD-4 Lymphocyte Counts below two hundred (200) per cubic millimeter (cu/mm) of blood or less than or equal to fourteen percent (14%); (9-21-92)()
 - ~~iv.~~ Campylobacter jejuni species; (11-17-83)()
 - ~~v.~~ Chlamydia trachomatis; (4-1-86)
 - iv. Cryptosporidium; ()
 - ~~vi.~~ Corynebacterium diphtheriae; (11-17-83)
 - vii. Escherichia coli 0157:H7; (9-21-92)
 - viii. Giardia lamblia; (11-17-83)()
 - ~~ix.~~ Haemophilus influenzae from CSF or blood; (11-17-83)
 - ~~x.~~ Hepatitis A (IgM antibody); (11-17-83)
 - ~~xi.~~ Hepatitis B surface antigen; (11-17-83)
 - ~~xii.~~ Hepatitis C antibody or antigen; (9-21-92)
 - x. Human Immunodeficiency Virus (HIV) tests: positive HIV Antibody, HIV Antigen, Human Immunodeficiency Virus culture, or other tests of infectiousness, as specified by the Department; ()
 - xi. Human T-Lymphotropic Virus positive tests; ()
 - xiii. Lead levels of ten (10) micrograms or more per deciliter (ug/dl) of whole blood; (9-21-92)
 - xiii. Listeria species; ()
 - xiv. Mycobacterium tuberculosis complex; (11-17-83)()
 - xv. Neisseria gonorrhoeae; (11-17-83)
 - ~~xvi.~~ Neisseria meningitidis from CSF or blood; (11-17-83)
 - xvii. Plasmodium species; (11-17-83)

- xviii. Salmonella species; (11-17-83)
- ~~xix~~xviii. Shigella species; (11-17-83)
- xix. Syphilis tests (positive or reactive USR, RPR, VDRL, FTA, darkfield, others); (11-17-83)
- ~~xxi~~. ~~Vibrio cholerae~~; (~~11-17-83~~)
- xxii. Yersinia enterocolitica; (11-17-83)
- xxiii. Yersinia pseudotuberculosis; (9-21-92)
- ~~xxiv~~. ~~Yersinia pestis~~; (~~11-17-83~~)
- eg. Cancer is to be reported within one hundred and eighty (180) year days of its diagnosis or recurrence to the Department or the Department's designated agent or contractor. (~~9-21-92~~)()
- 04. Handling Of Reports By The Department And Districts.** (9-21-92)
- a. The Department and the District shall exchange reported information within one (1) working day by telephone on any reported case or suspected case of the following reportable diseases or conditions: (9-21-92)
- i. Anthrax; ()
- ii. Botulism; (11-17-83)
- iii. Cholera; (11-17-83)
- iiii. Diphtheria; (11-17-83)
- v. E. coli O157:H7 and other shiga toxin producing E. coli (STEC); ()
- vi. Food poisoning and foodborne illness; (9-21-92)
- vii. Hantavirus pulmonary syndrome; ()
- viii. Haemophilus influenzae invasive disease; (9-21-92)
- ~~ix~~x. Measles; (11-17-83)
- ~~xix~~x. Neisseria meningitidis invasive disease; (9-21-92)
- ~~xxi~~x. Pertussis; (11-17-83)
- ~~xxii~~x. Plague; (11-17-83)
- xiii. Poliomyelitis; (11-17-83)
- xiv. Rabies in humans or animals; (~~9-21-92~~)()
- ~~xv~~y. Rubella (including congenital rubella syndrome); (11-17-83)
- ~~xvi~~y. Salmonella typhi infection; (11-17-83)
- xvii. Syphilis; (11-17-83)

- xviii. Extraordinary occurrence of illness including clusters; (11-17-83)()
- xvix. Severe or unusual reaction to any immunization. (11-17-83)
- b. The District shall notify the Department no later than weekly of all other cases of reportable diseases and conditions not specified in Subsection 010.04.a. (9-21-92)
- c. No employee of the Department or District shall disclose the identity of persons named in disease reports except when necessary for the purpose of administering the public health laws of this state. (11-17-83)

(BREAK IN CONTINUITY OF SECTIONS)

020. SPECIFIC CONTROL MEASURES FOR REPORTABLE DISEASES.

01. Acquired Immune Deficiency Syndrome (AIDS). (9-21-92)

a. Each case of ~~acquired immune deficiency syndrome~~ AIDS meeting the current case definition established by the Centers for Disease Control and Prevention shall be reported to the Department or District within one (1) week of identification. ~~Other manifestations of human immunodeficiency virus (HIV) infection including, but not limited to AIDS related complex (ARC) and tests for HIV Antibody, HIV Antigen, HIV culture or other tests of infectiousness shall also be reported to the Department or District within one (1) week.~~ (9-21-92)()

b. Positive laboratory tests for HIV Antibody, HIV Antigen (protein or nucleic acid), HIV culture or other tests that indicate prior or existing HIV infection or CD-4 lymphocyte counts below two hundred (200) per cubic millimeter (cu/mm) of blood must be reported ~~as described in Subsection 010.03.d.i.~~ (9-21-92)()

c. Each report of a case of AIDS shall be investigated to obtain specific clinical information, to identify possible sources, risk factors, and contacts. Other manifestations of HIV infection as defined by the Centers for Disease Control and Prevention may be investigated. (9-21-92)()

d. A physician may order blood tests for the human immunodeficiency virus (HIV) when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. (9-21-92)

02. Amebiasis. (11-17-83)

a. Each case of amebiasis shall be reported to the Department or District within one (1) week of the identification. (11-17-83)

b. A preliminary investigation of each case shall be performed to determine if the case is employed as a food handler, provides personal care at a health care or day care facility, or is a child attending a day care facility. (11-17-83)

c. Persons excreting *Entamoeba histolytica* shall not work as food handlers and shall not engage in any occupation in which they provide personal care to children in day care facilities or to persons confined to health care facilities unless special exemption is made by the Department or authorized representative of the Department. (11-17-83)

i. This restriction may be rescinded if an effective therapeutic regimen has been completed and/or at least two (2) approved fecal specimens collected at least twenty-four (24) hours apart fail to show *Entamoeba histolytica* upon testing by a licensed laboratory. (9-21-92)

ii. Any member of a household in which there is a case of amebiasis may engage in any of the above occupations at the discretion of the Department provided at least one (1) approved fecal specimen is negative for ova

and parasites on examination by a licensed laboratory. (9-21-92)

d. Fecally incontinent persons who are excreting *Entamoeba histolytica* shall not attend day care facilities unless special exemption is made by the Department or authorized representative of the Department. (9-21-92)

03. Anthrax. (11-17-83)

a. Each case or suspected case of anthrax in humans shall be reported to the Department or District by telephone ~~within one (1) working day at the time of identification, day or night.~~ (9-21-92)()

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify the source of infection. Any identified or suspected source of infection shall be reported to the Department which shall notify the Idaho Department of Agriculture. (11-17-83)

04. Botulism. (11-17-83)

a. Each case or suspected case of botulism shall be reported to the Department or District at the time of identification, day or night. (11-17-83)

b. An investigation of each case or suspected case of botulism shall be performed to confirm the diagnosis, to determine if other persons have been exposed to botulinum toxins, and to identify the source of the disease. (9-21-92)

05. Brucellosis. (11-17-83)

a. Each case of brucellosis shall be reported to the Department or District within one (1) ~~week~~ working day of the identification. (11-17-83)()

b. Each report of a case shall be investigated to confirm the diagnosis and to identify the source of the infection. Any identified or suspected source of infection shall be reported to the Department, which shall notify the Idaho Department of Agriculture. (9-21-92)

~~**06.**~~ **Campylobacteriosis.** (11-17-83)

a. Each case of campylobacteriosis shall be reported to ~~the~~ Department or District within one (1) week of the identification. (11-17-83)()

b. An investigation of each case shall be performed to determine the extent of the outbreak and to identify the source of the infection. (11-17-83)

c. Persons excreting *Campylobacter jejuni* spp. shall not work as food handlers ~~and shall not or~~ provide personal care ~~to children~~ in day care, custodial institutions, or medical facilities unless exemption is obtained from the Department or District. This restriction will be rescinded provided at least two (2) approved fecal specimens collected at least twenty-four (24) hours apart fail to show *Campylobacter jejuni* spp. upon testing by a licensed laboratory. (9-21-92)()

d. Fecally incontinent persons who are excreting *Campylobacter jejuni* spp. shall not attend day care facilities unless exemption is made by the Department. (9-21-92)()

~~**067.**~~ **Cancer.** (11-17-83)

a. The following neoplasms are designated as reportable to the cancer data registry of Idaho within one hundred and eighty (180) year days of diagnosis or recurrence: (9-21-92)()

i. Each in-situ or malignant neoplasm diagnosed by histology, radiology, laboratory testing, clinical observation, autopsy, or suggested by cytology, but excluding basal cell and squamous cell carcinoma of the skin

unless occurring on a mucous membrane and excluding in-situ neoplasms of the cervix is reportable. ~~(9-21-92)~~ ()

ii. ~~Basal and squamous cell cancers of the skin are reportable if occurring on a mucous membrane or lip, eyelid, labia, vulva, penis, scrotum, or anus.~~ (9-21-92)

iii. Benign neoplasms are reportable if occurring in the brain, meninges, pineal gland, or pituitary gland. (9-21-92)

b. The use of the words “apparently,” “compatible with,” “consistent with,” “favor,” “most likely,” “presumed,” “probable,” “suspected,” “suspicious,” or “typical” is sufficient to make a case reportable. (9-21-92)

c. The use of the words “questionable,” “possible,” “suggests,” “equivocal,” “approaching,” and “rule out” is not sufficient to make a case reportable. (9-21-92)

d. Each case must be reported by patient's name, demographic information, date of diagnosis, primary site, metastatic sites, histology, stage of disease, initial treatments, subsequent treatment, and survival time. (9-21-92)

e. Every private, federal, or military hospital, pathology laboratory, or physician providing a diagnosis and/or treatment related to a reportable cancer is responsible for reporting or furnishing cancer-related data to the cancer data registry. (9-21-92)

f. All data reported to the cancer data registry shall be available for use in aggregate form for epidemiologic analysis of the incidence, prevalence, survival, and risk factors associated with Idaho's cancer experience. Disclosure of confidential information for research projects must comply with the cancer data registry's confidentiality policies, as well as the Idaho Department of Health and Welfare's Rules, IDAPA 16.05.01, “Rules Governing the Protection and Disclosure of Department Records”. (9-21-92)

08. Chancroid. (11-17-83)

a. Each case of chancroid shall be reported to the Department or District within one (1) week of the identification. (11-17-83)

b. Each person diagnosed with chancroid shall be required to inform their sexual contacts that they have been exposed to a venereal disease, or provide specific information so public health officials may locate such contacts, so the contacts can be examined and treated (Section 39-605, Idaho Code). (11-17-83)

c. Each case or suspected case of chancroid shall be investigated by a representative of the Department or District after notification has been received. ()

09. Chlamydia Trachomatis Infections. (9-21-92)

a. Each case of Chlamydia trachomatis infection shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each person diagnosed with ~~genital~~ Chlamydia trachomatis ~~pelvic inflammatory disease~~ shall be investigated to determine the extent of the contact follow-up required. ~~(9-21-92)~~ ()

c. Cases of Chlamydia trachomatis ophthalmia neonatorum in health care facilities shall be placed under ~~secretion~~ contact precautions. ~~(9-21-92)~~ ()

d. Prophylaxis against Chlamydia trachomatis ophthalmia neonatorum is required in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 02, Chapter 12, “Rules Governing Procedures and Testing to Be Performed on Newborn Infants”. (9-21-92)

10. Cholera. (9-21-92)

a. Each case or suspected case of cholera shall be reported to the Department or District by telephone

within one (1) working day. (9-21-92)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify contacts, carriers, and the source of the infection. (11-17-83)

c. Persons in health care facilities who have cholera shall be placed under ~~enteric~~ contact precautions. ~~Strict isolation is not necessary.~~ (11-17-83)()

d. Persons excreting *Vibrio cholerae* shall not work as food handlers, and shall not engage in any occupation which provides personal care to children in day care facilities or to persons confined to health care or residential facilities. (11-17-83)

e. Members of the household in which there is a case of cholera may not engage in any of the above occupations unless approved by the Department, or District and provided that they are asymptomatic and at least one (1) approved fecal specimen is found to be negative on culture by a licensed laboratory. (9-21-92)

f. Fecally incontinent persons who are excreting *Vibrio cholerae* shall not attend day care facilities. (9-21-92)

11. Cryptosporidiosis. ()

a. Each case of cryptosporidiosis shall be reported to the Department or District within one (1) week of the identification. ()

b. An investigation of each case shall be performed to determine the extent of the outbreak and to identify the source of the infection. ()

c. Persons with *Cryptosporidium* diarrheal illness shall not work as food handlers or provide personal care in day care facilities, custodial institutions, or medical facilities unless exemption is obtained from the Department or District. This restriction will be rescinded provided at least two (2) approved fecal specimens collected at least twenty-four (24) hours apart fail to show *Cryptosporidium* upon testing by a licensed laboratory or twenty-four (24) hours after diarrhea has ceased. ()

d. Fecally incontinent persons who are excreting *Cryptosporidium* shall not attend day care facilities unless exemption is made by the Department. ()

11. Diphtheria. (11-17-83)

a. Each case or suspected case of diphtheria shall be reported to the Department or District by telephone immediately, day or night, upon identification. (11-17-83)

b. Each report of a case or suspected case shall be investigated to determine if illness is caused by a toxigenic strain of *Corynebacterium diphtheriae*, to determine the extent of the outbreak, and to identify contacts, carriers, and the source of the infection. (11-17-83)

c. Cases of oropharyngeal toxigenic diphtheria in health care facilities shall be placed under ~~strict isolation~~ droplet precautions. The Department or authorized representative of the Department may rescind this isolation requirement after two (2) cultures of the nose and two (2) cultures from the throat, taken at least twenty-four (24) hours apart and at least twenty-four (24) hours after the completion of antibiotic therapy, fail to show toxigenic *Corynebacterium diphtheriae* upon testing by a licensed laboratory. (11-17-83)()

d. Cases of cutaneous toxigenic diphtheria shall be placed under ~~wound and skin~~ contact precautions. The Department or authorized representative of the Department may rescind these precautions after two (2) cultures from the wound fail to show toxigenic *Corynebacterium diphtheriae* upon testing by a licensed laboratory. (11-17-83)()

e. Contacts of cases of toxigenic diphtheria shall be offered immunization against diphtheria.

(11-17-83)

f. Contacts shall be restricted from working as food handlers, working in health care facilities, or residential facilities, or from attending or working in day care facilities or schools until they are determined not to be carriers by means of a nasopharyngeal culture or culture of other site suspected to be infected. This restrictions may be rescinded by the Department or authorized representative of the Department. (11-17-83)

123. Escherichia coli (E. coli) 0157:H7 And Other Shiga Toxin Producing E. coli (STEC).

(9-21-92)()

a. Each case of infection with E. coli 0157:H7 and other STEC shall be reported to the Department or District within one (1) week working day of the identification. (9-21-92)()

b. A preliminary investigation of each case shall be performed to determine if the person is employed as a food handler, provides personal care at a health care or day care facility, or is a child attending a day care facility. The investigation shall determine the extent of the outbreak and identify the most likely source of the infection. (9-21-92)

c. Persons who are excreting E. coli 0157:H7 and other STEC may not provide personal care to children in day care facilities or to persons in health care facilities or work as food handlers while the disease is present in a communicable form without the approval of the Department or the District. One (1) negative fecal specimen for E. coli 0157:H7 and other STEC is sufficient to remove restrictions on personnel. (9-21-92)()

d. Fecally incontinent persons who are excreting E. coli 0157:H7 and other STEC may not attend day care facilities unless exemption is made by the Department or District. One (1) negative fecal specimen for E. coli 0157:H7 and other STEC is sufficient to remove day care attendance restrictions. (9-21-92)()

134. Giardiasis.

(11-17-83)

a. Each case of giardiasis shall be reported to the Department or District within one (1) week of the identification. (11-17-83)

b. A preliminary investigation of each case shall be performed to determine if the person is employed as a food handler, provides personal care at a health care or day care facility, or is a child attending day care facility. The preliminary investigation shall also determine the water sources used by the person with giardiasis. The investigation shall determine the extent of the outbreak, and identify the most likely source of the infection. (11-17-83)

c. Persons with diarrhea who are excreting Giardia lamblia may not provide personal care to children in day care facilities or to persons in health care facilities or work as food handlers while the disease is present in a communicable form or until two (2) days of therapy have been completed. Asymptomatic persons may provide these services with specific approval of the Department or District. (9-21-92)()

d. Fecally incontinent persons with diarrhea who are excreting Giardia lamblia may not attend day care facilities. Asymptomatic children who are excreting Giardia lamblia may attend after investigation is made, hygiene of the facility is determined adequate, and an exemption is made by the Department. (9-21-92)()

15. Hantavirus Pulmonary Syndrome.

()

a. Each case of acute hantavirus infection manifesting as the hantavirus pulmonary syndrome, will be reported to the Department or District within one (1) day of identification. ()

b. Each report of a case shall be investigated to confirm the diagnosis, determine environmental risk factors leading to infection, and determine any other at-risk individuals. ()

c. The extended CDC case investigation and environmental assessment forms shall be completed in a timely manner. ()

146. Haemophilus Influenzae Invasive Disease. (9-21-92)

a. Each case of invasive Haemophilus influenzae invasive disease, including but not limited to meningitis, septicemia, bacteremia, epiglottitis, pneumonia, osteomyelitis and cellulitis, shall be reported to the Department or District within one (1) working day of identification. (9-21-92)

b. Each report of a case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, to identify contacts, and to determine the need for antimicrobial prophylaxis of close contacts. (11-17-83)

c. Any person who is diagnosed with a disease caused by invasive Haemophilus influenzae shall not provide personal care to children attending a day care facility, or be engaged in any occupation where there is direct contact with students in a private, parochial, or public school as long as the disease is in a communicable form. (11-17-83)

d. Any person who is diagnosed with a disease caused by invasive Haemophilus influenzae shall not attend a day care facility, or a private, parochial, or public school as long as the disease is in a communicable form. (11-17-83)

17. Hemolytic Uremic Syndrome (HUS). ()

a. Each case of HUS shall be reported to the Department or District within one (1) working day. ()

b. Each case of HUS shall be investigated to confirm the diagnosis, determine the etiologic agent including E. coli O157:H7, non-O157 shiga-toxin producing E. coli, other enteric pathogens, and determine the source of infection. ()

158. Hepatitis A. (9-21-92)

a. Each case or suspected case of hepatitis A shall be reported to the Department or District within one (1) working day of identification. (9-21-92)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, to identify contacts, to determine the need for immune serum globulin (gamma globulin), and to identify possible sources of the infection so subsequent cases may be prevented. (11-17-83)

c. Persons with hepatitis A in health care facilities shall be placed under ~~enteric~~ contact precautions as long as the disease is present in a communicable form. (11-17-83)()

d. Persons with hepatitis A shall be restricted from working as a food handler and shall not engage in any occupation in which he/she provides personal care to children in a day care facility or to persons who are confined to health care or residential care facilities. (11-17-83)

i. The Department or authorized representative of the Department may rescind this restriction when the illness is considered no longer to be in a communicable stage. (11-17-83)

ii. Any unvaccinated member of the household in which there is a case of hepatitis A may not engage in any of the above mentioned occupations unless exemption is obtained from the Department or District. (11-17-83)()

iii. A specific test for recent hepatitis A infection (IgM antiHAV) shall be performed by a licensed laboratory on all food handlers suspected of having hepatitis A (9-21-92)

e. Children who have hepatitis A shall not attend nurseries or day care facilities until the disease is no longer communicable as determined by a licensed physician, or unless exemption is made by the Department or District. (9-21-92)

f. A physician may order blood tests for hepatitis A when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. (5-16-90)

162. Hepatitis B. (9-21-92)

a. Each case of hepatitis B shall be reported to the Department or District within one (1) working day of identification. (9-21-92)

b. Each report of a case shall be investigated to confirm the diagnosis, to identify contacts and carriers, to determine the need for prophylaxis with immune globulins, to determine the need for hepatitis B vaccine, to determine the exposure of any pregnant women, and to identify possible sources of the infection so subsequent cases can be prevented. (9-21-92)

~~e. Persons with hepatitis B in health care facilities shall be placed under universal precautions as long as the disease is present in a communicable form. (9-21-92)~~

~~d.~~ c. The carrier status of all persons diagnosed with hepatitis B shall be determined six (6) months after the initial diagnosis is established. (11-17-83)

i. The carrier status shall be determined by the presence of hepatitis B surface antigen (HBsAg) in blood obtained at least six (6) months after the initial diagnosis of hepatitis B. (9-21-92)

ii. The test for hepatitis B surface antigen (HBsAg) shall be performed by a licensed laboratory. (11-17-83)

iii. All persons who are carriers of hepatitis B shall be reported to the Department or District by their physician at the time of determination for inclusion in the hepatitis B carrier registry. (9-21-92)

~~e.~~ d. A physician may order blood tests for hepatitis B when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. (5-16-90)

~~1720.~~ **1720. Hepatitis C.** (9-21-92)

a. Each case of hepatitis C shall be reported to the Department or District within one (1) ~~working day~~ week of identification. (9-21-92)(____)

b. Each reported case of ~~acute~~ hepatitis C shall be investigated to confirm the diagnosis, and to identify possible sources of the infection so subsequent cases may be prevented. (9-21-92)(____)

~~e. Persons with hepatitis C in health care facilities shall be placed under universal precautions for such time as determined by the facility. (9-21-92)~~

~~d.~~ c. A physician may order blood tests for hepatitis C when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. (9-21-92)

~~18.~~ **18. Herpes Simplex, Genital.** (9-21-92)

~~a.~~ a. Each case of ~~genital herpes simplex~~ shall be reported to the Department or District within one (1) ~~week of the identification.~~ (11-17-83)

~~b.~~ b. Each ~~person diagnosed with a genital herpes infection shall be informed by their physician, or other health care provider, that they have the disease and what precautions can be taken to prevent the transmission of the infection.~~ (11-17-83)

e. ~~Each person diagnosed with a genital herpes infection shall be encouraged to inform their sexual contacts that they may have been exposed to a venereal disease.~~ (9-21-92)

21. Human Immunodeficiency Virus (HIV) Infection. ()

a. Each case of HIV infection shall be reported to the Department or District within one (1) week of identification. ()

b. Positive laboratory tests for HIV Antibody, HIV Antigen (protein or nucleic acid), HIV culture or other tests that indicate prior or existing HIV infection must be reported as described in Subsection 010.03.d.i. ()

c. Each reported case of HIV infection shall be investigated to obtain specific clinical information, to identify possible sources, risk factors, and contacts. Other manifestations of HIV infection as defined by the Centers for Disease Control and Prevention may be investigated. ()

d. A physician may order blood tests for the HIV when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. ()

22. Human T-Lymphotropic Virus (HTLV) Positive Tests. ()

a. HTLV infections (I and II) shall be reported to the Department or District within one (1) week of the identification. ()

b. Each reported case of HTLV infection may be investigated to determine the source of infection and evaluate risk factors. ()

1923. Legionellosis. (11-17-83)

a. Each case of legionellosis shall be reported to the Department or District within one (1) week of the identification. (11-17-83)

b. Each reported case of legionellosis shall be investigated to confirm the diagnosis, and to identify possible sources of the infection so subsequent cases may be prevented. ()

~~b.c.~~ When two (2) or more cases occur ~~among closely associated persons within thirty (30) days of each other~~, an investigation shall be conducted to identify a common environmental source, and to identify ways to prevent further infections. (11-17-83)()

204. Leprosy. (11-17-83)

a. Each case of leprosy shall be reported to the Department or District within one (1) week of the identification. (9-21-92)

b. Each reported case or suspected case shall be investigated to confirm the diagnosis and to identify all household or other close contacts. (11-17-83)

c. All household or close contacts of a new case shall be examined by a licensed physician for signs of leprosy. Household contacts and patients in remission shall be registered with the Department and undergo periodic medical examinations every six (6) to twelve (12) months for five (5) years. (11-17-83)

215. Leptospirosis. (11-17-83)

a. Each case of leptospirosis shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis and to identify possible sources of the infection. Any identified or suspected source of infection shall be reported to the Department, which shall notify the Idaho Department of Agriculture if animals are involved. (11-17-83)

26. Listeriosis. ()

a. Each case of listeriosis shall be reported to the Department or District within one (1) week of the identification. ()

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis and to identify possible sources of the infection and extent of the outbreak. ()

227. Lyme Disease. (9-21-92)

a. Each case of Lyme Disease shall be reported to the Department or District within one (1) week of the identification. (9-21-92)

b. Each report of a case shall be investigated to confirm the diagnosis and to identify possible sources of the infection. Any identified or suspected source of infection shall be reported to the Department, which shall notify the Idaho Department of Agriculture if animals are involved. (9-21-92)

238. Malaria. (9-21-92)

a. Each case of malaria shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each report of a case shall be investigated to determine the type and the source of the infection. (9-21-92)

c. If transmission may have occurred in Idaho, an entomologic investigation ~~may~~ shall be performed by the Department or District to determine the extent of mosquito activity, and to institute control measures if necessary endemic transmission has been determined. (9-21-92)()

~~d. Persons with malaria in health care facilities shall be placed under universal precautions while the disease is present in an infectious form. (9-21-92)~~

~~ed.~~ A physician may order blood tests for malaria when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. (5-16-90)

249. Measles. (9-21-92)

a. Each case or suspected case of measles (rubeola) shall be reported to the Department or District by telephone within one (1) working day after identification. (9-21-92)

b. Each report of a case or suspected case shall be investigated promptly to confirm the diagnosis, to determine the extent of the outbreak, to identify the source of the infection, and to identify susceptible contacts. (11-17-83)

c. Cases or suspected cases of measles in health care facilities shall be placed under ~~respiratory isolation~~ airborne precautions until the fifth day after the onset of rash. (11-17-83)()

d. A person who is diagnosed as having measles shall not engage, as long as the disease is in a communicable stage, in any occupation in which there is direct contact with children ~~in day care facilities, or persons in schools, health care, or residential care facilities.~~ (11-17-83)()

e. A child diagnosed with measles shall not attend a day care facility as long as the disease is in a

communicable stage. (11-17-83)

f. Any person, regardless of age, shall not attend a private, parochial, charter, or public school as long as the disease is in a communicable stage. (11-17-83)()

g. In the event of an outbreak, susceptible children must be excluded from day care facilities and schools until adequate immunization is obtained, or the threat of further spread is contained (Section 33-512, Idaho Code). (9-21-92)

~~2530.~~ Mumps. (9-21-92)

a. Each case of mumps shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each report of a case may be investigated to determine the immunization history or if there is an unusual cause for an outbreak. (9-21-92)

c. Each case of mumps shall be restricted from school or work for nine (9) days after onset of parotid swelling. ()

31. Myocarditis, Viral. ()

a. Each case of diagnosed or suspected viral myocarditis shall be reported within one (1) week of identification. ()

b. Each report of a case shall be investigated to confirm the diagnosis, to identify clusters or outbreaks of the infection, and to identify the agent or source of the infection. ()

26. Neisseria Gonorrhoeae Infections. (9-21-92)

a. Each case of Neisseria gonorrhoeae infection shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each person diagnosed with urethral, cervical, oropharyngeal, or rectal gonorrhea shall be required to inform their sexual contacts, or provide sufficient information so public health officials may locate such contacts, advise that they have been exposed to a sexually transmitted infection (venereal disease) and should seek examination and treatment. (9-21-92)()

c. Cases of gonococcal ophthalmia neonatorum in health care facilities shall be placed under wound and skin precautions. (11-17-83)

d. Prophylaxis against gonococcal ophthalmia neonatorum shall be as described in Idaho Department of Health and Welfare Rules, IDAPA 16.02.12, "Rules Governing Procedures and Testing to be Performed on Newborn Infants". (11-17-83)

~~2733.~~ Neisseria Meningitidis Invasive Disease. (9-21-92)

a. Each case of invasive disease caused by Neisseria meningitidis, including but not limited to meningitis and septicemia shall be reported to the Department or District by telephone ~~at the time~~ within one (1) working day of identification, day or night. (9-21-92)()

b. Each report of a case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, to identify contacts, and to determine the need for antimicrobial prophylaxis and/or immunization of close contacts. (9-21-92)

c. Any person who is diagnosed with a disease caused by Neisseria meningitidis shall not provide personal care to children attending a day care facility, or engage in any occupation where there is direct contact with

students in private, parochial, charter, or public schools as long as the disease is present in a communicable form.

(11-17-83)(____)

d. Any person who is diagnosed with a disease caused by *Neisseria meningitidis* shall not attend a day care facility, or a private, parochial, charter, or public school as long as the disease is present in a communicable form.

(11-17-83)(____)

e. Persons with meningococcal disease in health care facilities or residential care facilities shall be placed under respiratory isolation until twenty-four (24) hours after the initiation of effective therapy. (11-17-83)

2834. Pertussis. (9-21-92)

a. Each case or suspected case of pertussis shall be reported to the Department or District by telephone within one (1) working day of identification. (9-21-92)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, to identify susceptible contacts, and to identify the source of the infection so additional cases can be prevented. (11-17-83)

~~e. Cases or suspected cases of pertussis in health care facilities shall be placed under respiratory isolation until no longer considered communicable by the attending physician. (11-17-83)~~

~~ec.~~ A person who is diagnosed with pertussis shall not engage in any occupation in which there is direct contact with children in a day care facility or other persons in health care facilities, residential care facilities, or schools as long as the disease is in a communicable stage. (11-17-83)

ed. Any person diagnosed with pertussis shall not attend a private, parochial, charter, or public school or a day care facility as long as the disease is in a communicable stage. (11-17-83)(____)

2935. Plague. (11-17-83)

a. Each case or suspected case of plague shall be reported to the Department or District by telephone immediately, day or night, upon identification, which shall notify the Idaho Department of Agriculture if animals are involved. (11-17-83)(____)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, determine the source and extent of the outbreak, and to ascertain if there has been person-to-person transmission. (11-17-83)

c. Cases or suspected cases of pneumonic plague in health care facilities shall be placed under ~~strict isolation~~ droplet precautions until two (2) full days of appropriate antibiotic therapy has been completed, and there has been a favorable clinical response. (11-17-83)(____)

d. Cases or suspected cases of bubonic plague in health care facilities shall be placed under strict isolation precautions and treated with appropriate antibiotics. (9-21-92)

e. Household and face-to-face contacts of persons with pneumonic plague shall be placed on chemoprophylaxis and placed under surveillance for seven (7) days. Persons who refuse chemoprophylaxis shall be maintained ~~in strict isolation~~ under droplet precautions with careful surveillance for seven (7) days. (11-17-83)(____)

306. Pneumocystis Carinii Pneumonia (PCP). (9-21-92)

a. Each case of *Pneumocystis carinii* pneumonia shall be reported to the Department or District within one week of identification. (9-21-92)

b. Each report of a case shall be investigated to confirm the diagnosis, and to determine the underlying cause of any immune deficiency which may have contributed to the disease. If the underlying cause is an HIV infection, that shall be reported. (9-21-92)

317. Poliomyelitis. (9-21-92)

a. Each case or suspected case of poliomyelitis shall be reported to the Department or District by telephone within one (1) working day of identification. (9-21-92)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, to determine whether the case is polio vaccine associated, or wild virus associated, to determine the extent of the outbreak, to ascertain if there has been person-to-person transmission, to identify susceptible contacts, carriers, and the source of the infection. (9-21-92)

~~e. Cases and suspected cases of poliomyelitis in health care facilities shall be placed under enteric precautions. (11-17-83)~~

~~dc.~~ The immunization status of all contacts shall be ascertained and all susceptible contacts shall be offered immunization. (11-17-83)

328. Psittacosis. (11-17-83)

a. Each case of psittacosis shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify contact with possible sources of the infection. (11-17-83)

c. Any identified sources or suspected sources of infection shall be reported to the Department which shall notify the Idaho Department of Agriculture if birds or other animals are involved. (11-17-83)

339. Q Fever. (11-17-83)

a. Each case shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each reported case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify the source of the infection. (11-17-83)

c. Any identified or suspected sources of infection shall be reported to the Department which shall notify the Idaho Department of Agriculture if animals are involved. (11-17-83)

340. Rabies. (11-17-83)

a. Each case or suspected case of rabies in humans shall be reported immediately to the Department or District, day or night, upon identification. Each case of rabies in animals shall be reported to the Department or District and the Department of Agriculture within one (1) working day. ~~(9-21-92)~~()

b. Each report of a case or suspected case of rabies in humans shall be investigated to confirm the diagnosis, to identify the source and other persons or animals that may have been exposed to the source, and to identify persons who may need to undergo prophylaxis with rabies immune globulin and rabies vaccine. ~~(9-21-92)~~()

c. Each instance of post-exposure prophylaxis (PEP) initiation shall be reported to the Department or District within one (1) working day. ()

d. Each reported PEP initiation shall be investigated to determine if additional individuals require PEP and to identify the source of possible exposure. ()

~~e. A case or suspected case of rabies in humans shall be placed under strict isolation in a health care~~

~~facility.~~ (11-17-83)

~~de.~~ In the event that a human or animal case of rabies occurs, any authorized representative of the Idaho Department of Agriculture or Department or District shall establish such isolation and quarantine of animals as deemed necessary to protect the public health. (9-21-92)

~~ef.~~ The handling of a rabies susceptible animal which has bitten a person shall be as follows:(9-21-92)

i. Any livestock which has bitten a person shall be managed by the Department of Agriculture. (9-21-92)

ii. Any healthy domestic dog, ~~or cat,~~ or ferret which has bitten a person shall be observed for ten (10) days following the bite under the supervision of a licensed veterinarian or other person designated by the Idaho Department of Agriculture or the Department. Such observation shall be within an enclosure, or with restraints deemed adequate to prevent contact with any member of the public or other animals. (~~11-17-83~~)()

iii. It shall be the animal owner's responsibility to carry out the quarantine of the biting animal and to follow instructions provided for the quarantine of the animal. (11-17-83)

iv. Any domestic dog, ~~or cat,~~ or ferret that has not been vaccinated against rabies and cannot be quarantined, shall be destroyed by a means other than shooting in the head. The head shall be submitted to an approved laboratory for rabies analysis. (~~9-21-92~~)()

v. Susceptible animals other than domestic dogs, cats, ferrets, or livestock shall be destroyed and the head submitted to an approved laboratory for rabies analysis. (~~9-21-92~~)()

vi. No person shall destroy or allow to be destroyed the head of a rabies susceptible animal which has bitten a person without authorization from the Department. (11-17-83)

~~fg.~~ The handling of a rabies susceptible animal that has not bitten a person, but has within the past one hundred eighty (180) days been bitten, mouthed, or mauled by, or closely confined in the same premises with a known rabid animal shall be as follows: (9-21-92)

i. Any domestic dog, ~~or cat,~~ ferret, or livestock which has not been vaccinated as recommended by the American Veterinary Medical Association, shall be placed in quarantine for a period of six (6) months under the observation of a licensed veterinarian or a person designated by the Department or the Department of Agriculture and vaccinated one (1) month prior to release from quarantine. Vaccinated animals including livestock should be revaccinated immediately with a currently recommended rabies vaccine and quarantined for ninety (90) days. These provisions apply only to domestic animals for which an approved rabies vaccine is available. (~~9-21-92~~)()

ii. The quarantine of such animal shall be within an enclosure deemed adequate by an authorized representative of the Idaho Department of Agriculture or the Department, or District to prevent contact with any person or rabies susceptible animal. (9-21-92)

iii. The owner of the animal shall be financially responsible for the cost of isolating and quarantining the animal and costs for specimen collection and testing. (11-17-83)

iv. Destruction of such animal shall be permitted as an alternative to quarantine. (11-17-83)

~~gh.~~ Any rabies susceptible animal other than domestic dogs, cats, ferrets, or livestock which are suspected of having rabies, or which have been in close contact with an animal known to be rabid shall be destroyed. The animal shall be tested by an approved laboratory for rabies if a person has been bitten, or has had direct contact with the animal which might result in the person becoming infected. (~~9-21-92~~)()

~~hi.~~ Nothing in these rules is intended or shall be construed to limit the power of any city or county in its authority to enact more stringent requirements to prevent the transmission of rabies. (11-17-83)

- 3541. Relapsing Fever.** (11-17-83)
- a. Each case of relapsing fever shall be reported to the Department or District within one (1) week of identification. (11-17-83)
- b. Each report of a case shall be investigated to confirm the diagnosis, determine the extent and source of the outbreak, and to ascertain whether transmission by lice or ticks is likely. (11-17-83)
- 3642. Reye Syndrome.** (9-21-92)
- a. Each case of Reye syndrome shall be reported to the Department or District within one (1) week of identification. (9-21-92)
- b. Each case shall be investigated to obtain specific clinical information, to learn more about the etiology, risk factors, and means of preventing the syndrome. (9-21-92)
- 3743. Rocky Mountain Spotted Fever.** (11-17-83)
- a. Each case of Rocky Mountain spotted fever shall be reported to the Department or District within one (1) week of identification. (11-17-83)
- b. Each report shall be investigated to confirm the diagnosis, to identify the source of infection, and to determine if control measures should be initiated. (11-17-83)
- 3844. Rubella.** (11-17-83)
- a. Each case or suspected case of rubella (including congenital rubella syndrome) shall be reported to the Department or District within one (1) working day of identification. (9-21-92)
- b. Each report of a case or suspected case shall be investigated to confirm the diagnosis, determine the extent of the outbreak, to identify any contacts who are susceptible, pregnant women, and to document the presence of the congenital rubella syndrome. (11-17-83)
- ~~e. Newborns with congenital rubella syndrome shall be placed under strict isolation. Other rubella cases in health care facilities shall be placed under respiratory isolation. (11-17-83)~~
- ~~ec. Persons diagnosed with rubella shall not engage, as long as the disease is in a communicable stage, in any occupation in which there is close contact with children in day care facilities or other persons in schools, health care, or residential care facilities, or with women likely to be pregnant. (11-17-83)~~
- ~~ed. Any person with rubella, regardless of age, shall not attend or be present in a private, parochial, charter, or public school as long as the disease is in a communicable stage. (11-17-83)()~~
- ~~fe. A person diagnosed with rubella shall not attend or be present in a day care facility as long as the disease is in a communicable form. (11-17-83)~~
- 3945. Salmonellosis.** (11-17-83)
- a. Each case of salmonellosis (including typhoid fever) shall be reported to the Department or District within one (1) working day of identification. (9-21-92)
- b. Each report of a case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify contacts, carriers, and the source of contamination. (11-17-83)
- ~~e. Cases or suspected cases in health care facilities shall be placed under enteric precautions. (11-17-83)~~

~~dc.~~ Fecally incontinent persons who are excreting Salmonella shall not attend day care facilities unless exemption is obtained from the Department or District. Any exemptions may be based on the absence of symptoms, and the hygiene of the facility and staff. (9-21-92)

ed. Persons excreting Salmonella shall be restricted from working as food handlers, and shall not engage in any occupation in which they provide personal care to children in day care facilities or to persons who are confined to health care facilities or residential care facilities unless exemption is obtained from the Department. Any exemption for day care, health care, or residential care facilities may be based on the absence of symptoms and the hygiene of the facility and staff. (9-21-92)

i. The Department or authorized representative for the Department may rescind this restriction on cases other than Salmonella typhi infection provided that two (2) approved fecal specimens, collected not less than twenty-four (24) hours apart, fail to show Salmonella upon testing by a licensed laboratory. (11-17-83)

ii. Any member of a household in which there is a case of non-typhi salmonellosis may not engage in the above occupations until they produce at least one (1) negative fecal specimen ~~is negative~~ for Salmonella testing on examination by a licensed laboratory. (9-21-92)()

~~fe.~~ Identification and management of non-Salmonella typhi carriers. (11-17-83)

~~i.~~ ~~Any person who excretes Salmonella for more than four (4) weeks and less than one (1) year is defined to be a convalescent carrier.~~ (11-17-83)

ii. Any person who excretes Salmonella for more than one (1) year after onset is defined to be a chronic carrier. (11-17-83)

~~iii.~~ ~~Convalescent carriers may not engage in the occupations listed in Subsection 020.35.e. until Salmonella species is not identified by a licensed laboratory in either of two (2) successive approved fecal specimens collected not less than twenty-four (24) hours apart.~~ (11-17-83)

~~iv.i.~~ Chronic carriers may not engage in the occupations listed in Subsection 020.35.e. shall be restricted from working as food handlers, and shall not engage in any occupation in which they provide personal care to children in day care facilities or to persons who are confined to health care facilities or residential care facilities until Salmonella species is not identified by a licensed laboratory in any of three (3) successive approved fecal specimens collected at least seventy-two (72) hours apart. (11-17-83)()

g. Identification and management of typhoid fever cases and carriers. (11-17-83)

i. Any person with typhoid fever shall remain subject to the supervision of the Department or authorized representative of the Department until Salmonella typhi is not isolated by a licensed laboratory from four (4) successive approved fecal specimens. These specimens are to be collected at least twenty-four (24) hours apart and not earlier than one (1) month after onset. (11-17-83)

ii. Any member of a household in which there is a case of salmonella typhi may not engage in the above occupations until at least two (2) fecal specimens are negative for Salmonella testing on examination by a licensed laboratory. ()

iii. All carriers of Salmonella typhi shall abide by the typhoid fever carrier agreement. Failure to abide by the carrier agreement may cause the carrier to be isolated. (11-17-83)

(1) The typhoid carrier agreement is a written agreement between the carrier and the Department. (11-17-83)

(2) The carrier agrees to not work as a food handler, to notify the Department at once of any change in address or occupation, to report to the District immediately any cases of illness suggestive of typhoid fever in his/her family or among immediate associates, and to furnish specimens for examination in a manner prescribed by the Department. (11-17-83)

~~iii. Convalescent carriers of typhoid fever may be released from the carrier status when Salmonella typhi is not identified by a licensed laboratory from three (3) successive approved fecal specimens collected not more than twenty four (24) hours apart. (11-17-83)~~

iv. Chronic carriers of typhoid fever may be released from carrier status when Salmonella typhi is not identified by a licensed laboratory in any of six (6) consecutive approved fecal specimens and urine specimens collected at least one (1) month apart. (11-17-83)

406. Shigellosis. (11-17-83)

a. Each case of shigellosis shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each report of a case shall be investigated to confirm the diagnosis and to determine the extent of the outbreak. An attempt shall be made to identify contacts, carriers, and the source of infection. (11-17-83)

~~e. Persons excreting Shigella in health care facilities shall be placed under enteric precautions. (11-17-83)~~

~~ec.~~ Persons excreting Shigella shall not work as food handlers nor attend day care facilities. They shall not engage in any occupation in which they provide personal care to children in day care facilities or to persons who are confined to health care or residential care facilities unless exemption is obtained from the Department or District. In an outbreak in a facility, a cohort system may be approved. (9-21-92)

i. The Department or authorized representative of the Department may rescind this restriction provided that two (2) approved fecal specimens collected at least twenty-four (24) hours apart fail to show Shigella upon testing by a licensed laboratory. (11-17-83)

ii. No member of the household in which there is a case of shigellosis may engage in any of the above-mentioned occupations unless the Department approves and at least one (1) fecal specimen is negative for Shigella testing on examination by a licensed laboratory. (9-21-92)

417. Streptococcus Pyogenes, Group A, Infections Which Are Invasive Or Result In Rheumatic Fever. (11-17-83)

a. Each case of Streptococcus pyogenes, Group A, infection which is invasive or results in rheumatic fever shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each case ~~may shall~~ be investigated to confirm the diagnosis, to determine if the infection is part of an outbreak, and to identify the source of the infection. ~~(9-21-92)~~(____)

c. Infected persons should not attend day care, school, or work in health care facilities until twenty-four (24) hours has elapsed after treatment is initiated, or until the patient is no longer infectious as determined by a physician, District or the Department. (9-21-92)

428. Syphilis. (9-21-92)

a. Each case or suspected case of infectious, or recently infectious, syphilis shall be reported to the Department or District within one (1) week of identification. Cases of late latent syphilis shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each case or suspected case of primary, secondary, or early latent syphilis shall be investigated by a representative of the Department or District after notification has been received. (9-21-92)

c. Each person diagnosed with infectious syphilis shall be required to inform their sexual contacts that they may have been exposed to a sexually transmitted infection (venereal disease), or provide sufficient information

so public health officials may locate contacts and assure that each is offered prompt diagnosis and treatment (Section 39-605, Idaho Code). ~~(11-17-83)~~(____)

d. A physician may order blood tests for syphilis when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services. (5-16-90)

439. Tetanus. (9-21-92)

a. Each case of tetanus shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each report of a case shall be investigated to confirm the diagnosis and to determine the immunization status of the case. (9-21-92)

4450. Trichinosis. (11-17-83)

a. Each case of trichinosis shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each report of a case shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify the source of infection. (11-17-83)

c. Any identified or suspected source of infection shall be reported to the Department which shall immediately notify the Idaho Department of Agriculture and/or other regulatory agency. (11-17-83)

451. Toxic Shock Syndrome. (11-17-83)

a. Each case of toxic shock syndrome shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each case shall be investigated to obtain specific clinical information on the syndrome to learn more about the etiology of the syndrome, risk factors associated with the syndrome, and means of preventing the syndrome. (11-17-83)

4652. Tuberculosis. (11-17-83)

a. Each case or suspected case of tuberculosis shall be reported to the Department or District within one (1) week of identification. (9-21-92)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis and to identify contacts, associated cases, and the source of the infection. (11-17-83)

c. Restriction of cases and contacts. (11-17-83)

i. In health care facilities, persons with active pulmonary tuberculosis shall be placed ~~in respiratory isolation~~ under airborne precautions until they have been determined to be noninfectious by the licensed physician, the infection control committee of the facility or the Department. Patients suspected to have pulmonary tuberculosis shall be placed ~~in respiratory isolation~~ under airborne precautions until the diagnosis of infectious pulmonary tuberculosis has been excluded by the attending physician. ~~(9-21-92)~~(____)

ii. Patients with infectious pulmonary tuberculosis shall not engage in any occupation in which they have direct contact with students in schools, provide personal care to children in day care facilities, or provide personal care to persons confined to health care or residential care facilities until they have been determined to be noninfectious by their physician. (9-21-92)

iii. Patients with infectious pulmonary tuberculosis may not attend a school or day care facility until

they have been determined to be noninfectious by their licensed physician and the Department or District. (9-21-92)

iv. Any member of the household in which there is a case of infectious tuberculosis shall not engage in any occupation in which he provides direct supervision of students in schools, personal care to children in day care facilities, or personal care to persons who are confined to health care or residential facilities, or attend a school or day care facility until he has been determined to be free from communicable tuberculosis. (9-21-92)

d. In the event that a case of communicable tuberculosis is diagnosed in an employee or patient of a health care facility, the facility shall conduct an investigation to identify contacts. The Department or District authorized representative may assist in the investigation. (9-21-92)

4753. Tularemia. (11-17-83)

a. Each case of tularemia shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each report of a case ~~may~~ shall be investigated to confirm the diagnosis and to identify the source of the infection. (9-21-92)(____)

c. Any source or suspected source of the infection shall be reported to the Department, which shall notify the Idaho Department of Agriculture. (11-17-83)

4854. ~~Viral Or Aseptic Myocarditis; Encephalitis; And Aseptic Meningitis.~~ (9-21-92)(____)

a. Each case of diagnosed or suspected viral or aseptic myocarditis, encephalitis, and aseptic meningitis shall be reported within one (1) week of identification. (9-21-92)(____)

b. Each report of a case may be investigated to confirm the diagnosis, to identify clusters or outbreaks of the infection, and to identify the agent or source of the infection. (9-21-92)

4955. Yersiniosis. (11-17-83)

a. Each case of yersiniosis shall be reported to the Department or District within one (1) week of identification. (11-17-83)

b. Each report of a case shall be investigated to confirm the diagnosis and to identify carriers and the source of the infection. (11-17-83)

506. Extraordinary Occurrence Of Illness, Including Clusters. (11-17-83)(____)

a. ~~Extraordinary occurrence of illness refers to rare communicable diseases and or unusual outbreaks of illness. Cases, suspected cases, and clusters of extraordinary or unusual illness shall be reported to the Department or District within one (1) working day by the diagnosing person.~~ (11-17-83)(____)

~~i. Some communicable diseases are not endemic in Idaho and are unlikely to be introduced into Idaho, but nonetheless have the potential to be serious when brought into or transmitted in Idaho.~~ (9-21-92)

~~(+)i. Each case, suspected case, and cluster shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, and to identify the source of infection or exposure, and to determine whether there is a risk to the public warranting intervention by a public health agency. Evaluation and control measures shall be undertaken in consultation with the Department and other appropriate agencies. The Department or authorized representative of the Department may elect to investigate by conducting special studies as outlined in Section 016.~~ (11-17-83)(____)

ii. Extraordinary or unusual outbreaks include illnesses which may be a significant risk to the public, may involve a large number of persons, or are a newly described entity. (9-21-92)

~~(+)iii. Cases or suspected cases of extraordinary or unusual illness shall be reported to the Department or~~

~~District within one (1) working day by the diagnosing person. Even in the absence of a defined etiologic agent or toxic substance, clusters of unexplained acute illness and early-stage disease symptoms shall be reported to the Department or District within one (1) working day and investigated. (9-21-92)()~~

~~(2) Each reported case shall be investigated to determine whether there is a risk to the public and whether intervention by public health agencies is warranted. Evaluation and control measures shall be undertaken in consultation with the Department and other appropriate agencies. The Department or authorized representative of the Department may elect to investigate by conducting special studies as outlined in Section 016. (9-21-92)~~

~~**547. Severe Reaction To Any Immunization.** (9-21-92)~~

~~a. A severe reaction to any immunization is any serious or life-threatening condition which results directly from the administration of any immunization against any communicable disease. (9-21-92)~~

~~b_a. Each case or suspected case of a severe reaction to any immunization shall be reported by telephone to the Department or District within one (1) working day of identification. (9-21-92)~~

~~b_b. Each case or suspected case shall be investigated to confirm and to document the circumstances relating to the reported reaction. (11-17-83)~~

~~**528. Food Poisoning And Foodborne Illness.** (9-21-92)~~

~~a. Each case or suspected case of food poisoning or foodborne illness shall be reported to the Department or District within one (1) working day of identification. (9-21-92)~~

~~b. Each report of a case or suspected case of food poisoning or food borne illness may be investigated to confirm the diagnosis, to determine the extent of the outbreak, to identify the source, and to determine if actions need to be taken to prevent additional cases. (11-17-83)~~

~~**539. Lead Poisoning Or Excess Lead Exposure.** (9-21-92)~~

~~a. Each case of symptomatic lead poisoning or excess lead exposure as determined by a blood lead level of ten (10) micrograms or more per deciliter (10 ug/dl) of whole blood shall be reported to the Department within one (1) week of identification. (9-21-92)~~

~~b. Each case of lead poisoning or excess lead exposure may be investigated to determine the source, and to determine if actions need to be taken to prevent additional cases. (9-21-92)~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.14 - RULES GOVERNING CONSTRUCTION AND OPERATION
OF PUBLIC SWIMMING POOLS IN IDAHO

DOCKET NO. 16-0214-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 39-105(3)(d) and Title 39, Chapter 1, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Section 010 of this rule has changed to add "Director's Designee" to the text.

Section 084 had, "and meet manufacturer's installation criteria" added to the text.

Section 110 and 290 have clerical changes.

Section 192 changed the required number of bathers to thirty-five (35) within the swimming pool enclosure.

Section 195 made the clarification to a bather "should" shower before swimming to the text.

Section 252 added to the text, the requirement "when a vacuum is used as an integral part of the recirculation system, the vacuum system shall also be designed to preclude any possible entrapment".

Sections 270 and 272 changes the distance requirements for floor inlets and floor drains.

Section 281 reduced the requirement of the recirculation of water returning to the recirculation system from 100% to 50%.

In Section 291 the requirement to have drains if the pool width exceeds fifty feet has been removed as well as the location to be no closer than ten feet removed.

In Section 292 the text requirement "one main drain connected to a pump shall be of anti-vortex design" removed.

The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. The original text of the proposed rules was published in the September 1, 1999 Administrative Bulletin, Volume 99-9, pages 80 through 97.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Richard Horne at (208) 523-5382.

DATED this 30th day of September, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone;
(208) 334-5548 fax

IDAPA 16
TITLE 02
Chapter 14

RULES GOVERNING CONSTRUCTION AND OPERATION
OF PUBLIC SWIMMING POOLS IN IDAHO

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 80 through 97.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0214-9901

010. DEFINITIONS.

For the purpose of these rules, the following words and phrases will be used, as defined below: ()

- 01. Bather.** A person who becomes partially or totally immersed in water in a pool. ()
- 02. Board.** Idaho State Board of Health and Welfare. ()
- 03. Break In Grade.** Where the slope of the bottom of pool exceeds a uniform slope greater than one (1) foot in twelve (12) feet horizontally. ()
- 04. Department.** Idaho Department of Health and Welfare. ()
- 05. Director.** Director of the Department of Health and Welfare. ()
- 06. Director's Designee.** The seven Public Health Districts. ()
- 07. Geothermal Water.** Water derived from and heated exclusively from the natural heat energy from the earth. ()
- 08. Geothermal Pool.** A flow-through public pool, which uses water solely derived from and heated exclusively by the natural heat energy from the earth. ()
- 09. Flow-Through Pool.** A pool fed by a continuous supply of acceptable water that causes an equal volume of water to overflow to waste. ()
- 10. Lifeguard.** A person who holds a current lifeguard training certificate and basic life support cardiopulmonary resuscitation (CPR) certificate from the American Red Cross, YMCA, Ellis & Associates, or any other equivalent certifying agency approved by the Director's Designee. ()

11. Lifeguard Chair. An elevated stand erected for use by a lifeguard while superintending the safety of bathers in a pool. The height and location shall afford the user an unobstructed view of all bathers within the pool enclosure. ()

12. Operator. An individual eighteen (18) years of age or older, who is familiar with the operation of the pool and is responsible for the health and safety of the public using the pool and for operating the pool in compliance with these rules. The operator shall have an approved certification of competency from a Certified Pool Operator (CPO), National Swimming Pool Foundation Certification; an Aquatic Facility Operator (AFO), National Recreation and Parks Association Certification; a National Swimming Pool Institute (NSPI Tech 1), National Spa and Pool Institute Certification Program, District Health Department Certification, or other certification programs approved by the Director designee. The operator shall also have a basic life support cardiopulmonary resuscitation (CPR) certificate and current first aid certification as stated in Subsection 010.10 of these rules. ()

13. Person. A person, firm, partnership, association, corporation, company, governmental agency, club or organization of any kind. ()

14. Pool. An artificial structure containing water and its appurtenances used or intended to be used for swimming, diving, or recreation. ()

15. Private Pool. Any pool constructed in connection with or appurtenant to single family dwellings or condominiums used solely by the persons maintaining their residence within such dwellings and the guests of such persons. ()

16. Public Swimming Pool. Herein referred to as public pool. A pool, and its appurtenances, that contains water more than two (2) feet deep, is used or intended to be used for swimming, diving, or recreational bathing, and is for the use of any segment of the public pursuant to a general invitation but not an invitation to a specific occasion or occasions. ()

17. Remodel. To replace all or part of any structure, circulation system or appurtenance of a pool facility, or to modify to the extent its design, configuration, or operating characteristics differ from those of the original. The term does not include normal maintenance, repair, or replacement of equipment or similar equipment that has previously been approved. Only that which is being remodeled needs to meet current specifications. ()

18. Spa. An artificial structure containing water no more than four (4) feet deep and a recirculation system primarily designed for relaxation or therapeutic use where the user is sitting, reclining, or at rest. ()

19. Special-Use Pool. A pool used exclusively for rehabilitating, curing, or treating a disease or disorder. This term also includes geothermal flow-through pools used exclusively for relaxation or therapeutic use where the user is sitting, reclining, or at rest. ()

20. Wading Pool. A public pool with water less than two (2) feet deep used mainly by non-swimming children and those supervising the children. ()

(BREAK IN CONTINUITY OF SECTIONS)

084. DESIGN DETAIL - NO DIVING SIGN.

If a pool is not designed for diving, a conspicuous sign shall be posted which states, "NO DIVING," such sign shall contain lettering no less than six (6) inches high. Pools allowing diving shall be at least eight (8) feet six (6) inches deep and meet manufacturer's installation criteria. ()

(BREAK IN CONTINUITY OF SECTIONS)

110. WIDTH OF DECKS AND WALKWAYS.

A continuous deck, a minimum of eight (8) feet wide, shall extend completely around the pool, except a pool with less than eighteen hundred (1800) square feet of surface area shall have a continuous deck a minimum of four (4) feet wide. A minimum of three (3) feet shall be provided at the rear of any diving equipment or slide. A spa may be constructed adjacent to a pool provided the spa has one hundred twenty (120) square feet of water surface area or less; the spa is separated from the pool by a common wall no more than twelve (12) inches wide; the common wall is constructed in such a fashion to prevent its use as a walkway; and a continuous deck a minimum of four (4) feet wide extends completely around the pool and the spa. ()

(BREAK IN CONTINUITY OF SECTIONS)

192. HEALTH AND SAFETY - LIFEGUARD REQUIREMENT.

Lifeguard(s) will be required at any public swimming pool when the numbers of bathers within the pool enclosure exceed thirty-five (35). Any pool that allows children under the age of thirteen (13) to swim without adult supervision shall have a lifeguard on duty. When lifeguard services are not required, a warning sign shall be placed in plain view for all swimmers and shall state "WARNING NO LIFEGUARD ON DUTY" with clearly legible letters at least four (4) inches in height. In addition, the sign shall state, "CHILDREN UNDER 13 YEARS OLD SHALL NOT USE THE FACILITY WITHOUT AN ADULT IN ATTENDANCE," and "DO NOT SWIM ALONE". ()

(BREAK IN CONTINUITY OF SECTIONS)

195. HEALTH AND SAFETY -- SAFETY AND SANITATION.

A lifeguard or operator shall be in full charge of bathers and shall have authority and responsibility to enforce all rules of safety and sanitation. Suitable placards embodying sanitation requirements are to be conspicuously posted in the pool enclosure. Safety and sanitation requirements are as follows: ()

- 01. Shower.** A cleansing shower should be taken before swimming. ()
- 02. Disease.** Persons having an infectious or communicable disease that may be transmitted through water shall be excluded from swimming. ()
- 03. Running And Roughhousing.** No running or rough play shall be permitted. ()
- 04. Contamination.** Contamination of water, walkways, or dressing room floors in any way is prohibited. ()
- 05. Glass.** Glass containers shall be prohibited in the pool area. ()

(BREAK IN CONTINUITY OF SECTIONS)

210. DEPTH MARKING LOCATIONS.

Water depth shall be plainly marked at or above the water surface on the vertical wall of the pool and on the horizontal edge of the deck or walk next to the pool. Depth markers shall be placed at maximum and minimum depths; at the five (5) foot break between the deep and shallow portions; at intermediate one (1) foot increments of depth, where the water depth is five (5) feet or less; and at regular intervals around the pool, not more than twenty-five (25) feet apart. ()

(BREAK IN CONTINUITY OF SECTIONS)

228. CHEMICAL STORAGE.

All chemicals shall be kept from the reach of the general public. Chemicals shall be stored in original containers and shall be stored in accordance with the instructions of the manufacturer or, in the absence of such instructions, as directed by the Director's Designee. ()

(BREAK IN CONTINUITY OF SECTIONS)

230. BACTERIOLOGICAL QUALITY OF POOL WATERS.

The water in public pools shall not contain the presence of fecal coliform bacteria. If fecal coliform bacteria are present in any sample, a confirmation sample shall be taken within twenty-four (24) hours. Should any two (2) consecutive water samples taken show the presence of fecal coliform bacteria, the pool shall be immediately closed until the bacterial quality of the water is found absent for the presence of fecal coliform bacteria. ()

(BREAK IN CONTINUITY OF SECTIONS)

252. RECIRCULATION SYSTEM - CLEANING.

A cleaning system shall be provided to remove dirt from the bottom of the pool. When a vacuum is used as an integral part of the recirculation system, connections shall be located in the walls of the pool, at least eight (8) inches below waterline, and at such point the floor of pool can be cleaned. When a vacuum is used as an integral part of the recirculation system, the vacuum system shall also be designed to preclude any possible entrapment. ()

(BREAK IN CONTINUITY OF SECTIONS)

270. WALL INLETS.

Except as otherwise provided in this section, inlets shall be rounded and smooth and installed not less than eighteen (18) inches below the normal operating level and located to produce a uniform circulation, without the existence of dead spots. Inlets shall not extend from the pool wall or floor so as to create a hazard. If wall inlets are used, there shall be at a minimum of one (1) per each six hundred (600) square feet of pool surface area. If wall inlets are used there shall be a minimum of two (2) inlets. In case of a shallow pool, the Director's Designee may grant an exception to this requirement if inlets cannot be installed at the depth otherwise required. ()

271. FLOOR INLETS.

Any pool having a width greater than forty (40) feet shall have floor inlets or a combination of wall and floor inlets that meet the requirements of Section 260. They shall be located so they provide general circulation and not direct flow to floor drains. ()

(BREAK IN CONTINUITY OF SECTIONS)

281. OVERFLOW GUTTERS.

Overflow gutters shall extend around the entire perimeter of the pool except at steps or recessed ladders. The gutter lip shall be level within three-tenths (.3) inch. The gutter shall be capable of continuously removing fifty percent (50%) of the recirculated water and returning it to the recirculation system. All overflow gutters connected to the recirculation system must be connected in an approved manner, such as a surge tank. The gutter, drains, and return piping to the surge system shall be designed to rapidly remove overflow water caused by recirculation displacement,

wave action or other causes produced from the maximum pool bathing load. Gutters shall be designed to prevent entrance or entrapment of bathers. ()

(BREAK IN CONTINUITY OF SECTIONS)

290. LOCATION OF DRAINS.

Every pool shall have a tandem main drain located in the deepest section of the pool and shall have the ability to empty the pool through this drain. ()

291. MULTIPLE DRAINS.

Multiple drains shall be provided. Outlet drains shall be no further apart than twenty (20) feet on center. ()

292. DRAIN GRATING.

The main drain outlet grating shall have an area of openings four (4) times the area of the discharge pipe or provide sufficient area so the maximum velocity of water passing through the grate will not exceed six (6) feet per second. The maximum width of grate openings shall be not more than one-half (1/2) inch. Main drain grates shall be securely fastened in such a way that they cannot be removed without the use of tools. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN
DOCKET NO. 16-0301-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective November 1, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-202(b) and 39-106(l), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 1999.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Changes rules to allow self-declaration of family circumstances. Changes the methods used for counting resources and computing income. Adds rules to allow twelve (12) month eligibility for children without consideration of changes in income or resources. Eliminates work requirements for parents who do not receive TAFI cash assistance. Changes reporting requirements for recipients of Transitional Medicaid. Lengthens time period between approval and redetermination of eligibility to twelve (12) months. Adds Department notice requirements.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5818.

Anyone can submit written comments regarding the proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 26, 2000.

DATED this 12th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 334-5548 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0301-0001

001. TITLE AND SCOPE.

These rules are known and will be cited as IDAPA 16, Title 03, Chapter 01, "Rules Governing Eligibility for Medicaid for Families and Children". The rules provide standards for issuing Medicaid to families and children ~~and support the AFDC state plan in effect prior to July 16, 1996~~ qualifying under AFDC-related and Federal Poverty Guideline (FPG) coverage groups. (7-1-98)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

101. APPLICATION FOR MEDICAID.

The application form must be complete and signed by the participant or authorized representative. By signing the application form, the participant or authorized representative agrees, under penalty of perjury, that statements made on the application must be proved are truthful. (7-1-98)(11-1-99)T

102. ~~PROOF OF ELIGIBILITY AND COLLATERAL CONTACTS.~~

~~Participants must provide proof of eligibility.~~ A participant's signature on the application is his consent for the Department to contact collateral sources for verification of eligibility requirements. (7-1-98)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

214. SOCIAL SECURITY NUMBER.

A participant must provide a Social Security Number (SSN), or proof he has applied for a Social Security Number. The SSN must be verified by the Social Security Administration (SSA). This SSN requirement only applies to persons applying for or receiving Medicaid. A person not applying for or receiving Medicaid does not have to provide an SSN. (7-1-98)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

217. MEDICAL SUPPORT COOPERATION.

The participant must cooperate to identify and locate the noncustodial parent, establish paternity, and establish, modify and enforce a medical support order. A participant who cannot legally assign his own rights, such as a child, must not be denied Medicaid if the legally responsible person does not cooperate. The cooperation requirement may be waived if the participant has good cause for not cooperating as described in Subsection 217.02 or if the participant is ~~an individual described in Section 1902(1)(1)(a) of the Social Security Act.~~ These are poverty level pregnant women exempt from cooperating in establishing paternity and obtaining medical support from, or derived from, the father of the unborn child born out of wedlock. ~~A participant who cannot legally assign his own rights must not be denied Medicaid if the legally responsible person does not cooperate.~~ (9-1-99)T(11-1-99)T

01. Cooperation Defined. Cooperation includes, but is not limited to, providing all information to identify and locate the noncustodial parent. Cooperation for Medicaid includes identifying other liable third party payers. The participant must provide the first and last name of the noncustodial parent. The participant must also provide at least two (2) pieces of information about the noncustodial parent, listed in Subsections 217.01.a. through 217.01.g. (7-1-99)

- a. Birth date. (9-1-99)T
- b. Social Security Number. (7-1-99)
- c. Current address. (7-1-99)

- d. Current phone number. (7-1-99)
 - e. Current employer. (7-1-99)
 - f. Make, model, and license number of any motor vehicle owned by the noncustodial parent. (7-1-99)
 - g. Names, phone numbers and addresses of the parents of the noncustodial parent. (7-1-99)
- 02. Good Cause Defined.** The participant may claim good cause for failure to cooperate in securing medical support for a minor child. Good cause is limited to the reasons listed in Subsections 217.02.a. through 217.02.c. (9-1-99)T
- a. There is proof the child was conceived as a result of incest or rape. (7-1-99)
 - b. There is proof the child's noncustodial parent may inflict physical or emotional harm to the participant, the child, the custodial parent or the caretaker relative. (7-1-99)
 - c. ~~Substantial and~~ A credible proof explanation is provided ~~indicating~~ showing the participant cannot provide the minimum information regarding the noncustodial parent. (7-1-99)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

219. ELIGIBILITY REVIEWS (RESERVED).

~~Periodically, participants must have all factors of eligibility reviewed. To continue to get Medicaid, forms must be completed and signed. Eligibility factors must be verified. (7-1-98)~~

(BREAK IN CONTINUITY OF SECTIONS)

221. REPORTING REQUIREMENTS.

~~Changes in family circumstances must be reported to the Department and the change verified. Participants have ten (10) days, from the date the change is known, to report. Report of changes may be made verbally or in writing, through personal contact, telephone or mail. Reporting requirements are acknowledged when the participant signs the application form. (7-1-99)~~

222. TYPES OF CHANGES THAT MUST BE REPORTED.

~~Changes in circumstances the participant must report are listed in Subsections 221.01 through 221.12. (7-1-98)~~

01. Name Or Address. ~~A name change for any family member must be reported. A change of address or location must be reported. (7-1-98)~~

02. Household Composition. ~~Changes in family composition or the number of people living with the family, must be reported. (7-1-98)~~

03. Marital Status. ~~Marriages or divorces of any family member must be reported. (7-1-98)~~

04. Earned Income. ~~Earned income changes for all family members must be reported when the employer, or source of income, changes, when there is a change in hourly rate or salary, or when there is a change between part-time and full-time work. When families receive Medicaid because of the unemployment of a parent, changes in the number of hours worked must be reported. (7-1-98)~~

~~05. **Unearned Income.** Changes in the amount or source of unearned income must be reported for all family members. (7-1-98)~~

~~06. **Support Income.** Changes in the amount of support paid or a change in the ordered amount must be reported for all family members. (7-1-98)~~

~~07. **Resources.** Changes in resources must be reported. This includes receiving money or goods of worth from any source. (7-1-98)~~

~~08. **Vehicles.** Changes in the number or type of vehicles must be reported. (7-1-98)~~

~~09. **New Social Security Number.** A Social Security Number (SSN) that is newly assigned must be reported. (7-1-98)~~

~~10. **Citizenship Status.** Changes in citizenship and changes in the status of non-citizens must be reported. (7-1-98)~~

~~11. **Disability.** A family member who becomes disabled or is no longer disabled must be reported. (7-1-99)~~

~~12. **Dependent Care Costs.** Changes in the amount of dependent care costs must be reported. (7-1-98)~~

~~**223. VERIFYING CHANGES.**~~

~~When changes are reported that could affect Medicaid eligibility, the Department will request proof of the change, allowing the participant a reasonable opportunity of up to ten (10) days, to provide the proof. (7-1-98)~~

~~**224. PARTICIPANT FAILS TO REPORT EARNED INCOME.**~~

~~When a change in earned income is not reported, or is not timely reported, the earned income disregards are not allowed in the financial determination. (7-1-99)~~

~~225.1. -- 299. (RESERVED).~~

300. FINANCIAL ELIGIBILITY.

Financial eligibility is determined using Section 300 through Section 39986. ~~Income and resource methodologies for Medicaid for Families and Children support the AFDC plan in effect on July 16, 1996.~~ Income disregards described in Sections 357 through 361 and Section 386 do not apply to the Children's Health Insurance Program (CHIP) coverage group. (7-1-98)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

303. PERSONS WHO MUST BE INCLUDED IN ~~THE AN AFDC-RELATED~~ MEDICAID BUDGET UNIT.

Persons in the home listed in Subsections 303.01 through 303.05 must be included in ~~the an AFDC-related~~ budget unit. (3-1-99)T(11-1-99)T

01. Parents. A natural or adoptive parent must be included in the budget unit. Both parents must be included if: (3-1-99)T

a. One (1) or both parents is incapacitated; (3-1-99)T

b. One (1) parent is receiving AABD Medicaid based on the Community Property method and is not an SSI recipient; or (3-1-99)T

c. ~~The family's principal wage earner~~ One (1) or both parents is unemployed or underemployed.

~~(3-1-99)T~~(11-1-99)T

02. Disqualified Parents. Disqualified parents are members of the budget unit, but are not included in the family size. A disqualified parent's income and resources are counted in full. (3-1-99)T

03. Siblings. A child's natural or adoptive brother or sister, including half (1/2) siblings, must be included in the budget unit. (3-1-99)T

04. Pregnant Woman With No Other Children. A pregnant woman, who does not have a child residing in the home, may receive Medicaid. (3-1-99)T

a. ~~Pregnancy must be verified by a licensed physician, certified laboratory, or district health department.~~ (3-1-99)T

ba. The needs, income and resources of all persons in the home, who would be included in the budget unit if the child was born, must be counted for Medicaid eligibility. (3-1-99)T

eb. The father of the child, if living in the home, must be included in the budget unit if the couple is married. The father is not eligible for Medicaid until the child is born. (3-1-99)T

d. ~~If the parents are not married, the father must be included in the budget unit if the couple has signed an "Acknowledgment of Paternity Affidavit" form (HWHP001).~~ (3-1-99)T

05. Stepparent Incapacitated Or Unemployed. A stepparent, ~~having a child residing who lives in the home and has a child in common with the parent, must be included in the budget unit if he is unemployed, or has a physical or mental incapacity expected to last at least thirty (30) days.~~ ~~(3-1-99)T~~(11-1-99)T

a. ~~The stepparent meets the Medicaid incapacitated parent or unemployed parent requirement; or~~ (3-1-99)T

b. ~~The stepparent meets the unemployed parent requirement.~~ (3-1-99)T

304. PERSONS WHO MAY BE INCLUDED IN ~~THE AN AFDC-RELATED~~ MEDICAID BUDGET UNIT. Persons in the home listed in Subsections 304.01 through 304.05 may be included in ~~the~~ an AFDC-related Medicaid budget unit. They may choose not to be included. ~~(3-1-99)T~~(11-1-99)T

01. Other Child In Home. A child, who is not a natural or adoptive child of a budget unit member and not a sibling or half-sibling of other children in the budget unit, can be included. The child must be under eighteen (18), or expected to graduate from high school by his nineteenth birthday. (3-1-99)T

02. Child Of Pregnant Woman. A pregnant woman's children can be included. If any children are included, all siblings must be included. (3-1-99)T

03. Caretaker Relative Other Than Parent. A caretaker relative who is not a natural or adoptive parent, such as an aunt, uncle, or grandparent, can be included. (3-1-99)T

04. Sibling Caretaker. A sibling over the age limit who is the caretaker relative, because the parents are absent, can be included. (3-1-99)T

05. Stepparent Caretaker. A stepparent, who is the caretaker relative because the child's parent is absent, can be included. (3-1-99)T

305. PERSONS WHO MUST NOT BE INCLUDED IN ~~THE AN AFDC-RELATED~~ MEDICAID BUDGET UNIT. Persons listed in Subsections 305.01 through 305.06 must not be included in ~~the~~ an AFDC-related Medicaid budget unit. ~~(3-1-99)T~~(11-1-99)T

- 01. SSI Recipient.** Persons receiving SSI benefits must not be included. (3-1-99)T
 - 02. AABD Recipient.** Persons receiving AABD benefits must not be included. (3-1-99)T
 - 03. Stepparent Without Common Child.** Stepparents must not be included, unless there is a common child and the child's parent is incapacitated or unemployed. (3-1-99)T
 - 04. Ineligible Non-Citizen.** Persons who are ineligible non-citizens must not be included. (3-1-99)T
 - 05. Title IV-E Foster Child.** A child receiving foster care payments from the Department must not be included. (3-1-99)T
 - 06. Adoption Assistance.** A child receiving adoption assistance payments from any federal, state or local agency providing adoption assistance payments must not be included. (3-1-99)T
- 306. DEEM INCOME FROM STEPPARENT, NON-PARENT CARETAKER, OR ~~LEGAL~~ NON-CITIZEN PARENT.**
 Use Table 306 to deem income for Medicaid related to the AFDC need standards in effect July 16, 1996. Do not use Table 306 for Medicaid related to Federal Poverty Guidelines. ~~(3-1-99)T~~(11-1-99)T
- 01. Stepparent Or ~~Legal~~ Non-Citizen Parent.** Deem income from a stepparent or ~~legal~~ non-citizen parent to the budget unit. ~~(3-1-99)T~~(11-1-99)T
 - 02. Non-Parent Caretaker.** ~~Deem~~ Count income from a non-parent caretaker choosing to be included in the budget unit. If there are two (2) non-parent caretaker relatives in the home, only one (1) can ~~get~~ receive Medicaid. ~~(3-1-99)T~~(11-1-99)T
 - 03. Two Non-Parent Caretaker Relatives.** If two (2) non-parent caretaker relatives are a married couple and one (1) chooses to ~~get~~ receive Medicaid, deem the income of the spouse not receiving Medicaid to the budget unit. ~~(3-1-99)T~~(11-1-99)T
 - 04. Table 306 - Deeming Income From Stepparent, Nonparent Caretaker, And ~~Legal~~ Non-Citizen Parent.**

TABLE 306 - DEEMING INCOME FROM STEPPARENT, NON-PARENT CARETAKER AND LEGAL NON-CITIZEN PARENT	
STEP	ACTION
Step 1	Subtract a ninety dollar (\$90) work disregard from the total monthly earned income.
Step 2	Add the remaining earned income and unearned income to arrive at the total monthly income.
Step 3	Subtract any verified child support payments made by a stepparent, non-parent caretaker or legal non-citizen parent from total monthly income in Step 2.
Step 4	Subtract verified payments made to a dependent not residing in the home from income in Step 3. The dependent must be claimed for income tax purposes before the payments can be subtracted. The amount remaining after the subtraction of the disregards is the net income.
Step 5	Subtract the Need Standard for the stepparent, non-parent caretaker or legal non-citizen parent and their dependent children from the net income in Step 4. The difference is the income deemed to the Medicaid family unit.

~~(3-1-99)T~~(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

310. RESOURCE LIMITS.

The resource limit for coverage groups related to the AFDC need/payment standards in effect on July 16, 1996, is one thousand dollars (\$1,000) ~~or less~~. The resource limit for coverage groups related to the Federal Poverty Guidelines (FPG) is five thousand dollars (\$5,000) ~~or less~~. (7-1-98)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

312. LIQUID ASSETS.

Liquid assets include such things as cash, bank accounts, proceeds from the sale of a resource, ~~cash value of life insurance~~, stocks, bonds, mutual funds, promissory notes, mortgages, tax refunds, settlement of damage claims, trust funds, and other financial instruments that can be converted into cash. (7-1-99)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

314. VEHICLES.

~~Vehicle treatment is based on the Medicaid coverage group and listed in Subsections 314.01 and 314.02. For both AFDC-related and FPG-related Medicaid coverage groups, one (1) vehicle, regardless of value, is excluded. In two (2) parent families, a second vehicle used for medical transportation, or seeking or retaining employment, is also excluded. The equity value of each additional vehicle, licensed or unlicensed, is a resource. The value of special equipment for the use or transportation of a disabled person is not counted when determining the equity value.~~ (7-1-98)(11-1-99)T

~~**01. AFDC Standards.** For groups using the AFDC income and resource standards that were in effect on July 16, 1996, the equity value in excess of one thousand five hundred dollars (\$1,500) of one (1) vehicle is a resource.~~ (7-1-98)

~~**02. Federal Poverty Guidelines.** For groups using Federal Poverty Guidelines, one (1) vehicle, regardless of value, is excluded. In two (2) parent families, a second vehicle used for medical transportation, or seeking or retaining employment, is also excluded.~~ (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

316. LIFE INSURANCE (RESERVED).

~~The cash surrender value of each life insurance policy owned by the participant is a resource.~~ (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

330. CONDITIONAL BENEFITS.

A participant ineligible due solely to excess nonliquid resources can receive Medicaid. Nonliquid resources are noncash resources not convertible to cash within twenty (20) working days. The participant must meet two (2) conditions. First, his countable liquid resources must not exceed three (3) times his Medicaid income limit. Second, the participant agrees, in writing, to sell excess nonliquid resources at their fair market value, within three (3) months. The value of excess real property is not counted as a resource, as long as the participant makes reasonable efforts to

sell the property at its fair market value, and his reasonable efforts to sell are not successful. This exclusion is also used to compute deemed resources. (4-1-99)T

01. Conditional Benefits Payments Disposal/Exclusion Period. The disposal period and exclusion period for excess nonliquid resources begins on the date the participant signs the Agreement to Sell Property. The disposal and exclusion periods can begin earlier for a participant who met all requirements to receive conditional benefits before his first opportunity to sign the Agreement to Sell Property. The participant must sign the Agreement to Sell Property before his application is approved. (4-1-99)T

02. Time Period For Disposal Of Excess Personal Property. The disposal period for excess nonliquid personal property is three (3) months. One (1) three (3) month extension, for sale of personal property, is allowed when good cause exists. (4-1-99)T

03. Good Cause For Not Making Efforts To Sell Excess Property. The participant has good cause exists for not making efforts to sell property, when circumstances beyond his control prevent his taking the required actions. ~~Without good cause, the participants' countable resources include the value of the excess property, retroactive to the beginning of the conditional benefits period.~~ (4-1-99)T(11-1-99)T

04. Participant Does Not Have Good Cause. ~~If the participant does not have good cause for not making efforts to sell the property, the value of the property is counted as a resource back to the beginning of the conditional benefits period. If the resource value exceeds the limits, Medicaid is closed. Advance notice of closure is required.~~ (11-1-99)T

331. -- 3498. (RESERVED).

35049. INCOME AVAILABILITY.

All income from financially responsible persons is counted for Medicaid eligibility. Income is available when the participant has a legal interest in a liquidated sum. Income must be under the control of the participant during the period for which need is being determined. Income is available when action can be taken by the individual to obtain or use it. ~~Income is converted to a monthly amount. As a condition of financial eligibility, the participant must take all necessary steps to obtain program benefits for which they he may be eligible. This includes RSDI, unemployment insurance, and worker's compensation.~~ (7-1-98)(11-1-99)T

350. COMPUTING INCOME.

At application and redetermination income eligibility is computed as listed in Subsections 350.01 through 350.02. (11-1-99)T

01. Application Or Redetermination Month Income Exceeds Limit. When the countable income in the month of application or redetermination exceeds the limit, determine income eligibility using Subsections 350.01a. through 350.01b. (11-1-99)T

a. Income is Expected to Continue. When the countable income in the month of application or redetermination is from a new or continuing source and is expected to continue at the same rate, the family is not eligible. (11-1-99)T

b. Income is Not Expected to Continue. When the countable income in the month of application or redetermination is not from a new or continuing source that is expected to continue at the same rate, the family's countable income for the application or redetermination month and the three (3) calendar months prior to the application or redetermination month are averaged. If the averaged amount is below the income limit, the family is income eligible. (11-1-99)T

02. Application Or Redetermination Month Income Is Below Limit. When countable income in the application or redetermination month is below the income limit, the family may be income eligible using any one (1) of the options listed in Subsections 350.02.a. through 350.02.c. (11-1-99)T

a. Four Month Average. When an average of the countable income for the application or redetermination month and the three (3) calendar months prior to the application or redetermination month is below

the income limit, the family is income eligible. (11-1-99)T

b. Twelve Month Average. When an average of the countable income received in the application or redetermination month and the three (3) calendar months prior to the application or redetermination month exceeds the income limit, and average of the most recent twelve (12) month income may be used if this amount reasonably reflects expected income. If the twelve (12) month average is below the income limit, the family is income eligible. (11-1-99)T

c. Anticipate Income. When the family's income exceeds the limit using the four (4) month average described in Subsection 350.02.a., and a twelve (12) month average does not reasonably reflect expected income, anticipate projected income based on the family's current circumstances. When the projected income is below the income limit, the family is income eligible. (11-1-99)T

351. EARNED INCOME.

Earned income is ~~income, cash or in-kind,~~ derived from labor or active participation in a business. The income can be wages, tips, salary, commissions, advances, jury duty payments, sale of plasma, vacation pay, bonuses, living allowance or stipend from AmeriCorps and Senior Corps, or profit from employment or self-employment. Earned income is gross earnings before deductions for taxes or any other purposes. It is counted as income when it is received, or would have been received except for the decision of the participant to postpone receipt. Earnings over a period of time and paid at one (1) time, such as the sale of farm crops, livestock, or poultry are annualized and self-employment expenses deducted. (7-1-98)(11-1-99)T

352. SELF-EMPLOYMENT EARNED INCOME.

Income from self-employment is treated as earned income. Compute self-employment income using Table 352.06. (3-1-99)T(11-1-99)T

01. Annualize Self-Employment Income. Annualize the income if the participant has been self employed for more than one (1) year. (3-1-99)T

02. Average Self-Employment Income. Average the income over the period of time the business has been operating if the participant has been self employed for less than one (1) year. (3-1-99)T

03. Annualized Or Averaged Income Not Accurate. If the annualized or averaged income does not reflect the participant's current or projected income from his business, anticipate self employment income and expenses. (3-1-99)T

04. Allowable Costs Of Producing The Self-Employment Income. Allowable costs of producing the self-employment income include: (3-1-99)T

- a. The cost of labor paid to persons not in the home. (3-1-99)T
- b. The cost of stock. (3-1-99)T
- c. The cost of material. (3-1-99)T
- d. The cost for rent and utilities, advertising, shipping and legal fees. (3-1-99)T
- e. The cost of seed and fertilizer. (3-1-99)T
- f. Interest paid to purchase income-producing property, including real estate. (3-1-99)T
- g. Insurance premiums. (3-1-99)T
- h. Taxes paid on income-producing property. (3-1-99)T
- i. Transportation, when a vehicle is an integral part of business activity. (3-1-99)T

05. Non-Allowable Costs Of Producing The Self-Employment Income. The non-allowable costs of producing the self-employment income are: (3-1-99)T

- a. Payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods. (3-1-99)T
- b. Net losses from previous periods. (3-1-99)T
- c. Federal, State, and local income taxes. (3-1-99)T
- d. Money set aside for retirement. (3-1-99)T
- e. Work-related personal expenses such as transportation to and from work. (3-1-99)T
- f. Depreciation. (3-1-99)T

06. Computing Self-Employment Income.

TABLE 352 - COMPUTING SELF-EMPLOYMENT INCOME	
STEP	DESCRIPTION
Step 1.	Add all gross self-employment income.
Step 2.	Add all capital gains to the gross self-employment income. <u>The result is gross self-employment income.</u>
Step 3.	<u>Use the method of determining net self-employment income that most benefits the participant. Either subtract fifty percent of total gross self-employment income or</u> S subtract allowable costs of producing the self-employment income. Allowable costs are listed in Subsection 352.04. Do not subtract the non-allowable costs listed in Subsection 352.05. The result is available self-employment income.

(3-1-99)T(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

354. JOB TRAINING PARTNERSHIP ACT (JTPA) INCOME.

Incentive income from the JTPA program is earned income. JTPA allowances are excluded if provided for specific goods and services. JTPA income, ~~earned and unearned~~, paid to a minor child, is ~~disregarded for six (6) consecutive calendar months. A minor child's unearned JTPA income is excluded with no time limits.~~ (7-1-99)(11-1-99)T

355. CHILD'S INCOME.

A child's earned income is ~~excluded for AFDC-related and FPG-related Medicaid coverage groups other than the Children's Health Insurance Program (CHIP) coverage group. Earned income of a child eligible under CHIP between the ages of eighteen (18) and nineteen (19) is counted if the child is not attending school full time or if the child is a part-time student who works thirty (30) hours per week or more.~~ (7-1-98)(11-1-99)T

356. IN-KIND INCOME.

An individual receiving a service, benefit, or durable goods, instead of wages, is earning in-kind income. In-kind income is ~~earned income excluded.~~ (7-1-98)(11-1-99)T

357. EARNED INCOME DISREGARDS.

Earned income disregards are subtracted from ~~averaged~~ monthly earnings, ~~if the participant is not eligible without the disregards.~~ The ~~earned income~~ disregards ~~may be a~~ are the standard disregard, thirty dollars (\$30) plus one-third (1/3) disregard, and the dependent care disregard. Disregards are subtracted in that order. (7-1-99)(11-1-99)T

358. STANDARD ~~WORK EXPENSE~~ EARNED INCOME DISREGARD.

The first ninety dollars (\$90) of earned income is disregarded.

~~(7-1-98)~~(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

361. DEPENDENT CARE DISREGARD.

A dependent care disregard is subtracted from earnings for dependents requiring care because of employment related reasons. Dependents can be either children or an incapacitated spouse. ~~To allow the disregard for an adult, the incapacity must be obvious or the family must provide medical proof that adult care is necessary.~~ The amount disregarded is the anticipated cost of care or the maximum care allowance, whichever is less. Maximum dependent care allowances are listed in Subsections 361.01 and 361.02.

~~(7-1-99)~~(11-1-99)T

01. Dependents Two Years Of Age Or Older. Dependents, two (2) years of age or older has up to one hundred seventy-five dollars (\$175) disregarded when the caretaker relative works full-time, eighty (80) or more hours in a month. When the caretaker relative works part-time, less than eighty (80) hours in a month, up to one hundred fifteen dollars (\$115) is disregarded.

(7-1-98)

02. Dependents Under Two Years Of Age. Dependents under two (2) years of age have up to two hundred dollars (\$200) disregarded when the caretaker relative works full-time, eighty (80) or more hours per month. When the caretaker relative works part-time, less than eighty (80) hours in a month, up to one hundred thirty-five dollars (\$135) is disregarded.

(7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

379. INCOME FROM ROOMER OR BOARDER.

Income from a commercial boarding house is earned income ~~and is established by bookkeeping and FICA records.~~ Income from other room and board situations is unearned income. Gross income from a roomer or boarder is computed by subtracting twenty-five dollars (\$25) from each roomer's payment, fifty dollars (\$50) from each boarder's payment, or seventy-five dollars (\$75) from each individual receiving room and board. If the room and board income is earned income, the room and board disregard is applied followed by the earned income disregards.

~~(7-1-98)~~(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

383. MEDICAL INSURANCE PAYMENTS.

Monthly insurance payments are unearned income if not used for the intended purpose of paying medical expenses or if the obligation to pay the medical expenses no longer exists because they are being paid by another source. ~~Participants must provide proof the money was used to pay medical expenses.~~

~~(7-1-98)~~(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

386. UNEARNED INCOME DISREGARDS.

Unearned income disregards are subtracted from monthly income as listed in Subsections 386.01 and 386.02.

(7-1-98)

- 01. Child Support Disregard.** The first fifty dollars (\$50) of child support is disregarded. (7-1-98)
- 02. TAFI.** ~~Seventy-five~~ One hundred dollars (\$~~75~~100) of TAFI income is disregarded for one (1) and two (2) person families. One-time only TAFI diversion payments are excluded as income. ~~(7-1-98)~~(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

412. QUALIFIED PREGNANT WOMAN.

A Qualified Pregnant Woman must meet non-financial and financial criteria for AFDC ~~and must provide medical verification of the pregnancy.~~ ~~(7-1-98)~~(11-1-99)T

413. LOW INCOME FAMILIES WITH CHILDREN.

Families with minor children in the home, who would be AFDC eligible if the program was in effect, are eligible if non-financial, financial, and the conditions listed in Subsections 413.01 through 413.04 are met. (7-1-98)

01. Living With A Relative. A child must live in a home with an adult caretaker who is related to the child by blood, marriage, or adoption. (7-1-98)

02. Dependent Child. A dependent child is a child under eighteen (18) years of age or, if over eighteen (18) years of age, is expected to graduate from high school by the nineteenth (19th) birthday. (7-1-98)

03. Deprivation. The dependent child must be deprived. Deprivation is the lack of, or interruption in parental care, guidance and support ordinarily received from one (1) or both parents. ~~Deprivation is caused by continued absence, incapacity which is expected to last at least thirty (30) days, death, or the unemployment/underemployment of the principal wage earner (PWE) parent. An incapacitated parent must cooperate with a plan for training, employment or medical treatment. Deprivation based on unemployment or underemployment exists if the family meets financial requirements. If the receipt of unemployment benefits causes financial ineligibility under this coverage group, family members may qualify for Medicaid under FPG coverage groups. The PWE must meet the work requirements in~~ A child is deprived when one (1) of the conditions listed in Subsections 413.03.a. through 413.03.ed. exists. ~~(7-1-99)~~(11-1-99)T

a. ~~The PWE must not refuse employment without good cause. Continued Absence. A child is deprived when a parent is continuously absent from the home and no longer provides support, care or parental guidance. This may be due to death, divorce, desertion, marital separation, annulment, deportation or confinement in an institution for more than thirty (30) days. A child is not deprived when the sole reason for the parent's absence is employment away from home. A child is not deprived when the sole reason for a parent's absence is active duty in a uniformed service.~~ ~~(7-1-99)~~(11-1-99)T

b. ~~The PWE must not refuse to apply for and accept UIB. Paternity Not Established. A child is deprived when paternity is not established or an Acknowledgement of Paternity form is not signed.~~ ~~(7-1-99)~~(11-1-99)T

c. ~~The PWE must sign up for all available employment, education and training at DOL. Incapacity. A child is deprived when a parent has a physical or mental incapacity expected to last for at least thirty (30) days. A parent is incapacitated when qualified for SSI, AABD, or Social Security Disability. A parent is incapacitated when physically or mentally unable to work full time at his usual occupation, or the occupation for which he was trained, or is unable to perform homemaking activities without help from others.~~ ~~(7-1-99)~~(11-1-99)T

d. Unemployment or Underemployment. A child is deprived in a two (2) parent family when the family meets financial requirements. The budget unit must include at least one (1) child common to both parents. ~~(11-1-99)T~~

04. One Hundred Eighty-Five Percent Test. The family is ineligible for AFDC-related Medicaid when total gross income exceeds one hundred eighty-five percent (185%) of the monthly need standard.

(7-1-98)(11-1-99)T

414. CONTINUED MEDICAID (RESERVED).

~~Low Income Families with Children can get continued Medicaid if the family would have lost Medicaid because of increased support payments or increased income due to certain work related reasons.~~ (7-1-98)

415. EXTENDED MEDICAID FOR CHILD SUPPORT INCREASE.

~~Low Income Families with Children are eligible for four (4) calendar months of Extended Medicaid (EM) if the income for the family exceeds limits because of for reasons related to the initiation of or an increase in child support collected by BCSS. Medicaid must have been received in three (3) of the six (6) months before the month the family would become ineligible.~~ (7-1-98)(11-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

417. TM NOTICE REQUIREMENTS.

~~The participant must be provided notice during TM as described in Subsections 417.01 and 417.02.~~ (11-1-99)T

01. Required Notice During First Six Months Of TM. ~~Notify the participant of the reporting requirements and the option for months seven (7) through twelve (12) of TM. Send the notice and the report form in month three (3) and month six (6) of TM.~~ (11-1-99)T

02. Required Notice During Second Six Months Of TM. ~~Notify the participant of reporting requirements. Send the notice and the report form in month nine (9) of TM.~~ (11-1-99)T

4178. TM REPORTING REQUIREMENT.

~~Families getting receiving TM must submit are mailed three (3) reports forms during the twelve (12) TM months. Families must complete and return the reports as listed in Subsections 418.01 through 418.03.~~ (3-1-99)T(11-1-99)T

01. First Report. ~~The family must complete and return the report only if changes have occurred in earnings, household composition or work-related child care costs. The first report is due by day twenty-one (21) of TM month four (4). The report is for covers TM months one (1) through three (3). Authorize TM month seven (7) when the first report is received. End TM after month six (6) if the family fails to return the first report.~~ (3-1-99)T(11-1-99)T

02. Second Report. ~~The family must complete and return the report only if changes have occurred in earnings, household composition or work-related child care costs. The second report is due by day twenty-one (21) of TM month seven (7). The report is for covers TM months four (4) through six (6). End TM, after ten (10) day advance notice, if the family fails to submit the second report without good cause.~~ (3-1-99)T(11-1-99)T

03. Third Report. ~~The family must complete and return the report only if changes have occurred in earnings, household composition or work-related child care costs. The third report is due by day twenty-one (21) of TM month ten (10). The report is for covers TM months seven (7) through nine (9). End TM, after ten (10) day advance notice, if the family fails to submit the third report without good cause.~~ (3-1-99)T(11-1-99)T

04. Report Content. ~~The participant must sign the report and include proof of reported information. The participant must report:~~ (3-1-99)T

- ~~a. Earnings of all family members.~~ (3-1-99)T
- ~~b. The presence of a child under age eighteen (18) in the home.~~ (3-1-99)T
- ~~c. Work related child care expenses.~~ (3-1-99)T

05. Good Cause For Failure To Submit Report. ~~Good cause for failure to submit a complete report~~

by the due date is based on conditions beyond the participant's control. Determine good cause on a case by case basis.
~~(3-1-99)T~~

4189. INCOME TESTS FOR TM.

~~When a~~ The family must pass the income tests listed in this Section reports changes in earnings, household composition or child care costs, eligibility to receive TM for months seven (7) through twelve (12) of TM must be evaluated using the income tests listed in Section 419. Use the steps in Table 4189.01 for the first income test, done at the end of month seven (7) of TM. Use steps in Table 4189.02 for the second income test, done at the end of month ten (10) of TM.
~~(3-1-99)T~~(11-1-99)T

01. First TM Income, Test Done At The End Of Month Seven.

TABLE 4189.01 - FIRST TM INCOME TEST, DONE AT THE END OF MONTH SEVEN (7)	
STEP	ACTION
Step 1	Add the gross monthly earnings from months four (4) through six (6) of TM.
Step 2	Subtract allowable child care costs from months four (4) through six (6) of TM from the total gross earnings. Allowable child care costs are costs necessary for the employment of the caretaker relative, not paid by another party.
Step 3	Divide the result of the computation in Step 2 by three (3). The result is the average monthly earnings.
Step 4	Select the Federal Poverty Guideline amount for the family size and multiply that amount by one hundred eighty-five percent (185%).
Step 5	Compare the average monthly earnings from Step 3 with the product of Step 4. If the average monthly earnings in Step 3 exceed the amount computed in Step 4, stop close TM. Adequate notice is required.

~~(3-1-99)T~~(11-1-99)T

02. Second TM Income Test, Done At The End Of Month Ten.

TABLE 4189.02 - SECOND TM INCOME TEST, DONE AT THE END OF MONTH TEN (10)	
STEP	ACTION
Step 1	Verify If the caretaker relative has reports earnings in each of months seven (7) through nine (9) of TM. If earnings are verified TM eligibility continues. If no earnings go to Step 2.
Step 2	If no earnings are verified reported for any of months seven (7) through nine (9) of TM, determine if the caretaker relative has good cause for the lack of earnings. Use the criteria in Subsection 4189.03. If good cause does not exist, stop close TM. Ten (10) day advance notice is required.

~~(3-1-99)T~~(11-1-99)T

03. Good Cause For Lack Of Earnings. Good cause for lack of earnings includes, but is not limited to:
~~(3-1-99)T~~(11-1-99)T

- a. Family crisis. (3-1-99)T
- b. Court required appearance or incarceration. (3-1-99)T
- c. Loss of transportation where no other means of transportation is readily accessible. (3-1-99)T
- d. Loss of child care arrangements. (3-1-99)T

- e. Involuntary loss of employment. (3-1-99)T
- f. Illness. (3-1-99)T

419. NOTICE REQUIREMENTS.

The participant must be provided notice during TM as described in Subsections 419.01 through 419.02. ~~(3-1-99)T~~

~~01. Required Notice During TM. Notify the participant of the reporting requirements and the option for months seven (7) through twelve (12) of TM. Send the notice in month three (3) and month six (6) of TM. (3-1-99)T~~

~~02. Required Notice During Month Nine Of TM. Notify the participant of reporting requirements. Send the notice during month nine (9) of TM. (3-1-99)T~~

(BREAK IN CONTINUITY OF SECTIONS)

500. MEDICAID COVERAGE GROUPS RELATED TO FEDERAL POVERTY GUIDELINES (FPG).

Individuals and families with income at or below the FPG may be Medicaid eligible if family income meets guidelines. FPG coverage groups are Low Income Child, Low Income Pregnant Women, ~~pregnant women ineligible because of excess income, and~~ presumptively eligible pregnant women and Child Health Insurance Program (CHIP). ~~(7-1-98)(11-1-99)T~~

(BREAK IN CONTINUITY OF SECTIONS)

502. LOW INCOME PREGNANT WOMAN.

A Low Income Pregnant Woman must meet Medicaid non-financial criteria ~~and provide medical verification of the pregnancy.~~ Medicaid for a Low Income Pregnant Woman is limited to pregnancy related and postpartum services. A Low Income Pregnant Woman is eligible for Medicaid through a sixty (60) day postpartum period if she applied for Medicaid while pregnant and was receiving Medicaid when the child was born. ~~(3-1-99)T~~ (11-1-99)T

01. Income Limit. Family income must not exceed one hundred thirty-three percent (133%) of the Federal Poverty Guideline. (3-1-99)T

02. Family Size. ~~Count family members living with the pregnant woman.~~ Family members include the pregnant woman; ~~and the unborn child.~~ Family members also include the spouse, minor dependent children, and minor step-children, if living with the pregnant woman and unborn. Other related or non-related children may be included if they live with the pregnant woman. Count family members regardless of Medicaid ineligibility or disqualification. Do not include family members receiving SSI or AABD payments. For an individual Medicaid determination, only income and resources of persons financially responsible for the individual can make the individual ineligible for Medicaid. ~~(3-1-99)T~~ (11-1-99)T

03. Income Disregards. Subtract allowable income exclusions and disregards to determine family income. ~~(3-1-99)T~~ (11-1-99)T

04. Continuing Eligibility. The pregnant woman remains eligible during the pregnancy regardless of changes in income. Changes in resources and non-financial criteria must be considered prospectively. The woman must report the end of pregnancy to the Department within ten (10) days. (3-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

504. PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.

A pregnant woman can get Medicaid as a presumptively eligible pregnant woman prior to a formal Medicaid determination. Medicaid is limited to payments for ambulatory prenatal services. ~~The pregnancy must be medically verified.~~ A qualified provider must accept written requests for this service and makes the eligibility determination. The qualified provider must inform the participant how to complete the formal Medicaid application process. Qualified providers are required to send the result of the presumptive eligibility decision and the completed application for Medicaid to the Department within two (2) working days. The Notice and Fair Hearing rights of the Medicaid program do not apply to the presumptive eligibility decision. Presumptive eligibility is limited to one (1) determination per pregnancy. (7-1-98)(11-1-99)T

505. CHILD HEALTH INSURANCE PROGRAM (CHIP).

The 1997 Balanced Budget Reconciliation Act provides medical coverage for low income children. The children must meet the conditions in Subsections 505.01 through 505.078: (7-1-99)(11-1-99)T

- 01. Under Age Nineteen.** The child must be under the age of nineteen (19). (7-1-99)
- 02. No Health Insurance.** The child must not have creditable health insurance coverage. (7-1-99)
- 03. No Medicaid Eligibility.** The child must not be eligible for other Medicaid programs. (7-1-99)
- 04. ~~Income Limit October 1, 1997 Through June 30, 1998.~~** For the period October 1, 1997 through June 30, 1998 family income must not exceed one hundred and sixty percent (160%) of the Federal Poverty Guidelines for the household size. **Resources.** The family's countable resources must not exceed five thousand dollars (\$5000). (7-1-99)(11-1-99)T
- 05. Income Limit July 1, 1998 And After.** For the period beginning July 1, 1998 and after, the family's gross income must not exceed and one hundred fifty percent (150%) of the Federal Poverty Guidelines for the household size. Families who receive Medicaid under the CHIP coverage group are not entitled to disregards from earned or unearned income. (7-1-99)(11-1-99)T
- 06. Intent To Qualify.** A family must not remove a child from a creditable health insurance plan with the intent to qualify. (7-1-99)
- 07. Cost Prohibitive.** A family must purchase creditable health insurance if affordable and available. The SRS/Examiner will determine (~~prudent person~~) if insurance is would be cost prohibitive, given the family's circumstances. (7-1-99)(11-1-99)T
- 08. Other Eligibility Criteria.** All other eligibility criteria as defined for poverty level, low income children. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

707. -- 79948. (RESERVED).

749. CONTINUOUS ELIGIBILITY FOR CHILDREN UNDER AGE NINETEEN.

Children under age nineteen (19), found Medicaid eligible in an initial determination or a redetermination, remain eligible for a period of twelve (12) months. Eligibility continues for twelve (12) months, or until the age limit is exceeded, regardless of changes in circumstances. The twelve (12) month continuous eligibility period does not apply if, for any reason, eligibility was determined incorrectly. (11-1-99)T

750. ANNUAL REDETERMINATION.

Participants must have eligibility redetermined annually. The annual redetermination is a review of all eligibility

factors. To continue to receive Medicaid, the participant must complete and sign an application form and meet all nonfinancial and financial eligibility criteria. Exceptions to annual redetermination are listed in Subsections 751.01 through 751.04. (11-1-99)T

751. EXCEPTIONS TO ANNUAL REDETERMINATION.

Participants who receive Medicaid through a time-limited coverage group, for which eligibility is not redetermined annually, are listed in Subsections 751.01 through 751.04. (11-1-99)T

01. Extended Medicaid. A participant who receives Extended Medicaid is eligible as provided in Section 415. (11-1-99)T

02. Transitional Medicaid. A participant who receives Transitional Medicaid is eligible as provided in Section 416. (11-1-99)T

03. Low Income Pregnant Woman. A participant who receives Medicaid as a Low Income Pregnant Woman is eligible as provided in Section 502. (11-1-99)T

04. Newborn Child Of Medicaid Eligible Mother. A participant receiving Medicaid as the newborn child of a Medicaid eligible mother is eligible as provided in Section 601. (11-1-99)T

752. REPORTING REQUIREMENTS.

Changes in family circumstances must be reported to the Department. Participants have ten (10) days, from the date the change is known, to report. Report of changes may be made verbally or in writing, through personal contact, telephone or mail. (11-1-99)T

753. TYPES OF CHANGES THAT MUST BE REPORTED.

Changes in circumstances the participant must report are listed in Subsections 753.01 through 753.12. (11-1-99)T

01. Name Or Address. A name change for any participant must be reported. A change of address or location must be reported. (11-1-99)T

02. Household Composition. Changes in family composition must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

03. Marital Status. Marriages or divorces of any family member must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

04. New Social Security Number. A Social Security Number (SSN) that is newly assigned to a Medicaid participant must be reported. (11-1-99)T

05. Health Insurance Coverage. Enrollment or disenrollment of a participant in a health insurance plan must be reported. (11-1-99)T

06. Pregnancy Termination. Pregnant participants must report when pregnancy ends. (11-1-99)T

07. Earned Income. Changes in the amount or source of earned income must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

08. Unearned Income. Changes in the amount or source of unearned income must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

09. Support Income. Changes in the amount of support paid or a change in the ordered amount must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

10. Resources. Changes in resources must be reported when a parent, relative caretaker, or pregnant woman receives Medicaid. This includes receipt of money or goods from any source. (11-1-99)T

11. Vehicles. Changes in the number or type of vehicles must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

12. Disability. A family member who becomes disabled or is no longer disabled must be reported if a parent or relative caretaker receives Medicaid. (11-1-99)T

754. PARTICIPANT FAILS TO REPORT EARNED INCOME.
When a parent or relative caretaker who receives Medicaid fails to report a change in earned income, or the change is not reported on time, the earned income disregards are not allowed in the financial determination. (11-1-99)T

755. -- 759. (RESERVED).

760. NOTICE OF CHANGES IN ELIGIBILITY.
The participant must be notified of changes in Medicaid eligibility. The notice must give the effective date, the reason for the action, the rule that supports the action, and appeal rights. (11-1-99)T

761. ADVANCE NOTICE RESPONSIBILITY.
When a reported change results in Medicaid closure, the participant must be notified at least ten (10) calendar days before the effective date of the action. (11-1-99)T

762. ADVANCE NOTICE NOT REQUIRED.
Advance notice is not required when a condition listed in Subsections 762.01 through 762.08 exists. The participant must be notified by the date of the action. (11-1-99)T

01. Death Of Participant. The Department has proof of the participant's death. (11-1-99)T

02. Participant Request. The participant requests closure in writing. (11-1-99)T

03. Participant In Institution. The participant is admitted or committed to an institution. Further payments to the participant do not qualify for federal financial participation under the state plan. (11-1-99)T

04. Nursing Care. The participant is placed in a nursing facility, or Intermediate Care Facility for the Mentally Retarded. (11-1-99)T

05. Participant Address Unknown. The participant's whereabouts are unknown. (11-1-99)T

06. Aid In Another State. A participant is approved for aid in another state. (11-1-99)T

07. Eligible One Month. The participant is eligible for aid only during the calendar month of his application for aid. (11-1-99)T

08. Retroactive Medicaid. The participant's Medicaid eligibility is for a prior period. (11-1-99)T

763. -- 799. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN
DOCKET NO. 16-0301-9902
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 39-106(l); 56-202(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 214 through 215.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5815.

DATED this 4th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 01

RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 214 and 215.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES
DOCKET NO. 16-0303-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective December 1, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 7-1206; 32-1209; 32-1217; 56-203(a), Idaho Code.

PUBLIC HEARING SCHEDULE: In Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking. This rule docket makes the following revisions:

Removes "Bureau" from the title of Child Support Services to conform with the name changes.

Removes policy regarding return of child support to the payor and redirecting payments if the applicant requests termination of child support services, to conform with Idaho Code.

Changes the requirement for the obligor to have legal and physical custody in good cause determinations for license suspension to physical custody.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5815.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 26, 2000.

DATED this 16th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0303-0001

000. LEGAL AUTHORITY.

The Department of Health and Welfare, Bureau of Child Support Services, is authorized to promulgate these rules under Sections 7-1206, 32-1209, 32-1217 and 56-203A, Idaho Code. ~~(7-1-98)~~(12-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

306. TERMINATION OF SERVICES.

01. Applicant/Recipient's Request. Child support services will terminate upon receipt of the applicant/recipient's request for termination. ~~Any support payments received which are owing to the applicant/recipient after the termination shall be returned to the payor with the instructions to send all support monies directly to the applicant/recipient or as otherwise stated in the court order.~~ ~~(7-1-98)~~(12-1-99)T

02. Applicant/Recipient Contact. Child support services may be terminated if Child Support Services is unable to contact the applicant/recipient within a thirty (30) calendar day period or applicant/recipient is not cooperating and cooperation by the applicant/recipient is essential for further action to be taken on the case. (7-1-98)

03. Unenforceable Order. Child support services may be terminated when the support order is unenforceable or the order is no longer enforceable and the arrears owed are less than five hundred dollars (\$500). (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

604. GOOD CAUSE DETERMINATION IN LICENSE SUSPENSION PROCEEDINGS.

01. Definition. "Person" means an individual. (7-1-98)

02. Res Judicata. No issues that have been previously litigated may be considered at the license suspension hearing. (7-1-98)

03. Good Cause. A license suspension shall be denied or stayed if the obligor proves that one (1) of the following has resulted in a current inability to pay the child support obligation: (7-1-98)

a. The obligor is physically disabled; (7-1-98)

b. The obligor is experiencing the effects of an extended illness or accident; (7-1-98)

c. The obligor is a student whose enrollment is a result of a referral from Vocational Rehabilitation, workman's compensation, or other competent authority working with disabled individuals; or (7-1-98)

d. The obligor is incarcerated in any county or state facility, and proves that he or she has no assets. (7-1-98)

e. The obligor is receiving TAFI. (7-1-99)

f. The obligor has legal and physical custody of all of the children listed in the order or orders for support. ~~(7-1-99)~~(12-1-99)T

g. Child support is being collected directly from the obligor's income through an income withholding order issued by the Department to the obligor's employer or other income source. (7-1-99)

04. Not Good Cause. Any factor not defined as good cause in Subsection 604.03 is not good cause for a denial or stay of a license suspension, including but not limited to the following: (7-1-98)

- a. The obligor is unemployed, underemployed, or has difficulty maintaining consistent employment; (7-1-98)
- b. The obligor is disabled but has not applied for disability or other benefits, or has been refused benefits; (7-1-98)
- c. The obligor asserts that the child support obligation is too high; (7-1-98)
- d. The obligor has been denied full visitation with the child or children; or (7-1-98)
- e. The obligor alleges the obligee misuses the child support. (7-1-98)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

DOCKET NO. 16-0304-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(b) and 39-106(l), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 216 through 228.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5818.

DATED this 2nd day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 04

RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 216 through 228.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)

DOCKET NO. 16-0305-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective January 1, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 39-106(l); 56-202(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Revises the name of the electronic payments rules for the current title.

Increases budget allowances used to determine eligibility and payment amount for Aid to the Aged, Blind and Disabled (AABD).

Provides a new living arrangement for a person living in a room and board home and purchasing meals and lodging from someone who is not his parent, child or sibling.

Repeals the unlicensed facility living arrangement as this arrangement is no longer used to calculate AABD eligibility and payment amount.

Provides that a person living with his parent, child or sibling is not entitled to the Certified Family Home budget allowances.

Provides that the group health mandatory enrollment requirement applies solely to employer group health plans.

Increases the income deduction for individuals with sheltered work shop earnings in computing the patient's share of the cost of HCBS and nursing home care.

Provides an income deduction for garnished child support in computing the patient's share of the cost of HCBS and nursing home care.

Changes the name of HCBS-Nursing Facility (HCBS-NF) to HCBS-Aged and Disabled (HCBS-A&D). Increases the income limit for HCBS eligibility in counties which have not converted to the new HCBS A&D waiver.

Lowers the maximum age for eligibility under a Medicaid coverage group for widows and widowers.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code, and are necessary in order to comply with deadlines in amendments to governing law or federal programs and to confer a benefit.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5815.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 26, 2000.

DATED this 12th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0305-0001

500. FINANCIAL NEED AND AABD CASH AMOUNT.

The participant must have financial need. The participant has financial need if his allowances are more than his income. If the participant is eligible, his AABD cash payment is the difference between his financial need and his countable income. If the difference is not an even dollar amount, AABD cash is paid at the next higher dollar. AABD cash is paid electronically as set forth in IDAPA 16.03.20, "Rules Governing Electronic Benefits Transfer (EBT) Payments (EP) of Public Assistance, and Food Stamps and Child Support". (7-1-99)(1-1-00)T

501. BASIC ALLOWANCE.

The basic allowance for a participant, not living in a nursing facility, is listed in Subsections 501.01 through 501.04. (7-1-99)

01. Single Participant. A participant is budgeted five hundred ~~twenty~~ forty-five dollars (\$5245) monthly as a basic allowance when living in a situation described in Subsections 501.01.a. through 501.01.f. (8-1-99)(1-1-00)T

- a. Living alone. (7-1-99)
- b. Living with his ineligible spouse. (7-1-99)
- c. Living with another participant who is not his spouse. (7-1-99)
- d. Living in another's household. This includes a living arrangement where the participant purchases lodging (room) and meals (board) from his parent, child or sibling. (7-1-99)(1-1-00)T
- e. ~~Living in a room and board home. Room and board is a living arrangement where the participant purchases lodging (room) and meals (board).~~ (7-1-99)
- f. Living with his TAFI child. (7-1-99)

02. Couple Or Participant Living With Essential Person. A participant living with his participant spouse or his essential person is budgeted seven hundred ~~fifty-two~~ sixty-eight dollars (\$75268) monthly as a basic allowance. (8-1-99)(1-1-00)T

03. SIGRIF. A participant living in a semi-independent group residential facility (SIGRIF) is budgeted three hundred forty-nine dollars (\$349) monthly as a basic allowance. (7-1-99)

04. Room And Board Home. A participant living in a room and board home, as defined in Section 512, is budgeted fifty-eight dollars (\$58) monthly as a basic allowance. (1-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

511. SEMI-INDEPENDENT GROUP RESIDENTIAL FACILITY (SIGRIF) ALLOWANCE.
The Adult Residential Care Committee (ARCC) must certify need for care, before the SIGRIF allowance can be budgeted. A participant's SIGRIF allowance is ~~two~~ three hundred ~~sixty-two~~ forty-one dollars (\$~~262~~341) monthly. (8-1-99)T(1-1-00)T

512. UNLICENSED RESIDENTIAL AND ASSISTED LIVING FACILITY OR UNCERTIFIED FAMILY ROOM AND BOARD HOME ALLOWANCE.
~~Each participant living in an unlicensed residential and assisted living facility or uncertified family home with a non-relative is budgeted a basic allowance of fifty-eight dollars (\$58) monthly. The participant is also budgeted an unlicensed care allowance, not to exceed three hundred fifteen dollars (\$315) monthly. Room and board is a living arrangement where the participant purchases lodging (room) and meals (board) from a person who is not his parent, child or sibling. A participant living in a room and board home is budgeted a maximum of six hundred thirty-two dollars (\$632) monthly.~~ (8-1-99)T(1-1-00)T

513. LICENSED RESIDENTIAL AND ASSISTED LIVING FACILITY AND CERTIFIED FAMILY HOME ALLOWANCES.
Each participant living in a residential and assisted living facility (RALF), (see IDAPA 16.03.22, "Rules Governing Licensed Residential and Assisted Living Facilities in Idaho") or certified family home (CFH), (see IDAPA 16.03.19, "Rules Governing Certified Family Homes") is budgeted a basic allowance of fifty-eight dollars (\$58) monthly. A participant is also budgeted a monthly allowance for care based on his level of care. If the participant gets a lower level of care than his assessed level, his allowance is for the lower level of care. Care levels and monthly allowances are listed in Table 513, Subsections 513.01 through 513.03, the Certified Family Home (CFH) allowance. A participant, living in a CFH is not entitled to the CFH allowances. He may receive the allowance for a person living with a relative. A relative for this purpose is the participant's parent, child, sibling, aunt, uncle, cousin, niece, nephew, grandparent or grandchild by birth, marriage, or adoption.

TABLE 513 - CARE LEVELS AND ALLOWANCES		
	LEVEL OF CARE	MONTHLY ALLOWANCE
01.	LEVEL I	Seven hundred and sixty-eight <u>seventy-four</u> dollars (\$ 768 <u>74</u>)
02.	LEVEL II	Eight hundred and thirty-five <u>forty-one</u> dollars (\$ 835 <u>41</u>)
03.	LEVEL III	Nine hundred and three <u>nine</u> dollars (\$ 903 <u>9</u>)

(8-1-99)T(1-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

707. GROUP HEALTH PLAN ENROLLMENT REQUIREMENT.
The participant must apply for and enroll in a cost-effective employer group health plan as a condition of eligibility. Medicaid must not be denied, delayed, or stopped pending the start of a participant's group health insurance coverage. A child entitled to enroll in a group health plan must not be denied Medicaid solely because his caretaker fails to apply for the child's enrollment. (7-1-99)T(1-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

723. PATIENT LIABILITY FOR PERSON WITH NO COMMUNITY SPOUSE.

For a participant with no community spouse, patient liability is computed as described in Subsections 723.01 through 723.03. (7-1-99)

01. Income Of Participants In Long-Term Care. For a single participant, or participant whose spouse is also in long-term care and chooses the SSI method of calculating the amount of income and resources, the patient liability is his total income less the deductions in Subsection 723.03. (7-1-99)

02. Community Property Income Of Long-Term Care Participant With Long-Term Care Spouse. Patient liability income for a participant, whose spouse is also in long-term care, choosing the community property method, is one-half (1/2) his share of the couple's community income, plus his own separate income. The deductions in Table 723.03 are subtracted from his income. (7-1-99)

03. Income Of Participant In Facility. A participant residing in the long-term care facility at least one (1) full calendar month, beginning with his most recent admission, must have the deductions in Subsection 723.03.a. through 723.03.n. subtracted from his income, after the AABD exclusions are subtracted from the income. Total monthly income includes income paid into an income (Miller) trust that month. The income deductions must be subtracted in the order listed. Remaining income is patient liability. (7-1-99)

a. AABD income exclusions. Subtract income excluded in determining eligibility for AABD cash. (7-1-99)

b. Aid and attendance and UME allowances. Subtract a VA Aid and Attendance allowance and Unusual Medical Expense (UME) allowance for a veteran or surviving spouse. (7-1-99)

c. SSI payment two (2) months. Subtract the SSI payment for a participant entitled to receive SSI at his at-home rate for up to two (2) months, while temporarily in a long-term care facility. (7-1-99)

d. AABD payment. Subtract the AABD payment, and income used to compute the AABD payment, for a participant paid continued AABD payments up to three (3) months in long-term care. (7-1-99)

e. Protected VA pension. Subtract a protected VA pension for a veteran with no spouse or dependents or for a surviving spouse with no dependents. (7-1-99)

f. Personal needs. Subtract thirty dollars (\$30) for the participant's personal needs. For a veteran or surviving spouse with a protected VA pension, the protected pension substitutes for the thirty dollar (\$30) personal needs deduction. (7-1-99)

g. Employed and sheltered workshop activity personal needs. For an employed participant or participant engaged in sheltered workshop or work activity center activities, subtract the lower of the personal needs deduction of ~~eighty two hundred~~ dollars (\$~~8200~~) or his gross earned income. The participant's total personal needs allowance must not exceed ~~one two hundred and ten thirty~~ dollars (\$~~1230~~). For a veteran or surviving spouse with sheltered workshop or earned income, and a protected VA pension, the total must not exceed ~~eighty two hundred~~ dollars (\$~~8200~~). This is a deduction only. No actual payment can be made to provide for personal needs. (7-1-99)(1-1-00)T

h. Home maintenance. Subtract two hundred and twelve dollars (\$212) for home maintenance cost if the participant had an independent living situation, before his admission for long-term care. His physician must certify in writing the participant is likely to return home within six (6) months, after the month of admission to a long-term care facility. This is a deduction only. No actual payment can be made to maintain the participant's home. (7-1-99)

i. Maintenance need. Subtract a maintenance need deduction for a family member, living in the long-term care participant's home. A family member is claimed, or could be claimed, as a dependent on the Federal Income Tax return of the long-term care participant. The family member must be a minor or dependent child, dependent parent, or dependent sibling of the long-term care participant. The maintenance need deduction is the AFDC payment standard for the dependents, computed according to the AFDC State Plan in effect before July 16, 1996. (7-1-99)

j. Medicare and health insurance premiums. Subtract expenses for Medicare and other health insurance premiums, and deductibles or coinsurance charges, not subject to payment by a third party. Deduction of Medicare Part B premiums is limited to the first two (2) months of Medicaid eligibility. Medicare Part B premiums must not be subtracted, if the participant got SSI or AABD cash the month prior to the month for which patient liability is being computed. (7-1-99)

k. Mandatory income taxes. Subtract taxes mandatorily withheld from unearned income for income tax purposes. To qualify for deduction of mandatory taxes, the tax must be withheld from income before the participant receives the income. (7-1-99)

l. Guardian fees. Subtract court-ordered guardianship fees of the lesser of ten percent (10%) of the monthly benefit handled by the guardian, or twenty-five dollars (\$25). Where the guardian and trustee are the same person, the total deduction for guardian and trust fees must not exceed twenty-five dollars (\$25) monthly. (7-1-99)

m. Trust fees. Subtract up to twenty-five dollars (\$25) monthly paid to the trustee for administering the participant's trust. (7-1-99)

n. Impairment related work expenses. Subtract impairment-related work expenses for an employed participant who is blind or disabled under AABD criteria. Impairment-related work expenses are purchased or rented items and services, purchased or rented to perform work. The items must be needed because of the participant's impairment. The actual monthly expense of the impairment-related items is subtracted. Expenses must not be averaged. (7-1-99)

o. Income Garnished for Child Support. Subtract income garnisheed for child support to the extent the expense is not already accounted for in computing the maintenance need standard. (1-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

725. PATIENT LIABILITY FOR PARTICIPANT WITH COMMUNITY SPOUSE.

After income ownership is decided, patient liability is determined using steps in Table 725.

TABLE 725 - INCOME DEDUCTIONS FOR PARTICIPANT IN FACILITY		
	STEP	PROCEDURE
01.	AABD Income Exclusions	Subtract income excluded in determining eligibility for AABD cash.
02.	Aid and Attendance and UME Allowances	Subtract a VA Aid and Attendance allowance and Unusual Medical Expense (UME) allowance for a veteran or surviving spouse.
03.	SSI Payment Two (2) Months	Subtract the SSI payment for a participant entitled to receive SSI at his at-home rate for up to two (2) months, while temporarily in a long-term care facility.
04.	AABD Cash	Subtract the AABD cash payment and income used to compute AABD cash, for a participant eligible to have his AABD cash continued up to three (3) months, while he is in long-term care.
05.	Protected VA Pension	Subtract a protected VA pension for a veteran with no spouse or dependents or for a surviving spouse with no dependents.

TABLE 725 - INCOME DEDUCTIONS FOR PARTICIPANT IN FACILITY

	STEP	PROCEDURE
06.	Personal Needs	Subtract thirty dollars (\$30) for the participant's personal needs. Do not allow this deduction for a veteran or surviving spouse with a protected VA pension. The protected pension substitutes for the thirty dollar (\$30) personal needs deduction.
07.	Employed and Sheltered Workshop Activity Needs	For an employed participant or participant engaged in sheltered workshop or work activity center activities subtract the lower of eighty <u>eighty two</u> hundred dollars (\$ 80 <u>82</u>) or his earned income.
08.	Community Spouse Allowance Step a.	<p>Compute the Community Spouse Allowance (CSA) using Step a. through Step c.</p> <p>Compute the Shelter Adjustment.</p> <p>Add the current Food Stamp Program Standard Utility Allowance to the community spouse's shelter costs.</p> <p>Shelter costs include rent, mortgage principal and interest, homeowner's taxes, insurance, and condominium or cooperative maintenance charges. The Standard Utility Allowance must be reduced by the value of any utilities included in maintenance charges for a condominium or cooperative.</p> <p>Subtract the Shelter Standard from the shelter and utilities. The Shelter Standard is thirty percent (30%) of one hundred fifty percent (150%) of one-twelfth (1/12) of the income official poverty line defined by the Federal Office of Management and Budget (OMB) for a family of two (2) persons.</p> <p>The Shelter Adjustment is the positive balance remaining.</p>
09.	Community Spouse Allowance Step b.	<p>Compute the Community Spouse Need Standard (CSNS).</p> <p>Add the Shelter Adjustment to the minimum CSNS. The minimum CSNS equals one hundred fifty percent (150%) of one-twelfth (1/12) of the income official poverty line defined by the OMB for a family unit of two (2) members. The minimum CSNS is revised annually in July. The total CSNS may not exceed the maximum CSNS. The maximum CSNS is computed by multiplying one thousand five hundred dollars (\$1,500) by the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) between September 1988 and the September before the current calendar year. The maximum CSNS is revised annually in January.</p>
10.	Community Spouse Allowance Step c.	<p>Compute the Community Spouse Allowance.</p> <p>Subtract the community spouse's gross income from the CSNS. The community spouse's income includes income produced by his resources. Round any remaining cents to the next higher dollar. Any positive balance remaining is the CSA. The CSA is subtracted as actually paid to the community spouse, up to the computed maximum.</p> <p>A larger spouse support amount must be used as the CSA, if court-ordered. The CSA ordered by a court is not subject to the CSA limit.</p>

TABLE 725 - INCOME DEDUCTIONS FOR PARTICIPANT IN FACILITY		
	STEP	PROCEDURE
11.	Family Member Allowance (FMA)	<p>Compute the family member's gross income. Subtract the family member's gross income from the minimum CSNS. Divide the difference by three (3). Round cents to the next higher dollar.</p> <p>Any remainder is the FMA for that family member. The FMA is allowed, whether or not it is actually paid by the participant.</p> <p>A family member is, or could be claimed, as a dependent on the Federal income tax return of either spouse. The family member must be a minor or dependent child, dependent parent or dependent sibling of either spouse. The family member must live in the community spouse's home.</p>
12.	Medicare and Health Insurance Premiums	<p>Subtract expenses for Medicare and other health insurance premiums, and deductibles or coinsurance charges, not subject to payment by a third party. Deduction of Medicare Part B premiums is limited to the first two (2) months of Medicaid eligibility. Do not subtract the Medicare Part B premiums if the participant got SSI or AABD cash the month prior to the month for which patient liability is being computed.</p>
13.	Mandatory Income Taxes	<p>Subtract taxes mandatorily withheld from unearned income for income tax purposes. To qualify for deduction of mandatory taxes, the tax must be withheld from income before the participant receives the income.</p>
14.	Guardian Fees	<p>Subtract court-ordered guardianship fees of the lesser of ten percent (10%) of the monthly benefit handled by the guardian, or twenty-five dollars (\$25). Where the guardian and trustee are the same person, the total deduction for guardian and trust fees must not exceed twenty-five dollars (\$25) monthly.</p>
15.	Trust Fees	<p>Subtract up to twenty-five dollars (\$25) monthly paid to the trustee for administering the participant's trust.</p>
16.	Impairment Related Work Expenses	<p>Subtract impairment-related work expenses for an employed participant who is blind or disabled under AABD criteria. Impairment-related work expenses are purchased or rented items and services, purchased or rented to perform work. The items must be needed because of the participant's impairment. The actual monthly expense of the impairment-related items is subtracted. Expenses must not be averaged.</p>
17.	<u>Income Garnisheed for Child Support</u>	<p><u>Subtract income garnisheed for child support to the extent the expense is not already accounted for in computing the Family Member Allowance.</u></p>

(7-1-99)(1-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

787. PERSON ENTITLED TO HOME AND COMMUNITY BASED SERVICES (HCBS).

An aged, blind or disabled person not eligible for SSI or AABD cash in his own home, because of income deeming or

income limits, is eligible for Medicaid if he meets the conditions in Subsections 787.01 through 787.12. (7-1-99)

- 01. **Age.** Is at least eighteen (18) years old. (3-1-99)T
- 02. **AABD Criteria.** If under age sixty-five (65), meets the AABD blindness or disability criteria. (7-1-99)
- 03. **AABD Resource Limit.** Meets the AABD single person resource limit. (7-1-99)

04. **HCBS Income Limit.** For ~~the HCBS-NE~~ Aged and Disabled (A&D) waiver, has income not exceeding nine hundred ~~sixty-seven~~ ninety dollars (\$96790). For ~~the HCBS-DD~~ Developmentally Disabled (DD) waiver, has income not exceeding three (3) times the Federal SSI benefit payable monthly to a single person. The income limit for ~~HCBS-NEA&D~~ A&D is changing to an amount not exceeding three (3) times the Federal SSI benefit payable monthly to a single person. The new income limit will be phased in on the schedule listed in Table 787.04.

TABLE 787.04. - EFFECTIVE DATE OF HCBS- NEA&D <u>A&D</u> INCOME LIMIT	
Counties	Effective Date
Bannock, Bear Lake, Bingham, Caribou, Franklin, Power and Oneida.	March 1, 1999
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls, Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton.	October 1, 1999
Benewah, Bonner, Boundary, Kootenai, Shoshone, Clearwater, Idaho, Latah, Lewis and Nez Perce.	December 1, 1999
Adams, Canyon, Gem, Owyhee, Payette, Washington, Ada, Boise, Elmore and Valley.	February 1, 2000

~~(3-1-99)~~(1-1-00)T

05. **Eligible For Long Term Care.** For ~~HCBS-NEA&D~~, meets the medical conditions for nursing facility care in accordance with IDAPA 16.03.09, "Rules Governing Medical Assistance," Subsection 160.09. For ~~HCBS-DD~~, meets the medical conditions for ICF/MR care in accordance with IDAPA 16.03.09, "Rules Governing Medical Assistance," Section 143. ~~(7-1-99)~~(1-1-00)T

06. **Home Care.** For ~~HCBS-NEA&D~~, can be maintained in his own home with Personal Care Services (PCS) furnished under the Department's HCBS waiver. For ~~HCBS-DD~~, can be maintained in the community. ~~(7-1-99)~~(1-1-00)T

07. **Cost Of Care.** For ~~HCBS-NEA&D~~, can be cared for at home at a cost not to exceed the statewide average cost of care for the participant's level of care. The estimated cost of care in a nursing facility is the statewide average rate for the level of care the participant requires, charged by the type of facility where he would be placed if he were not living at home. For traumatic brain injury patients, the estimated cost of care is at the nursing facility special rate. ~~(7-1-99)~~(1-1-00)T

08. **Care Requirement.** For ~~HCBS-NEA&D~~, must require and receive, or be likely to require and receive, HCBS waiver personal care services for thirty (30) consecutive days. For ~~HCBS-DD~~, must require and receive, or be likely to require and receive, ~~HCBS-DD~~ waiver services for thirty (30) consecutive days. ~~(7-1-99)~~(1-1-00)T

09. **Effective Date.** Medicaid is effective the first day of the thirty (30) day period the participant required and received ~~HCBS-NEA&D~~ or ~~HCBS-DD~~ waiver services. ~~(7-1-99)~~(1-1-00)T

10. **Participant With Spouse.** A married participant living at home with his spouse who is not and ~~HCBS~~ participant, can choose between the SSI, CP, and FSI methods. If his spouse is also an ~~HCBS~~ participant or lives in a nursing home, the couple can choose between the SSI and CP methods. (7-1-99)

11. **Continued Services.** The participant must continue to require and receive waiver services. The

participant is ineligible when there is a lapse in need for or receipt of waiver services for thirty (30) days. (7-1-99)

12. Annual Limit. A participant who applies for HCBS Medicaid, after the annual limit on HCBS-~~NFA&D~~ or HCBS-DD waiver participants is reached, must be denied Medicaid. ~~(7-1-99)~~(1-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

809. CERTAIN DISABLED WIDOWS AND WIDOWERS THROUGH JUNE 30, 1988.

A participant who meets the conditions in Subsections 809.01 through 809.04 is considered an SSI recipient for Medicaid. (7-1-99)

01. Age. The participant was under age sixty (60) ~~or older~~ when his disabled widows and widowers benefits began. ~~(7-1-99)~~(1-1-00)T

02. Lost SSI. The participant is ineligible for SSI because of an increase in SSA disability benefits starting January, 1984. (7-1-99)

03. Continuously Entitled. The participant is continuously entitled to Social Security benefits for disabled widows and widowers starting January, 1984 or earlier. (7-1-99)

04. Applied Before July 1, 1988. The participant applied for Medicaid before July 1, 1988. (7-1-99)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO
DOCKET NO. 16-0308-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective December 1, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-202(b) and 39-106(l), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2000.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking.

Increase the TAFI maximum grant from \$276 to \$293. Exclude household goods and personal effects as countable resources. Exclude from income restitution payments to persons of Japanese ancestry who were evacuated, relocated and interned during Work War II and VISTA payments.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5818.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 26, 2000.

DATED this 5th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 334-5548 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0308-0001

208. RESOURCE EXCLUSIONS.

The resources listed in Subsections 208.01 through 208.10 are excluded. (7-1-98)

01. Home And Lot. The family's home, surrounding land and buildings not separated by property owned by others. A public road or right of way that separates any plot from the home does not affect the exclusion. (7-1-98)

02. Household Goods. Household goods are items of personal property normally found in the home. The items must be used for maintenance, use, and occupancy of the home. Household goods include furniture, appliances, television sets, carpets, and utensils for cooking and eating. (12-1-99)T

03. Personal Effects. Personal effects are items worn or carried by a participant, or items having an intimate relation to the participant. Personal effects include clothing, jewelry, personal care items, and prosthetic devices. Personal effects also include items for education or recreation, such as books, musical instruments, or hobby materials. (12-1-99)T

024. Building Lot. One (1) unoccupied lot and one (1) partially built home. Only one (1) home and one (1) lot can be excluded. (7-1-98)

035. Unoccupied Home. A home temporarily unoccupied due to employment, training, medical care or treatment and natural disasters. (7-1-98)

046. Home Loss Or Damage Insurance Settlements. An insurance settlement awarded to a family for home loss or damage, for twelve (12) months from the date of receipt. (7-1-98)

057. Income Producing Property. Real property that annually produces income consistent with its fair market value. (7-1-98)

068. Equipment Used In A Trade Or Business. Equipment used in a trade or business or reasonably expected to be used within one (1) year from their most recent use. (7-1-98)

079. Contracts. A mortgage, deed of trust, promissory note, or any other form of sales contract if the purchase price and income produced are consistent with the property's fair market value. (7-1-98)

0810. Life Insurance. The cash surrender value of a life insurance policy. (7-1-98)

0911. Native American Payments. To the extent authorized, payments or purchases made with payments authorized by law based on Native American ancestry. (7-1-98)

102. Funeral Agreements. The cash value of an irrevocable funeral agreement. (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

215. EXCLUDED INCOME.

The types of income listed in Subsections 215.01 through 215.336 are excluded. (~~7-1-98~~)(12-1-99)T

01. Supportive Services. Supportive services payments. (7-1-98)

02. Work Reimbursements. Work-related reimbursements. (7-1-98)

03. Child's Earned Income. Earned income of a dependent child, who is attending school. (7-1-98)

04. Child Support. Child support payments assigned to the State and non-recurring child support payments received in excess of that amount. (7-1-98)

05. **Loans.** Loans with a signed, written repayment agreement. (7-1-98)
06. **Third Party Payments.** Payments made by a person directly to a third party on behalf of the family. (7-1-98)
07. **Money Gifts.** Money gifts, up to one hundred dollars (\$100), per person per event, for celebrations typically recognized with an exchange of gifts. (7-1-98)
08. **TAFI.** Retroactive TAFI grant corrections. (7-1-98)
09. **Social Security Overpayment.** The amount withheld for a Social Security overpayment. Money withheld voluntarily or involuntarily to repay an overpayment from any other source is counted as income. (7-1-99)
10. **Interest Income.** Interest posted to a bank account. (7-1-98)
11. **Tax Refunds.** State and federal income tax refunds. (7-1-98)
12. **EITC Payments.** EITC payments. (7-1-98)
13. **Disability Insurance Payments.** Taxes withheld and attorney's fees paid to secure disability insurance payments. (7-1-98)
14. **Sales Contract Income.** Taxes and insurance costs related to sales contracts. (7-1-98)
15. **Foster Care.** Foster care payments. (7-1-98)
16. **Adoption Assistance.** Adoption assistance payments. (7-1-98)
17. **Food Programs.** Commodities and food stamps. (7-1-98)
18. **Child Nutrition.** Child nutrition benefits. (7-1-98)
19. **Elderly Nutrition.** Elderly nutrition benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965. (7-1-98)
20. **Low Income Energy Assistance.** Benefits paid under the Low Income Energy Assistance Act of 1981. (7-1-98)
21. **Home Energy Assistance.** Home energy assistance payments under Public Law 100-203, Section 9101. (7-1-98)
22. **Utility Reimbursement Payment.** Utility reimbursement payments. (7-1-98)
23. **Housing Subsidies.** Housing subsidies. (7-1-98)
24. **Housing And Urban Development (HUD) Interest.** Interest earned on HUD family self-sufficiency escrow accounts established by Section 544 of the National Affordable Housing Act. (7-1-98)
25. **Native American Payments.** Payments authorized by law made to people of Native American ancestry. (7-1-98)
26. **Educational Income.** Educational income, except that AmeriCorps living allowances, stipends, and AmeriCorps Education Award minus attendance costs are earned income. (7-1-98)
27. **Work Study Income Of Student.** College work study income. (7-1-98)

- 28. VA Educational Assistance.** VA Educational Assistance. (7-1-98)
- 29. Senior Volunteers.** Senior volunteer program payments to individual volunteers under the Domestic Volunteer Services Act of 1979, 42 U.S.C. Sections 4950 through 5085. (7-1-98)
- 30. Relocation Assistance.** Relocation assistance payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (7-1-98)
- 31. Disaster Relief.** Disaster relief assistance paid under the Disaster Relief Act of 1974 and aid provided under any federal statute for a President-declared disaster. Comparable disaster assistance provided by states, local governments, and disaster assistance organizations. (7-1-98)
- 32. Radiation Exposure Payments.** Payments made to persons under the Radiation Exposure Compensation Act. (7-1-98)
- 33. Agent Orange.** Agent Orange settlement payments. (7-1-98)
- 34. Spina Bifida.** Spina bifida allowances paid to children of Vietnam veterans. (7-1-99)
- 35. Japanese-American Restitution Payments.** Payments by the U.S. Government to Japanese-Americans, their spouses, or parents (or if deceased to their survivors) interned or relocated during World War II. (12-1-99)T
- 36. Vista Payments.** Volunteers in Service to America (VISTA) payments. (12-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

- 248. MAXIMUM GRANT AMOUNT.**
The maximum grant is two hundred ~~seventy-six~~ ninety-three dollars (\$~~276~~93). (~~7-1-98~~)(12-1-99)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**

DOCKET NO. 16-0309-9902

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(f) Idaho Code, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the May 5, 1999 Administrative Bulletin, Volume 99-5, pages 45 through 66. The original text of the temporary rule was published in the April 7, 1999 Administrative Bulletin, Volume 99-4, pages 19 through 40.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lloyd Forbes at (208) 364-1831.

DATED this 1st day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 16
TITLE 03
Chapter 09**

RULES GOVERNING MEDICAL ASSISTANCE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-4, April 7, 1999, pages 19 through 40.

The text of the temporary rule was published in the Idaho Administrative Bulletin, Volume 99-5, May 5, 1999, pages 45 through 66.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**

DOCKET NO. 16-0309-9904

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(f) Idaho Code, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the July 7, 1999 Administrative Bulletin, Volume 99-7, pages 178 through 183.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mary Lou Forbes at (208) 364-1844.

DATED this 28th day of October, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 13
TITLE 03
Chapter 09**

RULES GOVERNING MEDICAL ASSISTANCE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 178 through 183.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9905

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective March 1, 1999. This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 56-202(b) and 56-203(g), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

In Section 149 of these rules, text related to client contribution for the Traumatic Brain Injury (TBI) waiver was added also, increased the personal needs allowance for individuals who are legally responsible for their mortgage or rent. The proposed rules have been amended in response to public comment and to make, transcriptional corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the July 7, 1999 Administrative Bulletin, Volume 99-7, pages 184 through 186.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lloyd Forbes at (208) 334-5795.

DATED this 1st day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 09

RULES GOVERNING MEDICAL ASSISTANCE

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text was published in the Idaho Administrative Bulletin, Volume 99-7, July 7, 1999, pages 184 through 186.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-9905

149. CLIENT PARTICIPATION IN THE COST OF WAIVER SERVICES.

A recipient will not be required to participate in the cost of waiver services unless the recipient's entitlement to MA is based on approval for, and receipt of, a waiver service and income limitations contained in IDAPA 16.03.05, "Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Section 787. Income excluded under the provisions of IDAPA 16.03.05.723 and 16.03.05.725 is excluded in determining client participation. ~~(3-1-99)T~~(3-1-99)T

01. Base Participation. Base participation is income available for client participation after subtracting all allowable deductions, except for the incurred medical expense deduction in Subsection 149.04. Base participation is calculated by the recipient's Self Reliance Specialist. The incurred medical expense deduction is calculated by the RMU or ACCESS unit. (3-1-99)T

02. Community Spouse. Except for the elderly or physically disabled participant's personal needs allowance, base participation for a recipient with a community spouse is calculated under IDAPA 16.03.05.725. These allowances are specified in IDAPA 16.03.05, "Eligibility for Aid to the Aged, Blind, and Disabled (AABD)". A community spouse is the spouse of an HCBS recipient who is not an HCBS recipient and is not institutionalized. (3-1-99)T

a. The HCBS personal needs allowance for a participant living independently equals the AABD allowances for his living arrangement. (3-1-99)T

b. The HCBS personal needs allowance for a participant living in room and board with a person who is not his parent, sibling, or child equals the SSI benefit for an individual living independently. (3-1-99)T

c. The HCBS personal needs allowance for a participant living in adult residential care equals the federal Supplemental Security Income (SSI) benefit amount for an individual living independently. (3-1-99)T

03. Elderly Or Disabled Waiver Participant With No Community Spouse. Base participation for an elderly or physically disabled participants ~~with no community spouse~~ is calculated under IDAPA 16.03.05.723, using the appropriate HCBS personal needs allowance. ~~(3-1-99)T~~(3-1-99)T

a. The HCBS personal needs allowance for a participant living independently equals the AABD allowances for his living arrangement. (3-1-99)T

b. The HCBS personal needs allowance for a participant living in room and board with a person who is not his parent, sibling, or child equals the federal SSI benefit for an individual living independently. (3-1-99)T

c. The HCBS personal needs allowance for a participant living in adult residential care equals the

federal Supplemental Security Income (SSI) benefit amount for an individual living independently. (3-1-99)T

04. Personal Needs Allowance. The personal needs allowance depends on the participant's marital status, his living arrangement and whether he has a legal obligation to pay the mortgage or has a lease agreement to rent his housing. (3-1-99)T

a. A participant with no spouse, who is living with a relative, and has no legal responsibility to pay the mortgage or rent, has a personal needs allowance equal to the federal SSI benefit for a person living independently. If the participant is living with his spouse, his personal needs allowance is equal to one-hundred and fifty percent (150%) of the federal SSI benefit for a person living independently. A relative is a parent, grandparent, sibling, aunt, uncle, or cousin. Relatives include those of full or half-blood and relatives by marriage, even if the marriage has ended. (3-1-99)T

b. A participant with no spouse, who is living with a relative and is legally responsible for the mortgage or rent, has a personal needs allowance equal to one hundred fifty percent (150%) of the federal SSI benefit rate for a person living independently. If his spouse is living with him, and is not receiving HCBS, his personal needs allowance is equal to one hundred fifty percent (150%) of the federal SSI benefit rate for a person living independently. (3-1-99)T

c. A participant who is legally responsible for the mortgage or rent, and is not living with his spouse or a relative, has a personal needs allowance is equal to one hundred fifty percent (150%) of the federal SSI benefit rate for a person living independently. (3-1-99)T

d. A participant who is legally responsible for the mortgage or rent, and is living with his community spouse, has a personal needs allowance equal to one hundred fifty percent (150%) of the federal SSI benefit rate for a person living independently. (3-1-99)T

e. A participant who is legally responsible for the mortgage or rent, and is living with his HCBS spouse, has a personal needs allowance equal to one hundred fifty percent (150%) of the federal SSI benefit rate for a couple. (3-1-99)T

045. Developmentally Disabled Or TBI Participants. These allowances are specified in IDAPA 16.03.05, "Rules Governing Eligibility for Aid To The Aged, Blind, and Disabled (AABD)". The HCBS personal needs allowance for participants receiving Waiver Services for Adult Developmentally Disabled Recipients or participants receiving services under the Adult Traumatic Brain Injury (TBI) waiver, is three (3) times the federal SSI benefit amount to an individual in his own home. ~~(3-1-99)T~~(3-1-99)T

056. Incurred Medical Expenses. Amounts for certain limited medical or remedial services not covered by the Idaho Medicaid Plan and not paid by a third party may be deducted from the base participation amount. The Department must determine whether an individual's incurred expenses for such limited services meet the criteria for deduction. The ~~recipient~~ participant must report such expenses and provide verification in order for an expense to be considered for deduction. Costs for over-the-counter medications are included in the personal needs allowance and will not be considered a medical expense. Deductions for necessary medical or remedial expenses approved by the Department will be deducted at application, and changed, as necessary, based on changes reported to the Department by the participant. ~~(3-1-99)T~~(3-1-99)T

067. Remainder After Calculation. Any remainder after the calculation in Subsection 149.04 is the maximum participation to be deducted from the participant's provider payments to offset the cost of personal care services. The participation will be collected from the participant by the provider ~~agency or independent provider~~. The provider and the participant will be notified by the Department of the amount to be collected. ~~(3-1-99)T~~(3-1-99)T

078. Recalculation Of Client Participation. The client participation amount must be recalculated annually at redetermination or whenever a change in income or deductions becomes known to the Department. (7-1-97)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9906

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective July 1, 1999. This pending rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 56-202(b) and 56-203(g), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rules, Section 106, has been amended by deleting text regarding non-usage of equipment and ownership. Added to Section 106 is language to allow rental "trial" period. The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Sections 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the September 1, 1999 Administrative Bulletin, Volume 99-9, pages 110 through 118.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Cindy Taylor at (208) 364-1843.

DATED this 1st day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 09

RULES GOVERNING MEDICAL ASSISTANCE

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 115 through 118.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-9905

106. DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES.

The Department will purchase or rent when medically necessary cost effective durable medical equipment and medical supplies for recipients residing in community settings including those provided through home health agency plans of care which meet the requirements found in Subsections 105.01 and 105.02. No payment will be made for any recipient's DME or medical supplies that are included in the per diem payment while such an individual is an inpatient in a hospital NF, or ICF/MR. (7-1-99)

01. Medical Necessity Criteria. DME/medical supplies will be purchased or rented only if ordered in writing (signed and dated) by a physician prior to delivery of equipment or supplies. Date of delivery is considered the date of service. The following information to support the medical necessity of the item(s) shall be included in the physician's order and accompany all requests for prior authorization or be kept on file with the DME provider for items which do not require prior authorization: (7-1-99)

a. The recipient's medical diagnosis and prognosis including current information on the medical condition which requires the use of the supplies and/or medical equipment; and (7-1-99)

b. An estimate of the time period that the medical equipment or supply item will be necessary and frequency of use. As needed (PRN) orders must include the conditions for use and the expected frequency; and (7-1-99)

c. For medical equipment, a full description of the equipment needed. All modifications or attachments to basic equipment must be supported; and (7-1-99)

d. For medical supplies, the type and quantity of supplies necessary must be identified; and (11-1-86)

e. The number of months the equipment or supplies will be needed; and (7-1-99)

f. Additional information may be requested by the Department or its designee for specific equipment and/or supplies such as, but not limited to, wheelchairs, apnea monitors, oximeters, hospital beds. (7-1-99)T

02. Medical Equipment Program Requirements. All claims for durable medical equipment are subject to the following guidelines: (7-1-99)

a. Unless specified by the Department, durable medical equipment does not require prior authorization by the Department or its designee. (7-1-99)

i. When multiple features or models of equipment are available, authorization will be limited to the

least costly version that will reasonably and effectively meet the minimum requirements of the individuals needs. (7-1-99)T

b. Unless specified by the Department in the Medical Vendors Handbook, all equipment must be rented except when it would be more cost effective to purchase it. Rentals are subject to the following guidelines: (7-1-99)

i. Rental payments, including intermittent payments, shall automatically be applied to the purchase of the equipment. When rental payments equal the purchase price of the equipment, ownership of the equipment shall pass to the ~~Department~~ recipient. ~~(10-1-91)~~(7-1-99)T

ii. The Department may choose to continue to rent certain equipment without purchasing it. Such items include but are not limited to apnea monitor, ventilators and other respiratory or monitoring equipment. (7-1-99)T

iii. The total monthly rental cost of a DME item shall not exceed one-tenth (1/10) of the total purchase price of the item. (7-1-99)

iv. The determination of cost-effectiveness of rental versus purchase will be made by the vendor based on guidelines specified by the Department in the most current Medical Vendors Handbook. Documentation to support the vendor's decision must be kept on file. (7-1-99)

c. No reimbursement will be made for the cost of repairs (materials or labor) covered under the manufacturer's warranty. The date of purchase and warranty period must be kept on file by the DME vendor. The following warranty periods are required to be provided on equipment purchased by the Department: (7-1-99)

i. A power drive wheelchair shall have a minimum one (1) year warranty period; (7-1-99)

ii. An ultra light wheelchair shall have a lifetime warranty period; (10-22-93)

iii. An active duty lightweight wheelchair shall have a minimum five (5) year warranty period; (7-1-99)

iv. All other wheelchairs shall have a minimum one (1) year warranty period; (7-1-99)

v. All electrical components and new or replacement parts shall have a minimum six (6) month warranty period; (7-1-99)

vi. All other DME not specified above shall have a minimum one (1) year warranty period; (7-1-99)

vii. If the manufacturer denies the warranty due to user misuse/abuse, that information shall be forwarded to the Department at the time of the request for repair or replacement; (10-1-91)

viii. The monthly rental payment shall include a full service warranty. All routine maintenance, repairs, and replacement of rental equipment is the responsibility of the provider. (10-22-93)

d. Any equipment purchased will become the property of the recipient. (7-1-99)T

e. Covered equipment must meet the definition of durable medical equipment and be medically necessary as defined in Subsection 003.36. All equipment must be prior authorized by the Department or its designee except for the following: (7-1-99)T

i. Bilirubin lights; and (7-1-99)

ii. Commode chairs and toilet seat extenders; and (11-1-86)

iii. Crutches and canes; and (11-1-86)

- iv. Electric or hydraulic patient lift devices designed to transfer a person to and from bed to bathtub, but excluding lift chairs, devices attached to motor vehicles, and wall mounted chairs which lift persons up and down stairs; and (7-1-99)
- v. Grab bars for the bathroom adjacent to the toilet and/or bathtub; and (11-1-86)
- vi. Hand-held showers; and (11-1-86)
- vii. Head gear (protective); and (7-1-99)
- viii. Hearing aids (see Section 108 for coverage and limitations); and (7-1-99)
- ix. Home blood glucose monitoring equipment; and (11-1-86)
- x. Intravenous infusion pumps, and/or NG tube feeding pumps, IV poles/stands, intrathecal kits; and (7-1-99)T
- xi. Hand-held nebulizers, air therapy vests, and manual or electric percussor; and (7-1-99)T
- xii. Medication organizers; and (7-1-99)
- xiii. Oxygen concentrators; and (11-1-86)
- xiv. Pacemaker monitors; and (11-1-86)
- xv. Compressors and breathing circuit humidifiers; and (7-1-99)T
- xvi. Sliding boards and bath benches/chairs; and (11-1-86)
- xvii. Suction pumps; and (11-1-86)
- xviii. Sheep skins, foam or gel pads for the treatment of decubitus ulcers; and (7-1-99)
- xix. Traction equipment; and (7-1-99)
- xx. Walkers. (7-1-99)T

03. Coverage Conditions - Equipment. The following medical equipment is subject to the following limitations and additional documentation requirements: (7-1-99)

a. Wheelchairs. The Department will provide the least costly wheelchair which is appropriate to meet the recipient's medical needs. The Department will authorize the purchase of one (1) wheelchair per recipient not more often than once every five (5) years. Specially designed seating systems for wheelchairs shall not be replaced more often than once every five (5) years. Wheelchair rental or purchase requires prior authorization by the Department or its designee and shall be authorized in accordance with the following criteria: (7-1-99)

i. In addition to the physician's information, each request for a wheelchair must be accompanied by a written evaluation by a physical therapist or an occupational therapist. The evaluation must include documentation of the appropriateness and cost effectiveness of the specific wheelchair and all modifications and/or attachments and its ability to meet the recipient's long-term medical needs; (7-1-99)

ii. Manual wheelchairs will be authorized based on the recipient's need according to the following criteria: (7-1-99)

(1) The recipient must be nonambulatory or have severely limited mobility and require a mobility aid to participate in normal daily activities and the alternative would be confinement to a bed or chair; (7-1-99)

(2) A standard lightweight wheelchair will be authorized if the recipient's condition is such that he cannot propel a standard weight wheelchair; (7-1-99)

(3) An ultra light weight wheelchair will be authorized if the recipient's conditions are such that he cannot propel a lightweight or standard weight wheelchair. (7-1-99)

iii. Electric wheelchairs are purchased only if the recipient's medical needs cannot be met by a manual wheelchair. The attending physician must certify that the power drive wheelchair is a safe means of mobility for the recipient and all of the following criteria are met: (7-1-99)

(1) The recipient is permanently disabled; and (7-1-99)

(2) The disability is such that, because of severe upper extremity weakness or lack of function, the recipient cannot operate any manual wheelchair. (7-1-99)

iv. Additional wheelchairs may be considered within the five (5) year limitation with written documentation from the physician and a written evaluation from a physical therapist or an occupational therapist indicating that the current wheelchair no longer meets the client medical needs and what may be damaging to client's medical condition. (7-1-99)T

b. Electronic blood glucose testing devices with voice synthesizers must be prior authorized by the Department or its designee and are covered only when the following documentation is submitted and verified by the attending physician: (7-1-99)

i. The recipient has been determined to be legally blind and is unable to read a standard glucose monitor (this does not include any correctable vision defects; and) (7-1-99)

ii. The recipient lives alone or has no care giver available during the times when the glucose testing must be done. (7-1-99)

c. Electronic pain suppression/muscle stimulation devices TENS Units must be prior authorized by the Department or its designee and are purchased only when the effectiveness of such devices is documented by the physician and only after: (7-1-99)

i. The pain has been present for a minimum of three (3) months; and (7-1-99)

ii. Other treatment modalities have been tried and failed (documentation must be submitted with request for prior authorization; and (7-1-99)

iii. The effectiveness of the device is documented following a maximum of a two (2) month trial rental period; and (7-1-99)

iv. The physician determines that the recipient is likely to derive significant therapeutic benefit from the continuous use of the device over a long period of time. (7-1-99)

d. Semi-electric hospital beds must be prior authorized by the Department or its designee and will be approved only when the following is documented by the physician: (7-1-99)T

i. The recipient's medical condition is such that he is unable to operate a manual hospital bed; and (7-1-99)

ii. The recipient is unable to change position as needed without assistance; and (7-1-99)

iii. The recipient resides in an independent living situation where there is no one to provide assistance with a manual bed for the major portion of the day. (10-31-89)

e. Continuous positive airway pressure (C-PAP) machines must be prior authorized by the Department or its designee and are purchased or rented only in the following circumstances: (7-1-99)

i. The physician certifies that the recipient's diagnosis is obstructive sleep apnea, which is supported by a sleep study; and (7-1-99)

ii. There is documentation that the recipient's oxygen saturations improve with the use of the machine or respiratory events can be controlled with use of this machine. The machine may be rented for three (3) to six (6) months to determine its effectiveness. (7-1-99)

f. Bilevel positive airway pressure (BiPAP) machines must be prior authorized by the Department or its designee and are purchased or rented only in the following circumstances: (7-1-99)

i. A C-PAP machine has been proven ineffective in treating obstructive sleep apnea; and/or (10-22-93)

ii. The C-PAP machine has proven ineffective during titration; and/or (7-1-99)

iii. Used in place of a ventilator. (10-22-93)

g. Lymphedema pumps shall be authorized only as a last resort for the treatment of refractory lymphedema involving one (1) or more limbs. The following documentation must be provided: (7-1-99)T

i. Documentation showing location and size of the venous stasis ulcer. (7-1-99)T

ii. Documentation showing how long each ulcer has been present. (7-1-99)T

iii. Documentation showing that the patient has been treated with regular compression bandaging for at least the past six (6) months. (7-1-99)T

iv. Documentation showing approximately when and the results that the patient has been treated with custom fabricated gradient pressure stockings/sleeves. (7-1-99)T

v. Documentation showing all other treatments used for the venous stasis ulcers during the last six (6) months. (7-1-99)T

vi. Documentation showing the recipient has been seen regularly by a physician for treatment of venous stasis ulcer(s) during the last six (6) months. (7-1-99)T

04. Communication Devices. Will be considered for purchase by the Department under the following conditions. (7-1-99)T

a. Communication devices must be prescribed by the primary care physician. (7-1-99)T

b. The need for the device must be based on a comprehensive history and physical. (7-1-99)T

c. The device must be considered medically necessary by the primary care physician and the individual must lack the ability to communicate needs with the primary care physician or caregiver. (7-1-99)T

d. The device must be the most effective least costly means of meeting the minimum requirements of the client's needs. If the individual knows sign language or is capable of learning sign language a communication device would not be considered medically necessary. (7-1-99)T

e. The assessment and evaluation for the communication device must include comprehensive information as related to the individual's ability to communicate and review of the most cost effective devices to meet the individuals needs. Documentation shall include: ~~(7-1-99)T~~(7-1-99)T

- i. Demographic and biographic summary; (7-1-99)T
- ii. Inventory of skills and sensory function; (7-1-99)T
- iii. Inventory of present and anticipated future communication needs; (7-1-99)T
- iv. Summary of device options; (7-1-99)T
- vi. Recommendation for device; and (7-1-99)T
- vii. Copy of individual treatment plan. (7-1-99)T
- f. Repairs to the device must be prior authorized and must not include modifications, technological improvements or upgrades. (7-1-99)T
- g. Reimbursable supplies include rechargeable batteries, overlays, and symbols. (7-1-99)T
- h. Replacements, modifications, and upgrades will be reimbursed only with prior authorization by the Department, and will require a complete new assessment. Authorization for replacements, modifications and upgrades will be issued only in the following circumstances: ~~(7-1-99)T~~(7-1-99)T
 - i. System is broken through no fault of the client and is deemed non repairable and client is unable to function without it. (7-1-99)T
 - ii System no longer meets the client's minimum medical needs. (7-1-99)T
 - iii. The use or provision of the system by any individual other than the recipient for which the system was authorized is prohibited. (7-1-99)T
 - iv. The Department shall have no obligation to repair or replace the communication device if it has been damaged, defaced, lost or destroyed as a result of neglect, abuse, or misuse of the equipment. ~~(7-1-99)T~~(7-1-99)T
- i. Training and orientation of the communication device may be billed as speech therapy by Medicaid approved providers such as a Developmental Disability Agency, or a Hospital that employs a speech therapist. (7-1-99)T
- j. ~~There must be an annual evaluation of the effectiveness of the communication device. If the device is not effective or is not being used, it must be returned to the Department~~ Rental of equipment shall equal one-tenth (1/10) of purchase price. ~~(7-1-99)T~~(7-1-99)T
- k. All rental applies to purchase of equipment. (7-1-99)T

05. Medical Supply Program Requirements. All claims for medical supply items are subject to the following requirements: (7-1-99)

- a. The Department will purchase no more than a one (1) month supply of necessary medical supplies for the treatment or amelioration of a medical condition identified by the attending physician in an amount not to exceed one hundred dollars (\$100) per month without prior authorization. Any combination of one (1) month's worth of supplies greater than one hundred dollars (\$100) may require prior authorization by the Department or its designee. The prior authorization period will be established by the Department or its designee. (7-1-99)T
- b. Each request for prior authorization must include all information required in Subsection 106.01. (7-1-99)
- c. ~~Covered supplies are limited to the following~~ Supplies other than those listed below will require prior authorization: ~~(11-1-86)~~(7-1-99)T

- and
- i. Catheter supplies including catheters, drainage tubes, collection bags, and other incidental supplies; (11-1-86)
 - ii. Cervical collars; and (11-1-86)
 - iii. Colostomy and/or urostomy supplies; and (11-1-86)
 - iv. Disposable supplies necessary to operate Department approved medical equipment such as suction catheters, syringes, saline solution, etc.; and (11-1-86)
 - v. Dressings and bandages to treat wounds, burns, or provide support to a body part; and (11-1-86)
 - vi. Fluids for irrigation; and (11-1-86)
 - vii. Incontinence supplies (See Subsection 106.05.b. for limitations); and (7-1-99)
 - viii. Injectable supplies including normal saline and Heparin but excluding all other prescription drug items; and (10-31-89)
 - ix. Blood glucose or urine glucose checking/monitoring materials (tablets, tapes, strips, etc.), automatic injectors; and (7-1-99)
 - x. Therapeutic drug level home monitoring kits. (10-31-89)
 - xi. Oral, enteral, or parenteral nutritional products (See Subsection 106.05.a. for limitations and additional documentation requirements). (7-1-99)

06. Coverage Conditions - Supplies. The following medical supply items are subject to the following limitations and additional documentation requirements: (7-1-99)

a. Nutritional products. Nutritional products will be purchased only under the following circumstances: (7-1-99)

i. A nutritional plan shall be developed and be on file with the provider and shall include appropriate nutritional history, the recipient's current height, weight, age and medical diagnosis. For recipients under the age of twenty-one (21), a growth chart including weight/height percentile must be included; (7-1-99)

ii. The plan shall include goals for either weight maintenance and/or weight gain and shall outline steps to be taken to decrease the recipient's dependence on continuing use of nutritional supplements; (10-1-91)

iii. Documentation of evaluation and updating of the nutritional plan and assessment by a physician as needed but at least annually. (7-1-99)

b. Incontinent supplies. Incontinent supplies are covered for persons over four (4) years of age only and do not require prior authorization unless the recipient needs supplies in excess of the following limitations: (7-1-99)

i. Diapers are restricted in number to two hundred forty (240) per month. If the physician documents that additional diapers are medically necessary, the Department or its designee may authorize additional amounts on an individual basis. (7-1-99)

ii. Disposable underpads are restricted to one hundred fifty (150) per month. (10-22-93)

iii. Pullups are only allowed when it is documented by the physician that the recipient is participating in a toilet training program. Documentation for toilet training program must be updated on a yearly basis. (7-1-99)T

07. Program Abuse. The use or provision of DME/medical supply items to an individual other than the recipient for which such items were ordered is prohibited. The provision of DME/medical supply items that is not supported by required medical necessity documentation is prohibited and subject to recoupment. Violators are subject to penalties for program fraud and/or abuse which will be enforced by the Department. The Department shall have no obligation to repair or replace any piece of durable medical equipment that has been damaged, defaced, lost or destroyed as a result of neglect, abuse, or misuse of the equipment. Recipients suspected of the same shall be reported to the SUR/S committee. (7-1-99)

08. Billing Procedures. The Department will provide billing instructions to providers of DME/medical supplies. When prior authorization by the Department or its designee is required, the authorization number must be included on the claim form. (7-1-99)

09. Fees And Upper Limits. The Department will reimburse according to Subsection 060.04 Individual Provider Fees. (12-31-91)

10. Date Of Service. Unless specifically authorized by the Department or its designee the date of services for durable medical equipment and supplies is the date of delivery of the equipment and/or supply(s). The date of service cannot be prior to the vendor receiving all medical necessity documentation. (7-1-99)

11. Notice Of Decision. A Notice of Decision approving or denying a requested item will be issued to the client by the Department. The client has thirty (30) days to request an administrative hearing on the decision. ~~Upon written request, the Department may extend the thirty (30) day deadline to provide the client additional time to develop his appeal request. The client may also submit additional information and request a reconsideration at any time.~~ Hearings will be conducted to IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Section 300, and IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings". (7-1-99)T(7-1-99)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**

DOCKET NO. 16-0309-9907

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(f), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999, Idaho Administrative Bulletin, Volume 99-10, pages 231 through 244.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dorrie Farnworth at (208) 364-1830.

DATED this 1st day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 16
TITLE 03
Chapter 09**

RULES GOVERNING MEDICAL ASSISTANCE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 231 through 244.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9908

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective November 1, 1999. This pending rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 56-202(f), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules. Added to the rules was the addition of 30 day limitation and standards for facilities and home to provide service. Also, the addition of Adult Day Care provision must work for a provider agency. These rules are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 245 through 254.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jean Christensen at (208) 364-1828.

DATED this 10th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 09

RULES GOVERNING MEDICAL ASSISTANCE

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 245 through 254.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-9908

143. WAIVER SERVICES FOR ADULT DEVELOPMENTALLY DISABLED RECIPIENTS.

Pursuant to 42 CFR Section 440.180, it is the intention of the Department to provide waiver services to eligible recipients in order to prevent unnecessary institutional placement, to provide for the greatest degree of independence possible, to enhance the quality of life, to encourage individual choice, and to achieve and maintain community integration. For a recipient to be eligible, the Department must find that the recipient requires services due to a developmental disability which impairs their mental or physical function or independence, be capable of being maintained safely and effectively in a non-institutional setting and would, in the absence of such services, need to reside in an ICF/MR. (7-1-95)

01. Services Provided. (7-1-95)

a. Residential habilitation services which consist of an integrated array of individually-tailored services and supports furnished to eligible recipients which are designed to assist them to reside successfully in their own homes, with their families, or alternate family homes. The services and supports that may be furnished consist of the following: (7-1-97)

i. Habilitation services aimed at assisting the individual to acquire, retain or improve his ability to reside as independently as possible in the community or maintain family unity. Habilitation services include training in one (1) or more of the following areas: (7-1-97)

(1) Self-direction, including the identification of and response to dangerous or threatening situations, making decisions and choices affecting the individual's life, and initiating changes in living arrangements or life activities; (7-1-95)

(2) Money management including training or assistance in handling personal finances, making purchases, and meeting personal financial obligations; (7-1-95)

(3) Daily living skills including training in accomplishing routine housekeeping tasks, meal preparation, dressing, personal hygiene, self administration of medications, and other areas of daily living including proper use of adaptive and assistive devices, appliances, home safety, first aid, and emergency procedures; (7-1-95)

(4) Socialization including training or assistance in participation in general community activities and establishing relationships with peers with an emphasis on connecting the recipient to their community. (Socialization training associated with participation in community activities includes assisting the recipient to identify activities of interest, working out arrangements to participate in such activities and identifying specific training activities necessary to assist the recipient to continue to participate in such activities on an on-going basis. Socialization training does not include participation in nontherapeutic activities which are merely diversional or recreational in nature); (7-1-95)

(5) Mobility, including training or assistance aimed at enhancing movement within the person's living arrangement, mastering the use of adaptive aids and equipment, accessing and using public transportation, independent travel, or movement within the community; (7-1-95)

(6) Behavior shaping and management includes training and assistance in appropriate expressions of emotions or desires, assertiveness, acquisition of socially appropriate behaviors; or extension of therapeutic services, which consist of reinforcing physical, occupational, speech and other therapeutic programs. (7-1-95)

ii. Personal Assistance Services necessary to assist the individual in daily living activities, household tasks, and such other routine activities as the recipient or the recipient's primary caregiver(s) are unable to accomplish on his own behalf. (7-1-95)

iii. Skills training to teach waiver recipients, family members, alternative family caregiver(s), or a

recipient's roommate or neighbor to perform activities with greater independence and to carry out or reinforce habilitation training. Services are focused on training and are not designed to provide substitute task performance. Skills training is provided to encourage and accelerate development in independent daily living skills, self direction, money management, socialization, mobility and other therapeutic programs. (7-1-95)

b. Chore services which are heavy household maintenance and minor home repairs necessary to maintain the functional use of the home and to provide a clean, sanitary and safe environment. Chore activities include washing windows; moving heavy furniture and shoveling snow to provide safe access inside and outside the home; chopping wood when wood is the recipient's primary source of heat; and tacking down loose rugs and flooring. These services are only available when neither the recipient, nor anyone else in the household is capable of performing or financially providing for them, and where no other relative, caretaker, landlord, community volunteer/agency or third party payor is capable of or responsible for their provision. In the case of rental property, the responsibility of the landlord, pursuant to the lease agreement, will be examined prior to any authorization of service. Chore services are limited to the services provided in a home rented or owned by the recipient. (7-1-95)

c. Respite care services are those services provided on a short term basis because of the absence of persons normally providing non-paid care. Respite care services provided under this waiver will not include room and board payments. Respite care services are limited to recipients who reside with non-paid caregivers. (11-1-99)T

d. Supported employment which is competitive work in integrated work settings for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred; or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work. (7-1-95)

i. Supported employment services rendered under the waiver are not available under a program funded by either the Rehabilitation Act of 1973, as amended, or the Individuals with Disabilities Education Act (IDEA). Documentation will be maintained in the file of each individual receiving this service verifying that the service is not otherwise available/funded under the Rehabilitation Act of 1973 as amended, or IDEA. (11-1-99)T

ii. Federal Financial Participation (FFP) will not be claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following: incentive payments made to an employer of waiver recipients to encourage or subsidize employers' participation in a supported employment program; payments that are passed through to beneficiaries of supported employment programs; or payments for vocational training that is not directly related to a waiver participant's supported employment program. (7-1-95)

e. Transportation services which are services offered in order to enable waiver recipients to gain access to waiver and other community services and resources required by the individual support plan. This service is offered in addition to medical transportation required under 42 CFR 440.431.53 and transportation services offered under the State plan, defined at 42 CFR 440.170(a), and shall not replace them. Whenever possible, family, neighbors, friends, or community agencies which can provide this service without charge or public transit providers will be utilized. (7-1-95)

f. Environmental modifications which are those interior or exterior physical adaptations to the home, required by the waiver recipient's support plan, which are necessary to ensure the health, welfare, safety of the individual, or which enable the individual to function with greater independence in the home and without which, the waiver recipient would require institutionalization. Such adaptations may include the installation of ramps and lifts, widening of doorways, modification of bathroom facilities, or installation of electric and plumbing systems which are necessary to accommodate the medical equipment and supplies necessary for the welfare of the waiver recipient, but shall exclude those adaptations or improvements to the home which are not of direct medical or remedial benefit to the recipient, such as carpeting, roof repair, or central air conditioning. All services shall be provided in accordance with applicable State or local building codes. Permanent environmental modifications are limited to modifications to a home rented or owned by the recipient or the recipient's family when the home is the recipient's principal residence. Portable or non-stationary modifications may be made when such modifications can follow the recipient to his next place of residence or be returned to the Department. (7-1-95)

g. Specialized medical equipment and supplies which include devices, controls, or appliances,

specified in the Individual Support Plan which enable recipients to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live. They also include items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items, and durable and non-durable medical equipment not available under the Medicaid State plan. Items reimbursed with waiver funds shall be in addition to any medical equipment and supplies furnished under the State plan and shall exclude those items which are not of direct medical or remedial benefit to the recipient. All items shall meet applicable standards of manufacture, design and installation. (7-1-95)

h. Personal Emergency Response Systems (PERS) which may be provided to monitor waiver recipient safety and/or provide access to emergency crisis intervention for emotional, medical or environmental emergencies through the provision of communication connection systems. PERS are limited to recipients who rent or own their home, who are alone for significant parts of the day, have no regular caretaker for extended periods of time and who would otherwise require extensive routine supervision. (7-1-95)

i. Home delivered meals which are designed to promote adequate wavier recipient nutrition through the provision and home delivery of one (1) to two (2) meals per day. Home delivered meals are limited to recipients who rent or own their own home, who are alone for significant parts of the day and have no regular caretaker for extended periods of time. (7-1-97)

j. Therapy services under the waiver include physical therapy services; occupational therapy services; and speech, hearing and language services. These services are to be available through the waiver when the need for such services exceeds the therapy limitations under the State plan. Under the waiver, therapy services will include: (7-1-97)

i. Services provided in the waiver recipient's residence, day habilitation site, or supported employment site; (7-1-95)

ii. Consultation with other service providers and family members; (7-1-95)

iii. Participation on the recipient's Individual Support Plan team. (7-1-97)

k. Nursing services are those intermittent nursing services or private duty nursing services which provide individual and continuous care listed in the Individual Support Plan which are within the scope of the Nurse Practice Act and are provided by a licensed registered nurse or licensed practical nurse under the supervision of a registered nurse, licensed to practice in Idaho. (7-1-95)

l. Behavior Consultation/Crisis Management services which provide direct consultation and clinical evaluation of recipients who are currently experiencing or may be expected to experience, a psychological, behavioral, or emotional crisis. This service may provide training and staff development related to the needs of a recipient. These services also provide emergency back-up involving the direct support of the recipient in crisis. (7-1-97)

m. Adult Day Care is a supervised, structured day program, outside the home of the participant that offer one (1) or more of a variety of social, recreational, health activities, supervision for safety, and assistance with activities of daily living. These activities need to be identified on the Individual Support Plan. Adult Day Care can not exceed thirty (30) hours either alone or in combination with Developmental Therapy. (~~4-1-99~~)(11-1-99)T

i. ~~Facilities, which provide adult day care must be, maintained in a safe an sanitary manner. facilities will provide the necessary space and staff to meet the needs of the participants accepted by the provider. Supervision must be provided by the facility as necessary, to assure the safety and comfort of participants served~~ Services provided in a facility must meet the building and health standards identified in IDAPA 16.04.11, "Rules Governing Developmental Disability Agencies," Sections 920 and 921. (~~4-1-99~~)(11-1-99)T

ii. ~~Providers accepting participants into their homes for services must maintain the home in a safe and sanitary manner. Supervision must be provided by the provider as necessary to assure the safety and comfort of participants served~~ Services provided in a home must meet the standards of home certification identified in IDAPA 16.03.19, "Rules Governing Certified Family Home," and health standards identified in IDAPA 16.04.11, "Rules

Governing Developmental Disability Agency.” Section 921.

~~(11-1-99)T~~(11-1-99)T

02. Place Of Service Delivery. Waiver services for developmentally disabled recipients may be provided in the recipient's personal residence, specialized family home, waiver facilities, day habilitation/supported employment program or community. The following living situations are specifically excluded as a personal residence for the purpose of these rules: (7-1-95)

- a. Licensed skilled, or intermediate care facilities, certified nursing facility (NF) or hospital; and (7-1-95)
- b. Licensed Intermediate Care Facility for the Mentally Retarded (ICF/MR); and (7-1-95)
- c. Licensed Residential and Assisted Living Facility. (11-1-99)T
- d. Additional limitations to specific services are listed under that service definition. (7-1-95)

03. Services Delivered Following A Written Plan. All waiver services must be authorized by the ACCESS Unit in the Region where the recipient will be residing and provided based on a written Individual Support Plan (ISP). (7-1-95)

- a. The ISP is developed by the ISP team, which includes: (7-1-95)
 - i. The waiver recipient. Efforts must be made to maximize the recipient's participation on the team by providing him with information and education regarding his rights; and (7-1-95)
 - ii. The service coordinator chosen by the recipient; and (7-1-95)
 - iii. The guardian when appropriate; and (7-1-95)
 - iv. May include others identified by the waiver recipient. (7-1-95)
- b. The ISP must be based on a person centered planning and assessment process approved by the Department. (7-1-95)
- c. The ISP must include the following: (7-1-95)
 - i. The specific types, amounts, frequency and duration of Medicaid reimbursed waiver services to be provided; and (7-1-95)
 - ii. Supports and service needs that are to be met by the recipient's family, friends and other community services; and (7-1-95)
 - iii. The providers of waiver services when known; and (7-1-95)
 - iv. Documentation that the recipient has been given a choice between waiver services and institutional placement; and (7-1-95)
 - v. The signature of the recipient or his legal representative and the service coordinator. (7-1-95)
- d. The plan must be reviewed monthly by the ISP team revisions and updates are made based upon treatment results or a change in the recipient's needs. A new plan must be developed and approved annually. (11-1-99)T

04. Authorization Of Services. All services reimbursed under the Home and Community Based Waiver for Developmentally Disabled must be authorized prior to the payment of services by the Regional ACCESS Unit. (7-1-95)

05. Service Supervision. The Individual Support Plan which includes all waiver services is monitored by the service coordinator. (7-1-95)

06. Provider Qualifications. All providers of waiver services must have a valid provider agreement/performance contract with the Department. Performance under this agreement/contract will be monitored by the ACCESS Unit in each region. (7-1-95)

a. Residential Habilitation services must be provided by an agency that is certified as a Residential Habilitation Agency under IDAPA 16.04.17, "Rules Governing Residential Habilitation Agencies," that has been certified by the Department and capable of supervising the direct services provided. Independent providers of personal care services that are transferred to providers of residential habilitation services under this waiver shall either work for an agency or affiliate with an agency to provide oversight, training and quality assurance. If there is no agency available in a geographic location, providers of residential habilitation services under this waiver will not be required to work for or affiliate with an agency until one becomes available. Providers of residential habilitation services must meet the following requirements: (7-1-97)

i. Direct service staff must meet the following minimum qualifications: be at least eighteen (18) years of age, be a high school graduate or have a GED or demonstrate the ability to provide services according to an Individual Support Plan; have current CPR and First Aid certifications; be free from communicable diseases; pass a criminal background check (when residential habilitation services are provided in a specialized family home, all adults living in the home must pass a Criminal History Check; participate in an orientation program, including the purpose and philosophy of services, service rules, policies and procedures, proper conduct in relating to waiver participants, and handling of confidential and emergency situations that involve the waiver participant, provided by the agency prior to performing services; have appropriate certification or licensure if required to perform tasks which require certification or licensure. (11-1-99)T

ii. The provider agency will be responsible for providing training specific to the needs of the recipient. Skill training must be provided by a Qualified Mental Retardation Professional who has demonstrated experience in writing skill training programs. Additional training requirements must include at a minimum: (11-1-99)T

- (1) Instructional technology; (11-1-99)T
- (2) Behavior technology; (11-1-99)T
- (3) Feeding; (11-1-99)T
- (4) Communication/sign language; (11-1-99)T
- (5) Mobility; (11-1-99)T
- (6) Assistance with medications (training in assistance with medications must be provided by a licensed nurse); (11-1-99)T
- (7) Activities of daily living; (11-1-99)T
- (8) Body mechanics and lifting techniques; (11-1-99)T
- (9) Housekeeping techniques; and (11-1-99)T
- (10) Maintenance of a clean, safe, and healthy environment. (11-1-99)T

iii. Residential habilitation providers who are unable to join or affiliate with an agency because one is not available in their geographic area, must receive program development, implementation and oversight of service delivery services by a Qualified Mental Retardation Professional (QMRP) who has a valid provider agreement with the Department. (7-1-95)

iiiv. When residential habilitation services are provided in the provider's home, the agency or

independent provider must meet the environmental sanitation standards; fire and life safety standards; and building, construction and physical home standards for certification as an Adult Foster Home. Non-compliance with the above standards will be cause for termination of the provider's provider agreement/contract. (7-1-95)

- b. Providers of chore services must meet the following minimum qualifications: (7-1-95)
 - i. Be skilled in the type of service to be provided; and (7-1-95)
 - ii. Demonstrate the ability to provide services according to an individual support plan. (7-1-95)
- c. Providers of respite care services must meet the following minimum qualifications: (7-1-95)
 - i. Meet the qualifications prescribed for the type of services to be rendered, for instance Residential Habilitation providers, or must be an individual selected by the waiver participant and/or the family or guardian; and (7-1-95)
 - and ii. Have received caregiving instructions in the needs of the person who will be provided the service; (7-1-95)
 - iii. Demonstrate the ability to provide services according to an individual support plan; and (7-1-95)
 - iv. Have good communication and interpersonal skills and the ability to deal effectively, assertively and cooperatively with a variety of people; and (7-1-95)
 - v. Be willing to accept training and supervision by a provider agency or the primary caregiver of services; and (7-1-95)
 - vi. Be free of communicable diseases. (7-1-95)
- d. Supported Employment services must be provided by an agency capable of supervising the direct service and be accredited by the Commission on Accreditation of Rehabilitation Facilities; or other comparable standards; or meet State requirements to be a State approved provider (7-1-95)
- e. Providers of transportation services must: (7-1-95)
 - i. Possess a valid driver's license; and (7-1-95)
 - ii. Possess valid vehicle insurance. (7-1-95)
- f. Environmental Modifications services must: (7-1-95)
 - i. Be done under a permit, if required; and (7-1-95)
 - ii. Demonstrate that all modifications, improvements, or repairs are made in accordance with local and state housing and building codes. (7-1-95)
- g. Specialized Equipment and Supplies purchased under this service must: (7-1-95)
 - i. Meet Underwriter's Laboratory, FDA, or Federal Communication Commission standards where applicable; and (7-1-95)
 - ii. Be obtained or provided by authorized dealers of the specific product where applicable. For instance, medical supply businesses or organizations that specialize in the design of the equipment. (7-1-95)
- h. Personal Emergency Response Systems must demonstrate that the devices installed in waiver participants' homes meet Federal Communications Standards or Underwriter's Laboratory standards or equivalent standards. (7-1-95)

- i. Services of Home Delivered Meals under this section may only be provided by an agency capable of supervising the direct service and must: (7-1-95)
- i. Provide assurances that each meal meets one third (1/3) of the Recommended Dietary Allowance as defined by the Food and Nutrition Board of National Research Council or meet physician ordered individualized therapeutic diet requirement; and (7-1-97)
- ii. Maintain Registered Dietitian documented review and approval of menus, menu cycles and any changes or substitutes; and (7-1-95)
- iii. Must provide assurances that the meals are delivered on time and demonstrate the ability to deliver meals at a minimum of three (3) days per week; and (7-1-97)
- iv. Maintain documentation reflecting the meals delivered are nutritionally balanced and made from the highest U.S.D.A. Grade for each specific food served; and (7-1-95)
- v. Provide documentation of current driver's license for each driver; and (7-1-95)
- vi. Must be inspected and licensed as a food establishment by the District Health Department. (7-1-95)
- j. All therapy services, with the exception of physical therapy, must be provided by a provider agency capable of supervising the direct service. Providers of services must meet the provider qualifications listed in the State Plan. (7-1-95)
- k. Nursing Service Providers must provide documentation of current Idaho licensure as a RN or LPN in good standing. (7-1-95)
- l. Behavior Consultation/Crisis Management Providers must meet the following: (7-1-95)
- i. Work for a provider agency capable of supervising the direct service or work under the direct supervision of a licensed psychologist or Ph.D. in Special Education, with training and experience in treating severe behavior problems and training and experience in applied behavior analysis; and (7-1-95)
- ii. Must have a Master's Degree in a behavioral science such as social work, psychology, psychosocial rehabilitation counseling, psychiatric nursing, special education or a closely related course of study; or (7-1-95)
- iii. Be a licensed pharmacist; or (7-1-95)
- iv. Be a Qualified Mental Retardation Professional. (7-1-97)
- v. Emergency back-up providers must meet the minimum provider qualifications under Residential Habilitation services. (7-1-95)
- m. Providers of adult day care services work for a provider agency capable of supervising direct services, provide services as identified on the Individual Support Plan, and must meet the following minimum qualifications: (11-1-99)T(11-1-99)T
- i. Demonstrate the ability to communicate and deal effectively, assertively, and cooperatively with a variety of people; (11-1-99)T
- ii. Be a high school graduate, or have a GED or demonstrate the ability to provide services according to the Individual Support Plan; (11-1-99)T
- iii. Be free from communicable disease; (11-1-99)T
- iv. Pass a Criminal History Check; (11-1-99)T

- v. Demonstrate knowledge of infection control methods; and (11-1-99)T
- vi. Agree to practice confidentiality in handling situations that involve waiver participants. (11-1-99)T

07. Recipient Eligibility Determination. Waiver eligibility will be determined by the Regional ACCESS Unit. The recipient must be financially eligible for MA as described in IDAPA 16.03.05, Section 787, "Rules Governing Eligibility for Aid for the Aged, Blind, and Disabled (AABD)". The cited chapter implements and is in accordance with the Financial Eligibility Section of the Idaho State Plan. In addition, waiver recipients must meet the following requirements: (11-1-99)T

- a. Recipient must be eighteen (18) years of age or older. (11-1-99)T
- b. The Regional ACCESS Unit must determine that: (7-1-95)
 - i. The recipient would qualify for ICF/MR level of care as set forth in Section 180 of these rules, if the waiver services listed in Section 143 of these rules were not made available; and (7-1-95)
 - ii. The recipient could be safely and effectively maintained in the requested/chosen community residence with appropriate waiver services. This determination must: be made by a team of individuals with input from the ISP team; and prior to any denial of services on this basis, be determined by the Service Coordinator that services to correct the concerns of the team are not available. (7-1-95)
 - iii. The average daily cost of waiver services and other medical services to the recipient would not exceed the average daily cost to Medicaid of ICF/MR care and other medical costs. Individual recipients whose cost of services exceeds this average may be approved on a case basis that assures that the average per capita expenditures under the waiver do not exceed one hundred percent (100%) of the average per capita expenditures for ICF/MR care under the State plan that would have been made in that fiscal year had the waiver not been granted. This approval will be made by a team identified by the Administrators of the Divisions of Medicaid and Family and Community Services. (7-1-97)
 - iv. Following the approval by the ACCESS Unit for services under the waiver, the recipient must receive and continue to receive a waiver service as described in these rules. A recipient who does not use a waiver service for thirty (30) consecutive days will be terminated from the waiver program. (7-1-95)
- c. A recipient who is determined by the ACCESS Unit to be eligible for services under the Home and Community Based Services Waiver for developmentally disabled may elect to not utilize waiver services but may choose admission to an ICF/MR. (7-1-95)
- d. The recipient's eligibility examiner will process the application in accordance with IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)," as if the application was for admission to an ICF/MR, except that the eligibility examiner will forward potentially eligible applications immediately to the ACCESS Unit for review. The Medicaid application process cited above conforms to all statutory and regulatory requirements relating to the Medicaid application process. (11-1-99)T
- e. The decisions of the ACCESS Unit regarding the acceptance of the recipients into the waiver program will be transmitted to the eligibility examiner. (7-1-95)

08. Case Redetermination. (7-1-95)

a. Financial redetermination will be conducted pursuant to IDAPA 16.03.01, "Rules Governing Eligibility for Medicaid for Families and Children," and IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)". Medical redetermination will be made at least annually by the ACCESS Unit, or sooner at the request of the recipient, the eligibility examiner, provider agency or physician. The sections cited implement and are in accordance with Idaho's approved state plan with the exception of deeming of income provisions. (11-1-99)T

- b. The redetermination process will assess the following factors: (7-1-95)
 - i. The recipient's continued need for waiver services; and (7-1-95)
 - ii. Discharge from the waiver services program. (7-1-97)
- 09. Provider Reimbursement.** (7-1-95)
 - a. Waiver service providers will be paid on a fee for service basis based on the type of service provided as established by the Department. (7-1-95)
 - b. Provider claims for payment will be submitted on claim forms provided or approved by the Department. Billing instructions will be provided by the Department. (7-1-95)
 - c. The fees calculated for waiver services include both services and mileage. No separate charges for mileage will be paid by the Department for provider transportation to and from the recipient's home or other service delivery location when the recipient is not being provided transportation. (7-1-95)
- 10. Provider Records.** Three (3) types of record information will be maintained on all recipients receiving waiver services: (7-1-97)
 - a. Direct Service Provider Information which includes written documentation of each visit made or service provided to the recipient, and will record at a minimum the following information: (7-1-95)
 - i. Date and time of visit; and (7-1-95)
 - ii. Services provided during the visit; and (7-1-95)
 - iii. A statement of the recipient's response to the service, if appropriate to the service provided, including any changes in the recipient's condition; and (7-1-95)
 - iv. Length of visit, including time in and time out, if appropriate to the service provided. Unless the recipient is determined by the Service Coordinator to be unable to do so, the delivery will be verified by the recipient as evidenced by their signature on the service record. (7-1-95)
 - v. A copy of the above information will be maintained in the recipient's home unless authorized to be kept elsewhere by the ACCESS Unit. Failure to maintain such documentation will result in the recoupment of funds paid for undocumented services. (7-1-97)
 - b. The individual support plan which is initiated by the ACCESS Unit and developed by the Service Coordinator and the ISP team must specify which waiver services are required by the recipient. The plan will contain all elements required by Subsection 143.03 and a copy of the most current individual support plan will be maintained in the recipient's home and will be available to all service providers and the Department. (7-1-95)
 - c. In addition to the individual support plan, at least monthly the service coordinator will verify in writing, that the services provided were consistent with the individual support plan. Any changes in the plan will be documented and include the signature of the service coordinator and when possible, the recipient. (7-1-95)
- 11. Provider Responsibility For Notification.** It is the responsibility of the service provider to notify the service coordinator when any significant changes in the recipient's condition are noted during service delivery. Such notification will be documented in the service record. (7-1-95)
- 12. Records Maintenance.** In order to provide continuity of services, when a recipient is transferred among service providers, or when a recipient changes service coordinators, all of the foregoing recipient records will be delivered to and held by the Regional ACCESS Unit until a replacement service provider or service coordinator assumes the case. When a recipient leaves the waiver services program, the records will be retained by the Regional ACCESS Unit as part of the recipient's closed case record. Provider agencies will be responsible to retain their client's

records for three (3) years following the date of service.

(7-1-97)

13. Home And Community-Based Waiver Recipient Limitations. The number of Medicaid recipients to receive waiver services under the home and community based waiver for developmentally disabled recipients will be limited to the projected number of users contained in the Department's approved waiver. Individuals who apply for waiver services after the waiver maximum has been reached will be placed on a waiting list and will have their applications processed after September 30 of each new waiver year. The earliest effective date of waiver service delivery for these recipients will be October 1 of each new waiver year.

(7-1-97)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9909
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(f), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 255 through 259.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Pam Mason at (208) 364-1837.

DATED this 1st day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 09

RULES GOVERNING MEDICAL ASSISTANCE

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 255 through 259.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9910

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective September 1, 1999. This pending rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 56-202(f), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules. In Sections 560 and 561 the phrase "practitioner of the healing arts" was removed. In Section 563 "Infant Toddler Programs" was added to the text. In Section 575 "school based" was removed and "provided by school districts/Infant Toddler programs" were added. The changes to these rules are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 260 through 267.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lorraine Hutton at (208) 364-1835.

DATED this 9th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 334-5548 fax

IDAPA 16
TITLE 03
Chapter 09

RULES GOVERNING MEDICAL ASSISTANCE

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 260 through 267.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-030-9910

561. RECIPIENT ELIGIBILITY.

To be eligible for medical assistance reimbursement for covered services, a student shall: (9-1-99)T

01. Education Disability. Be identified as having an educational disability pursuant to IDAPA 08.02.03, "Rules Governing Thoroughness," Subsection 100.09.b., Department of Education standards for the education of disabled students or, for children birth to three (3) years of age, being identified as needing early intervention services due to a developmental delay or disability in accordance with the eligibility criteria of the Idaho Infant Toddler Program; and (9-1-99)T

02. Individualized Education Program. Have a current Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) which indicates the need for one (1) or more medically necessary health related services; and lists all Medicaid reimbursable services for which the school district or agency is requesting reimbursement; and (9-1-99)T

03. Age. Be less than twenty-two (22) years of age; and (9-1-99)T

04. Medicaid Eligible. Be eligible for Medicaid and the service for which the school district is seeking reimbursement; (9-1-99)T

05. School District Is Enrolled As A Provider. Be served by a school district or other public educational agency that is an enrolled medical assistance provider pursuant to these rules; and (9-1-99)T

06. Referred By A Physician. Have a recommendation or referral from a physician ~~or other practitioner of the healing arts, such as~~ nurse practitioner, clinical nurse specialist, or physician's assistant, who is licensed and approved by the state of Idaho to make such recommendations or referrals, for all Medicaid services for which the school district/other educational agency is receiving reimbursement. ~~(9-1-99)T~~ (9-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

563. REIMBURSABLE SERVICES.

School Districts/Infant Toddler Programs may bill for the following health related services provided to eligible students when provided under the recommendation of a physician or other practitioner of the healing arts: (9-1-99)T

01. Annual Plan Development. Annual IEP or IFSP plan development; (9-1-99)T

- 02. Collateral Contact.** Consultation or treatment direction about the student to a significant other in the student's life. (7-1-99)
- 03. Developmental Therapy Evaluation And Treatment.** Assessment, treatment and instruction of the student in the acquisition of developmental milestones and activities of daily living skills that the student has not gained at the normal developmental stages in his or her life, or is not likely to develop without training or therapy beyond age appropriate learning situations. Developmental therapy does not include tutorial activities or assistance with educational tasks associated with educational needs that result from the student's disability. (7-1-99)
- 04. Early Periodic Screening, Diagnosis, And Treatment (EPSDT) Services.** Services include age appropriate health history and health screening services. (7-1-99)
- 05. Medical Equipment And Supplies.** Includes medical equipment and supplies that are covered under the Idaho Medicaid program. (7-1-99)
- 06. Nursing Services.** Includes skilled nursing services that must be provided by a licensed nurse. (7-1-99)
- 07. Occupational Therapy Evaluation And Treatment.** Does not include components of occupational therapy that deals with vocational assessment, training or vocational rehabilitation. (7-1-99)
- 08. Personal Care Services.** School based personal care services include medically oriented tasks having to do with the student's physical or functional requirements such as basis personal care and grooming; assistance with bladder or bowel requirements; assistance with eating (including feeding); or other tasks delegated by a Registered Nurse. (9-1-99)T
- 09. Physical Therapy Evaluation And Treatment.** (7-1-99)
- 10. Psychological Evaluation And Therapy.** (7-1-99)
- 11. Psychosocial Rehabilitation Evaluation And Treatment.** Includes assistance in gaining and utilizing skills necessary to participate in school such as training in behavior control, social skills, communication skills, appropriate interpersonal behavior, symptom management, and coping skills. (7-1-99)
- 12. Speech/Audiological Evaluation And Treatment.** (7-1-99)
- 13. Social History And Evaluation.** (7-1-99)
- 14. Transportation Services.** School districts/Infant Toddler Programs can receive reimbursement for transporting a student when: ~~(7-1-99)~~(9-1-99)T
- a. The student requires special transportation assistance such as a wheelchair lift or an attendant when medically necessary for the health/safety of the student; and (7-1-99)
 - b. The transportation occurs in a vehicle specifically adapted to meet the needs of a student with a disability. (9-1-99)T
 - c. The student requires and receives another Medicaid reimbursable service, other than transportation, on the day that transportation is being provided; and (7-1-99)
 - d. Both the Medicaid covered service and the need for the special transportation are included on the student's IEP or IFSP. (7-1-99)
- 15. Interpretive Services.** Interpretive services are those services needed by a student who does not adequately speak or understand English and requires an interpreter to communicate with the professional or paraprofessional providing the student with a health related service. (7-1-99)

- a. Payment for interpretive services are limited to the specific time that the student is receiving the health related service. (7-1-99)
- b. Both the Medicaid covered service and the need for interpretive services are included on the student's IEP or IFSP. (7-1-99)
- c. Interpretive services would not be covered if the professional or paraprofessional providing services is able to communicate in the student's primary language. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

569. PROVIDER STAFF QUALIFICATIONS.

Medicaid will only reimburse for services provided by qualified staff. The following are the minimum qualifications for providers of covered services: (9-1-99)T

- 01. Annual IEP Or IFSP Plan Development.** Must include the professionals who completed the evaluations and recommendations for IEP or IFSP services. May only be billed when the IEP or IFSP includes reimbursable health related services. (7-1-99)
- 02. Collateral Contact.** Contact and direction must be provided by a professional who provides the treatment. (9-1-99)T
- 03. Developmental Therapy Evaluation And Treatment.** Must be provided by or under the direction of a developmental specialist. IDAPA 16.03.09, "Rules Governing Medical Assistance," Subsection 569.03, incorporates by reference the full text of the definition of a developmental specialist found in IDAPA 16.04.11, "Rules Governing Minimum Standards for Developmental Disability Agencies". (9-1-99)T
- 04. EPSDT Screens.** May be provided by a physician, physician extender (nurse practitioner, clinical nurse specialist, or physician's assistant), or EPSDT RN screener. (9-1-99)T
- 05. Medical Equipment And Supplies.** (9-1-99)T
- 06. Nursing Services.** Must be provided by a licensed professional nurse (RN) or licensed practical nurse (LPN) licensed to practice in Idaho. (9-1-99)T
- 07. Occupational Therapy Evaluation And Treatment.** Must be provided by or under the supervision of an individual qualified and registered to practice in Idaho. (7-1-99)
- 08. Personal Care Services.** Must be provided by a nurses aide (CNA) certified by the State of Idaho, a licensed professional nurse (RN) or licensed practical nurse (LPN), licensed by the State of Idaho. When services are provided by a CNA, the CNA must be supervised by a RN. (9-1-99)T
- 09. Physical Therapy Evaluation And Treatment.** Must be provided by an individual qualified and registered to practice in Idaho. (7-1-99)
- 10. Psychological Therapy Evaluation And Treatment.** Must be provided by:
 - a. A licensed psychiatrist; (7-1-99)
 - b. Licensed physician; (7-1-99)
 - c. Licensed psychologist; (7-1-99)

- d. Psychologist extender registered with the Board of Occupational Licenses; (7-1-99)
- e. Certified psychiatric nurse; (7-1-99)
- f. Certified school psychologist; (7-1-99)
- g. Licensed professional counselor with a private practice license; or (7-1-99)
- h. Licensed certified social worker. (7-1-99)
- 11. Psychosocial Rehabilitation.** Must be provided by: (7-1-99)
 - a. A licensed psychiatrist; (7-1-99)
 - b. Licensed physician; (7-1-99)
 - c. Licensed psychologist; (7-1-99)
 - d. Psychologist extender registered with the Board of Occupational Licenses; (7-1-99)
 - e. Certified psychiatric nurse; (7-1-99)
 - f. Certified school psychologist; (7-1-99)
 - g. Licensed professional counselor with a private practice license; (7-1-99)
 - h. Licensed certified social worker; or (7-1-99)
 - i. Psychosocial rehabilitaiton specialist. (7-1-99)
- 12. Speech/Audiological Therapy Evaluation And Treatment.** Must be provided by or under the direction of a speech pathologist or audiologist who possesses a certificate of clinical competence from the American Speech, Language and Hearing Association (ASHA); or who will be eligible for certification within one (1) year of employment. (9-1-99)T
- 13. Social History And Evaluation.** Must be provided by a registered nurse; psychologist; M.D; or by a person who is licensed and qualified to provide social work in the state of Idaho. (9-1-99)T
- 14. Transportation.** Must be provided by a individual who has a current Idaho driver's license and be covered under vehicle liability insurance that covers passengers for business use. ~~(9-1-99)T~~(9-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

574. PARAPROFESSIONALS.

Paraprofessionals, such as aides or therapy technicians, may be used by the school/Infant Toddler program to provide developmental therapy; occupational therapy; physical therapy; and speech therapy if they are under the supervision of the appropriate professional. The services provided by paraprofessionals must be within the scope of practice of an aide or therapy technician as defined by the scope of practice of the therapy professional. The portions of the treatment plan which can be delegated to the paraprofessional must be identified in the IEP or IFSP. ~~(9-1-99)T~~(9-1-99)T

- 01. Student Evaluations.** Paraprofessionals shall not conduct student evaluations or establish the IEP or IFSP goals. (9-1-99)T

02. Competency Of Paraprofessional. The professional must have assessed the competence of the paraprofessional or aide to perform assigned tasks. (9-1-99)T

03. Monthly Orientation. The paraprofessional, on a monthly basis, shall be given orientation and training on the program and procedures to be followed. (9-1-99)T

04. Reevaluation. The professional must reevaluate the student and adjust the treatment plan as their individual practice dictates. (9-1-99)T

05. Changes In Condition. Any changes in the student's condition not consistent with planned progress or treatment goals necessitates a documented reevaluation by the professional before further treatment is carried out. (9-1-99)T

06. Review Of Independent Paraprofessional. If the paraprofessional works independently there shall be a review conducted by the appropriate professional at least once per month. This review will include the dated initials of the professional conducting the review. (9-1-99)T

07. Utilizing Paraprofessional To Assist In Provision Of Physical Therapy. In addition to the above, if a paraprofessional is utilized to assist in the provision of actual physical therapy they may do so only when the following conditions are met: (9-1-99)T

a. Student reevaluation must be performed and documented by the supervising PT every five (5) visits or once a week if treatment is performed more than once per day. (10-22-93)

b. The number of PTAs utilized in any practice or site, shall not exceed twice in number the full time equivalent licensed PTs. (10-22-93)

575. PAYMENT FOR SERVICES.

Payment for ~~school-based~~ health related services provided by school districts/Infant Toddler programs must be in accordance with rates established by the Department. ~~(9-1-99)T~~(9-1-99)T

01. Matching Funds. School districts and the Infant Toddler Program are responsible for certification of the state portion of the Medicaid payment and shall document, as part of their fiscal records, the non-federal funds that have been designated as their certified match. (9-1-99)T

02. Payment In Full. Providers of services must accept as payment in full the Department's payment for such services and must not bill Medicaid recipients for any portion of any charges. (9-1-99)T

03. Third Party. Third party payment resources, not to include other school or agency resources, such as private insurance, must be exhausted before the Department is billed for services. Proof of billing other third party payers is required. (9-1-99)T

04. Contracted Providers. A contracted provider of the school program may not submit a separate claim to Medicaid as the performing provider for services provided under the school based program and codes. (9-1-99)T

05. Inpatients In Hospitals Or Nursing Homes. Payment for school/Infant Toddler based related services will not be provided to students who are inpatients in nursing homes or hospitals. ~~(9-1-99)T~~(9-1-99)T

06. Recoupment Of Federal Share. Failure to provide services for which reimbursement has been received or to comply with these rules and procedural guidelines established by the Department, will be cause for recoupment of the Federal share of payments for services, sanctions, or both. (9-1-99)T

07. Access To Information. The provider will grant the Department immediate access to all information required to review compliance with these rules. (9-1-99)T

576. RECORD REQUIREMENTS.

In addition to the evaluations and maintenance of the Individualized Education Program (IEP) plan or Individualized Family Service Plan (IFSP), the following documentation must be maintained by the provider and retained for a period of five (5) years: (9-1-99)T

- 01. Service Detail Reports.** A service detail report which includes: (9-1-99)T
 - a. Name of student; (7-1-99)
 - b. Name and title of the person providing the service; (7-1-99)
 - c. Date, time, and duration of service; and (7-1-99)
 - d. Place of service; (7-1-99)
- 02. Activity Record.** An activity record completed at the time the service was provided which describes the service provided and the student's response to the service; (9-1-99)T
- 03. One Hundred Twenty Day Review.** A documented review of progress toward each service plan goal completed at least every one hundred twenty (120) days from the date of the annual IEP/IFSP; (9-1-99)T
- 04. Documentation Of Qualifications Of Providers;** (9-1-99)T
- 05. Copies Of Required Referrals And Recommendations.** Copies of required referrals and recommendations; (9-1-99)T
- 06. Parental Notification.** Documentation that the School District/ Infant Toddler Program notified the student's parents of the health related services that they intended to bill to Medicaid. Notification must describe the service and state the type, amount, and frequency of the service. (9-1-99)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**

DOCKET NO. 16-0309-9912

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

In Subsection 563.12 and Subsection 569.12 changes were made to facilitate easier reading of the regulations and to insure that the wording of the regulations is functional for School Districts and Infant Toddler Programs. The changes omit the incorporation by reference to IDAPA 16.04.11, "Rules Governing Developmental Disabilities Agencies," and includes actual text. The proposed rules have been amended in response to public comment and to make transcriptional corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 287 through 290.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lorraine Hutton at (208) 364-1835.

DATED this 12th day of November, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 334-5548 fax

**IDAPA 16
TITLE 03
Chapter 09**

RULES GOVERNING MEDICAL ASSISTANCE

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 287 through 290.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-9912

563. REIMBURSABLE SERVICES.

School Districts' Infant Toddler Programs may bill for the following health related services provided to eligible students when provided under the recommendation of a physician or other practitioner of the healing arts: (9-1-99)T

- 01. Annual Plan Development.** Annual IEP or IFSP plan development; (9-1-99)T
- 02. Collateral Contact.** Consultation or treatment direction about the student to a significant other in the student's life. (7-1-99)
- 03. Developmental Therapy Evaluation And Treatment.** Assessment, treatment and instruction of the student in the acquisition of developmental milestones and activities of daily living skills that the student has not gained at the normal developmental stages in his or her life, or is not likely to develop without training or therapy beyond age appropriate learning situations. Developmental therapy does not include tutorial activities or assistance with educational tasks associated with educational needs that result from the student's disability. (7-1-99)
- 04. Early Periodic Screening, Diagnosis, And Treatment (EPSDT) Services.** Services include age appropriate health history and health screening services. (7-1-99)
- 05. Medical Equipment And Supplies.** Includes medical equipment and supplies that are covered under the Idaho Medicaid program. (7-1-99)
- 06. Nursing Services.** Includes skilled nursing services that must be provided by a licensed nurse. (7-1-99)
- 07. Occupational Therapy Evaluation And Treatment.** Does not include components of occupational therapy that deals with vocational assessment, training or vocational rehabilitation. (7-1-99)
- 08. Personal Care Services.** School based personal care services include medically oriented tasks having to do with the student's physical or functional requirements such as basis personal care and grooming; assistance with bladder or bowel requirements; assistance with eating (including feeding); or other tasks delegated by a Registered Nurse. (9-1-99)T
- 09. Physical Therapy Evaluation And Treatment.** (7-1-99)
- 10. Psychological Evaluation And Therapy.** (7-1-99)
- 11. Psychosocial Rehabilitation Evaluation And Treatment.** Includes assistance in gaining and

utilizing skills necessary to participate in school such as training in behavior control, social skills, communication skills, appropriate interpersonal behavior, symptom management, and coping skills. (7-1-99)

12. Intensive Behavioral Intervention. Intensive Behavior Interventions are individualized, comprehensive, proven interventions used on a short term, one-to-one basis that produce measurable outcomes which diminish behaviors that interfere with the development and use of language and appropriate social interaction skills or broaden an otherwise severely restricted range of interest. Intensive Behavioral Intervention is available only to children birth through age twenty-one (21) who have self-injurious, aggressive or severely maladaptive behavior and severe deficits in the areas of verbal and nonverbal communication; or social interaction; or leisure and play skills. ()

a. Prior Authorization: Initial Intensive Behavioral Intervention services or consultation must be prior authorized by the Department. The school district/Infant Toddler Program must submit evidence of each child's eligibility for Intensive Behavioral Intervention, the Individual Education Plan listing the need for the service, the number of hours of service requested, and the measurable outcomes expected as the result of the intervention. ()

b. Continuation of Prior Authorization: The school district/Infant Toddler Program must submit a report on the child's progress toward Intensive Behavioral Intervention outcomes to the Department every one hundred twenty (120) days and seek prior authorization for continuation or modification of services. On an annual basis, a multi disciplinary treatment team that includes at a minimum, the parent(s), staff psychologist and staff providing services to the child, will review current evaluations and make a recommendation for continuation or modification of the intervention. ()

123. Speech/Audiological Evaluation And Treatment. (7-1-99)

134. Social History And Evaluation. (7-1-99)

145. Transportation Services. School districts can receive reimbursement for transporting a student when: (7-1-99)

a. The student requires special transportation assistance such as a wheelchair lift or an attendant when medically necessary for the health/safety of the student; and (7-1-99)

b. The transportation occurs in a vehicle specifically adapted to meet the needs of a student with a disability. (9-1-99)T

c. The student requires and receives another Medicaid reimbursable service, other than transportation, on the day that transportation is being provided; and (7-1-99)

d. Both the Medicaid covered service and the need for the special transportation are included on the student's IEP or IFSP. (7-1-99)

156. Interpretive Services. Interpretive services are those services needed by a student who does not adequately speak or understand English and requires an interpreter to communicate with the professional or paraprofessional providing the student with a health related service. (7-1-99)

a. Payment for interpretive services are limited to the specific time that the student is receiving the health related service. (7-1-99)

b. Both the Medicaid covered service and the need for interpretive services are included on the student's IEP or IFSP. (7-1-99)

c. Interpretive services would not be covered if the professional or paraprofessional providing services is able to communicate in the student's primary language. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

569. PROVIDER STAFF QUALIFICATIONS.

Medicaid will only reimburse for services provided by qualified staff. The following are the minimum qualifications for providers of covered services: (9-1-99)T

01. Annual IEP Or IFSP Plan Development. Must include the professionals who completed the evaluations and recommendations for IEP or IFSP services. May only be billed when the IEP or IFSP includes reimbursable health related services. (7-1-99)

02. Collateral Contact. Contact and direction must be provided by a professional who provides the treatment direction is needed. (9-1-99)T

03. Developmental Therapy Evaluation And Treatment. Must be provided by or under the direction of a developmental specialist. IDAPA 16.03.09, "Rules Governing Medical Assistance," Subsection 569.03, incorporates by reference the full text of the definition of a developmental specialist found in IDAPA 16.04.11, "Rules Governing Developmental Disability Agencies". (9-1-99)T

04. EPSDT Screens. May be provided by a physician, physician extender (nurse practitioner, clinical nurse specialist, or physician's assistant), or EPSDT RN screener. (9-1-99)T

05. Medical Equipment And Supplies. (9-1-99)T

06. Nursing Services. Must be provided by a licensed professional nurse (RN) or licensed practical nurse (LPN) licensed to practice in Idaho. (9-1-99)T

07. Occupational Therapy Evaluation And Treatment. Must be provided by or under the supervision of an individual qualified and registered to practice in Idaho. (7-1-99)

08. Personal Care Services. Must be provided by a nurses aide (CNA) certified by the state of Idaho, a licensed professional nurse (RN) or licensed practical nurse (LPN), licensed by the state of Idaho. When services are provided by a CNA, the CNA must be supervised by a RN. (9-1-99)T

09. Physical Therapy Evaluation And Treatment. Must be provided by an individual qualified and registered to practice in Idaho. (7-1-99)

10. Psychological Therapy Evaluation And Treatment. Must be provided by: (7-1-99)

a. A licensed psychiatrist; (7-1-99)

b. Licensed physician; (7-1-99)

c. Licensed psychologist; (7-1-99)

d. Psychologist extender registered with the Board of Occupational Licenses; (7-1-99)

e. Certified psychiatric nurse; (7-1-99)

f. Certified school psychologist; (7-1-99)

g. Licensed professional counselor with a private practice license; or (7-1-99)

h. Licensed certified social worker. (7-1-99)

11. Psychosocial Rehabilitation. Must be provided by: (7-1-99)

- a. A licensed psychiatrist; (7-1-99)
- b. Licensed physician; (7-1-99)
- c. Licensed psychologist; (7-1-99)
- d. Psychologist extender registered with the Board of Occupational Licenses; (7-1-99)
- e. Certified psychiatric nurse; (7-1-99)
- f. Certified school psychologist; (7-1-99)
- g. Licensed professional counselor with a private practice license; (7-1-99)
- h. Licensed certified social worker; or (7-1-99)
- i. Psychosocial rehabilitation specialist. (7-1-99)

12. Intensive Behavioral Intervention. Must be provided by or under the direction of a qualified professional who meets the following requirements: ()

a. Degree or License. Have at least a bachelor's degree in psychology, special education, social work, applied behavior analysis, speech and language pathology, occupational therapy, physical therapy, deaf education, elementary education or a related field or be a Licensed Professional Counselor-Private Practice; and ()

b. Training and Certification. Have Department approved training and certification which addresses course work, experience, ethical standards, continuing education and demonstrated competencies. ()

c. Use of Paraprofessionals. An aide or therapy technician who has completed the Department approved training and certification may be used to provide Intensive Behavioral Intervention under the supervision of a professional who is certified by the Department to provide Intensive Behavioral Intervention when the school district/Infant Toddler Program assures adequate professional supervision during its services hours and the professional on a weekly basis or more often if necessary, gives instructions, reviews progress and provides training on the program(s) and procedures to be followed. All other requirements pertaining to the use of paraprofessionals as listed in Section 574 of these rules, must also be followed. ()

d. Limitation to Service Provision by a Paraprofessional. Intensive Behavioral Intervention provided by a paraprofessional is limited to ninety percent (90%) of the direct intervention time. The remaining ten (10) percent of the direct intervention time must be provided by the professional qualified to provide or direct the provision of Intensive Behavioral Intervention. ()

e. Parent and Staff Consultation. Professionals may provide consultation to parents and to other staff who provide therapy for the child in other disciplines to assure successful integration and transition from Intensive Behavioral Intervention to other therapies. ()

123. Speech/Audiological Therapy Evaluation And Treatment. Must be provided by or under the direction of a speech pathologist or audiologist who possesses a certificate of clinical competence from the American Speech Language and Hearing Association (ASHA); or who will be eligible for certification within one (1) year of employment. (9-1-99)T

134. Social History And Evaluation. Must be provided by a registered nurse; psychologist; M.D; or by a person who is licensed and qualified to provide social work in the state of Idaho. (9-1-99)T

145. Transportation. Must be provided by a individual who has a current Idaho driver's license and vehicle liability insurance that covers passengers for business use. (9-1-99)T

Subjects Affected Index

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.02.16 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ORGANIC LIVESTOCK

Docket No. 02-0216-0001

000. Legal Authority.....	20
001. Title And Scope.....	20
002. Written Interpretations.....	20
003. Administrative Appeal.....	20
004. Definitions.....	20
005. -- 049. (Reserved).....	21
050. Minimum Standards.....	21
051. Organic Feed Requirements.....	21
052. Organic Feed Exceptions.....	22
053. Feed Additives.....	22
054. Emergency Feed.....	22
055. Use Of Organic Certified Fields.....	23
056. Source Of Livestock.....	23
057. Breeding Practices.....	24
058. Minimum Age At Weaning.....	24
059. Health Care.....	24
060. Living Conditions.....	25
061. Record Keeping.....	25
062. Notarized Statement.....	26
063. -- 150. (Reserved).....	26
151. Labeling Standards.....	26
152. Inspections.....	26
153. Application For Certification – Fee Schedule.....	26
154. -- 600. (Reserved).....	28
601. Meat From Livestock.....	28
602. Poultry And Poultry Products.....	28
603. Dairy Products.....	29
604. Handler Standards.....	29
605. Penalty For Violations.....	30
606. Director's Discretionary Action.....	30
607. Findings.....	30
608. -- 999. (Reserved).....	30

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

08.01.11 - OUT-OF-STATE INSTITUTIONS, IN-STATE NON-ACCREDITED INSTITUTIONS, AND CORRESPONDENCE OR PRIVATE COURSES

Docket No. 08-0111-0001

106. Register Of Accredited Out-of-state Institutions.....	46
------------------------------------------------------------	----

08.02.03 - RULES GOVERNING THOROUGHNESS

Docket No. 08-0203-9901

200. State Exiting Standards.....	50
-----------------------------------	----

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT

11.13.01 - THE MOTOR CARRIER RULESDocket No. **11-1301-0001**

020. -- 022. (Reserved).....	60
023. Vehicle And Carrier Identification (Rule 23).....	60
024. -- 029. (Reserved).....	60

IDAPA 12 - DEPARTMENT OF FINANCE**12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT**Docket No. **12-0108-0001**

231. Adoption Of NASAA Statement Of Policy (Rule 231).....	62
------------------------------------------------------------	----

IDAPA 15 - OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING**15.01.01 - RULES GOVERNING SENIOR SERVICES PROGRAM**Docket No. **15-0101-0001**

044. Respite.....	70
-------------------	----

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**Docket No. **16-0101-9901**

107. Incorporations By Reference.	73
859. Standards Of Performance For Municipal Solid Waste Landfills That Commenced Construction, Reconstruction Or Modification On Or After May 30, 1991.	74
860. Emission Guidelines For Municipal Solid Waste Landfills That Commenced Construction, Reconstruction Or Modification Before May 30, 1991.	76
861. Standards Of Performance For Hospital/Medical/Infectious Waste Incinerators That Commenced Construction After June 20, 1996, Or For Which Modification Is Commenced After March 16, 1998.	78
862. Emission Guidelines For Hospital/Medical/Infectious Waste Incinerators That Commenced Construction Before June 20, 1996.....	81

16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHODocket No. **16-0101-9904**

107. Incorporations By Reference.	91
----------------------------------------	----

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTSDocket No. **16-0102-9704**

053. Beneficial Use Support Status.	94
070. Application Of Standards.	94
100. Surface Water Use Designations.	95
101. Nondesignated Surface Waters.	95
109. HUC Index And Abbreviations For Sections 110, 120, 130, 140, 150, And 160.....	95
130. Salmon Basin.	96
250. Surface Water Quality Criteria For Aquatic Life Use Designations.	98

16.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMSDocket No. **16-0108-9802**

554. Certification Of Water System Operators.....	102
---------------------------------------------------	-----

Docket No. **16-0108-9901**

302. Sanitary Surveys.	104
551. Construction Requirements For Public Water Systems.....	104

16.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIESDocket No. **16-0109-9901**

010. Definitions.....	108
200. Permit Application.....	109
210. Existing Facilities.....	111
250. Requirements For Water Quality Protection.....	111
500. Permit Modification.....	112
550. Transfer Of Permits.....	112

16.02.04 - RULES GOVERNING EMERGENCY MEDICAL SERVICES ACCOUNT III GRANTSDocket No. **16-0204-9901**

300. Award Recommendation.....	114
400. Security Interest.....	114

16.02.10 - IDAHO REPORTABLE DISEASESDocket No. **16-0210-9901**

0034. Definitions.....	117
010. Reportable Diseases And Conditions.....	121
020. Specific Control Measures For Reportable Diseases.....	129

**16.02.14 - RULES GOVERNING CONSTRUCTION AND OPERATION
OF PUBLIC SWIMMING POOLS IN IDAHO**Docket No. **16-0214-9901**

010. Definitions.....	149
084. Design Detail - No Diving Sign.....	150
192. Health And Safety - Lifeguard Requirement.....	151
195. Health And Safety -- Safety And Sanitation.....	151
210. Depth Marking Locations.....	151
228. Chemical Storage.....	152
252. Recirculation System - Cleaning.....	152
270. Wall Inlets.....	152
271. Floor Inlets.....	152
281. Overflow Gutters.....	152
290. Location Of Drains.....	153
291. Multiple Drains.....	153
292. Drain Grating.....	153

16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDRENDocket No. **16-0301-0001**

001. Title And Scope.....	155
101. Application For Medicaid.....	155
102. Collateral Contacts.....	155
214. Social Security Number.....	155
217. Medical Support Cooperation.....	155
219. (Reserved).....	156
221. -- 299. (Reserved).....	157
300. Financial Eligibility.....	157
303. Persons Who Must Be Included In An AFDC-related Medicaid Budget Unit.....	157
304. Persons Who May Be Included In An AFDC-related Medicaid Budget Unit.....	158
305. Persons Who Must Not Be Included In An AFDC-related Medicaid Budget Unit.....	158
306. Deem Income From Stepparent, Non-parent Caretaker, Or Non-citizen Parent.....	159
310. Resource Limits.....	160
312. Liquid Assets.....	160

314. Vehicles.	160
316. (Reserved).	160
330. Conditional Benefits.	160
331. -- 348. (Reserved).	161
349. Income Availability.	161
350. Computing Income.	161
351. Earned Income.	162
352. Self-employment Earned Income.	162
354. Job Training Partnership Act (JTPA) Income.	163
355. Child's Income.	163
356. In-kind Income.	163
357. Earned Income Disregards.	163
358. Standard Earned Income Disregard.	164
361. Dependent Care Disregard.	164
379. Income From Roomer Or Boarder.	164
383. Medical Insurance Payments.	164
386. Unearned Income Disregards.	164
412. Qualified Pregnant Woman.	165
413. Low Income Families With Children.	165
414. (Reserved).	166
415. Extended Medicaid For Child Support Increase.	166
417. TM Notice Requirements.	166
418. TM Reporting Requirement.	166
419. Income Tests For TM.	167
500. Medicaid Coverage Groups Related To Federal Poverty Guidelines (FPG).	168
502. Low Income Pregnant Woman.	168
504. Presumptive Eligibility For Pregnant Women.	169
505. Child Health Insurance Program (CHIP).	169
707. -- 748. (Reserved).	169
749. Continuous Eligibility For Children Under Age Nineteen.	169
750. Annual Redetermination.	169
751. Exceptions To Annual Redetermination.	170
752. Reporting Requirements.	170
753. Types Of Changes That Must Be Reported.	170
754. Participant Fails To Report Earned Income.	171
755. -- 759. (Reserved).	171
760. Notice Of Changes In Eligibility.	171
761. Advance Notice Responsibility.	171
762. Advance Notice Not Required.	171
763. -- 799. (Reserved).	171
16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES	
Docket No. 16-0303-0001	
000. Legal Authority.	174
306. Termination Of Services.	174
604. Good Cause Determination In License Suspension Proceedings.	174
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND AND DISABLED (AABD)	
Docket No. 16-0305-0001	
500. Financial Need And Aabd Cash Amount.	178
501. Basic Allowance.	178

511. Semi-independent Group Residential Facility (SIGRIF) Allowance	179
513. Licensed Residential And Assisted Living Facility And Certified Family Home Allowances.	179
707. Group Health Plan Enrollment Requirement	179
723. Patient Liability For Person With No Community Spouse	180
725. Patient Liability For Participant With Community Spouse	181
787. Person Entitled To Home And Community Based Services (HCBS)	183
809. Certain Disabled Widows And Widowers Through June 30, 1988	185
16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO	
Docket No. 16-0308-0001	
208. Resource Exclusions.	187
215. Excluded Income.	187
248. Maximum Grant Amount.	189
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE	
Docket No. 16-0309-9905	
149. Client Participation In The Cost Of Waiver Services	193
Docket No. 16-0309-9906	
106. Durable Medical Equipment And Medical Supplies.	196
Docket No. 16-0309-9908	
143. Waiver Services For Adult Developmentally Disabled Recipients.	206
Docket No. 16-0309-9910	
561. Recipient Eligibility.	218
563. Reimbursable Services.	218
569. Provider Staff Qualifications	220
574. Paraprofessionals.	221
575. Payment For Services	222
576. Record Requirements.	223
Docket No. 16-0309-9912	
563. Reimbursable Services.	225
569. Provider Staff Qualifications	227

Bulletin Summary of Proposed Rulemaking

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701-0790

Docket No. **02-0216-0001**, Rules of the Department of Agriculture Governing Organic Livestock. Provides minimum standards and certification requirements for producers and handlers of organic animal products including meat, dairy and eggs pursuant to Title 22, Chapter 11, Idaho Code. Comment By: 1/26/00.

IDAPA 08 – DEPARTMENT OF EDUCATION P.O. Box 83720, Boise, ID 83720-0027

Docket No. **08-0111-0001**, Out-of-State Institutions, In-State Non-Accredited Institutions, and Correspondence or Private Courses. Deletes “certificate” from the definition of a program included in the requirement to maintain a register of accredited out-of-state higher education institutions. Comment By: 2/1/00.

IDAPA 11 – DEPARTMENT OF LAW ENFORCEMENT P.O. Box 700, Meridian, Idaho 83680-0700

Docket No. **11-1301-0001**, The Motor Carrier Rules. Clarifies the need for vehicle and carrier identification numbers. Comment By: 1/26-00.

IDAPA 12 – DEPARTMENT OF FINANCE P.O. Box 83720, Boise, ID 83720-0031

Docket No. **12-0108-0001**, Rules Pursuant to the Idaho Securities Act. Incorporates recent amendments made to national securities registration review standards and will make Idaho’s review standards consistent with those of a majority of states. Comment By: 1/26/00.

IDAPA 15 – OFFICE OF THE GOVERNOR IDAHO COMMISSION OF AGING P.O. Box 83720, Boise, ID 83720-0007

Docket No. **15-0101-0001**, Rules Governing Senior Services Program. Clarifies roles of volunteer and paid respite staff; clarifies duties related to medical attention and procedures; use of UAI in case management evaluation; and refers code of conduct to that of homemaker program. Comment By: 1/26/00.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, ID 83720-0036

Docket No. **16-0301-0001**, Rules Governing Eligibility for Medicaid for Families and Children. Allows for self-declaration of family circumstances; changes methods used for counting resources and computing income; allows 12 month eligibility for children without consideration of changes in income or resources; eliminates work requirements for parents who do not receive TAFI cash assistance; changes reporting requirements for recipients of Transitional Medicaid; lengthens time period between approval and redetermination of eligibility to 12 months; and adds Department notice requirements. Comment By: 1/26/00.

Docket No. **16-0303-0001**, Rules Governing Child Support Services. Removes “Bureau” from program name; removes policy regarding return of child support to the payor and redirecting payments if the applicant requests termination of child support services; and changes requirement that obligor has legal and physical custody to physical custody in good cause determinations for license suspension. Comment By: 1/26/00.

Docket No. **16-0305-0001**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. Revises chapter name; increases budget allowances used to determine eligibility and payment amount; provides a new living arrangement for a person living in a room and board home and rents from someone who is not his parent, child or sibling; repeals the unlicensed facility living arrangement; provides that a person living with his parent, child or sibling is not entitled to the Certified Family Home budget allowances; provides that the group health mandatory enrollment requirement applies solely to employer group health plans; increases income deduction for individuals with sheltered work shop earnings in computing the patient's share of the cost of HCBS and nursing home care; provides an income deduction for garnished child support in computing the patient's share of the cost of HCBS and nursing home care; changes the name of HCBS-Nursing Facility (HCBS-NF) to HCBS-Aged and Disabled (HCBS-A&D). Increases the income limit for HCBS eligibility in counties which have not converted to the new HCBS A&D waiver; lowers the maximum age for eligibility under a Medicaid coverage group for widows and widowers. Comment By: 1/26/00.

Docket No. **16-0308-0001**, Rules Governing Temporary Assistance to Families in Idaho. Increases TAFI maximum grant; excludes household goods and personal effects as countable resources; excludes payments to persons of Japanese ancestry who were evacuated, relocated and interned during Work War II and VISTA payments from income restitution. Comment By: 1/26/00.

Please refer to the Idaho Administrative Bulletin, **January 5, 2000, Volume 00-1** for notices and text of all rulemakings, public hearing schedules, Governor’s executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: <http://www.state.id.us/> - from the State of Idaho Home Page select Administration Rules.

VOLUME 1 - IDAPA 01 THROUGH 15

VOLUME 2 - IDAPA 16 THROUGH 19

VOLUME 3 - IDAPA 20 THROUGH 59

Subject Index

- A**
- AABD Criteria 184
 - AABD Recipient 159
 - AABD Resource Limit 184
 - Abbreviations, Hydrologic Unit Code Table 95
 - Access To Information 222
 - Acquired Immune Deficiency Syndrome (AIDS), Control Measures 129
 - Additional Exceptions 22
 - Adequate Mobility 20
 - Adequate Mobility, Living Conditions 25
 - Administration Of The Certification Program 102
 - Adoption Assistance 159, 188
 - Adoption Of NASAA Statement Of Policy 62
 - Advance Notice Not Required, Change Results In Medicaid Closure 171
 - Advance Notice Responsibility, Change Results In Medicaid Closure 171
 - Age, Disabled Widows And Widowers 185
 - Age, Home And Community Based Services 184
 - Agent Orange 189
 - Airborne Precautions 117
 - Allowable Costs Of Producing The Self-Employment Income 162
 - Amebiasis, Control Measures 129
 - Animal By-products 22
 - Animal Unit. 108
 - Animal Waste Management System Design Criteria 111
 - Annual Limit, HCBS-NF Or HCBS-DD 185
 - Annual Plan Development 218
 - Annual Plan Development, Reimbursable Services 225
 - Annual Redetermination 169
 - Annualize Self-Employment Income 162
 - Annualized Or Averaged Income Not Accurate 162
 - Anthrax, Control Measures 130
 - Antibiotics 24
 - Applicant/Recipient Contact 174
 - Applicant/Recipient's Request 174
 - Application Fee, Swine And Poultry Facilities 111
 - Application For Certification – Fee Schedule 26
 - Application For Medicaid 155
 - Application Of Standards 94
 - Application Or Redetermination Month Income Exceeds Limit 161
 - Application Or Redetermination Month Income Is Below Limit 161
 - Approved Fecal Specimens 117
 - Aquaculture 20
 - Aquaculture, Organic Feed Requirements 21
 - Aquatic Life 95
 - Audit Trails 29
 - Availability of Referenced Material 73, 91
 - Average Self-Employment Income 162
 - Award Recommendation, EMS Advisory Committee 114
- B**
- Bacteriological Quality Of Pool Waters 152
 - Base Participation, Income Available For Client Participation 193
 - Basic Allowance, Not Living In Nursing Facility 178
 - Bather 149
 - Beef Calves 24
 - Beneficial Use Support Status 94
 - Billing Procedures, Department Will Provide Instructions 203
 - Bite Or Other Exposure To Rabies 117
 - Board 117, 149
 - Botulism, Control Measures 130
 - Branding 24
 - Break In Grade 149
 - Breeder Stock, Organic Feed Requirements 21
 - Breeder Stock, Source Of Livestock 23
 - Breeding Practices 24
 - Brucellosis, Control Measures 130
 - Building Lot, Resource Exclusion 187
- C**
- Cancer, Control Measures 130
 - Cancers, Reportable 117
 - Care Requirement, HCBS-NF Or HCBS-DD 184
 - Caretaker Relative Other Than Parent 158
 - Carrier 117
 - Case 117
 - Case Redetermination, Adult Developmentally Disabled Recipients 213
 - Castration 24
 - Certain Disabled Widows And Widowers Through June 30, 1988 185
 - Certification Of Water System Operators 102
 - Certification Procedures 26
 - Certification Records 25
 - Certified Organic Fats, Oils, Minerals, And Micronutrients 22
 - Chancroid, Control Measures 131
 - Changes In Condition 222
 - Chemical Storage 152
 - Child Health Insurance Program (CHIP) 169
 - Child Nutrition 188
 - Child Of Pregnant Woman 158
 - Child Support 187
 - Child Support Disregard 165
 - Child's Earned Income 187
 - Child's Income 163
 - Chlamydia Trachomatis Infections, Control Measures 131
 - Cholera, Control Measures 131
 - Clean Water 25
 - Clean, Dry Bedding 25
 - Cleanliness 29
 - Client Outreach 71
 - Client Participation In The Cost Of Waiver Services 193
 - Closure Plan, Swine And Poultry Facilities 110
 - Cohort System 117
 - Collateral Contact, Reimbursable Services 225
 - Collateral Contacts 155
 - Colostrum 22
 - Communicable Disease 118
 - Communication Devices, Considered For Purchase By The Department 200
 - Community Property Income Of Long-Term Care Participant With Long-Term Care Spouse 180
 - Community Spouse, Base Participation With A Spouse 193

- Competency Of Paraprofessional 222
 Compliance Deadline, Certification Of Water System Operators 102
 Compliance Schedules And Increments Of Progress 78
 Compliance Schedules And Increments Of Progress For Municipal Solid Waste Landfills That Have Non-methane Organic Compound Emission Rates Less Than 50 Mg/yr 78
 Compliance With Requirements 62
 Computing Income, Medicaid Eligibility 161
 Conditional Benefits 160
 Conditional Benefits Payments Disposal/Exclusion Period 161
 Conduct Of Volunteers And Employees 71
 Connection To An Existing System 106
 Construction Plan, Swine And Poultry Facilities 109
 Construction Requirements For Public Water Systems 104
 Contact 118
 Contact Precautions 118
 Continued Services, HCBS 184
 Continuing Eligibility, Remains Eligible During The Pregnancy 168
 Continuous Eligibility For Children Under Age Nineteen 169
 Continuously Entitled 185
 Contractor Activities 102
 Contracts, Resource Exclusions 187
 Cooperation Defined 155
 Copies Of Required Referrals And Recommendations 223
 Cost Of Care, HCBS-NF 184
 Cost Prohibitive 169
 Couple Or Participant Living With Essential Person 178
 Coverage Conditions - Equipment 198
 Coverage Conditions - Supplies 202
 Cryptosporidiosis 132
- D**
- Dairy Calves 24
 Dairy Products 29
 Dairy Records 26
 Dairy Stock 23
 Date Of Service, Date Of Delivery 203
 Day Care 118
 Deem Income From Stepparent, Non-Parent Caretaker Or Legal Non-Citizen Parent 159
 Definition 174
 Definitions 46, 117
 Definitions, IDAPA 02.02.16 20
 Definitions, IDAPA 16.01.09 108
 Definitions, IDAPA 16.02.14 149
 Definitions, Section 859 75
 Definitions, Section 860 76
 Definitions, Section 861 79
 Definitions, Section 863 82
 De-horning 24
 Department 118
 Dependent Care Disregard 164
 Dependent Child 165
 Dependents Two Years Of Age Or Older 164
 Dependents Under Two Years Of Age 164
 Deprivation, Low Income Families With Children 165
 Depth Marking Locations 151
 Developmental Therapy Evaluation And Treatment, Reimbursable Services 225
 Developmentally Disabled Or TBI Participants 194
 Diphtheria, Control Measures 132
 Director's Discretionary Action 30
 Disability Insurance Payments 188
 Disaster Relief 189
 Disqualified Parents 158
 District 118
 District Director 118
 Documents Incorporated by Reference 73, 91
 Drain Grating 153
 Droplet Precautions 118
 Durable Medical Equipment And Medical Supplies 196
- E**
- EITC Payments 188
 Early Periodic Screening, Diagnosis, And Treatment (EPSDT) Services 219
 Early Periodic Screening, Diagnosis, And Treatment (EPSDT) Services, Reimbursable Services 225
 Earned Income 162
 Earned Income Disregards 163
 Education Disability 218
 Educational Income 188
 Effective Date, Medicaid 184
 Elderly Nutrition 188
 Elderly Or Disabled Waiver Participant With No Community Spouse 193
 Eligible For Long Term Care, HCBS-NF 184
 Embryo Transplants 24
 Emergency Feed 22
 Emission Guidelines For Hospital/Medical/Infectious Waste Incinerators That Commenced Construction Before June 20, 1996 81
 Emission Guidelines For Municipal Solid Waste Landfills That Commenced Construction Or Modification Before May 30, 1991 76
 Engineering Report 104
 Equipment Used In A Trade Or Business 187
 Escherichia coli (E. coli) 0157
H7 And Other Shiga Toxin Producing E. coli (STEC) 133
 Exceptions To Annual Redetermination, Medicaid Through A Time-Limited Coverage Group 170
 Excluded Income 187
 Existing Facilities, Swine And Poultry 111
 Expanding Facility, Swine And Poultry 111
 Extended Medicaid For Child Support Increase 166
 Extraordinary Occurrence Of Illness 118
 Extraordinary Occurrence Of Illness, Including Clusters , Control Measures 146
- F**
- Family Size, Number Of Family Members Living With The Pregnant Woman 168
 Fee Schedules 47
 Feed 20
 Feed Additives 22
 Feed Additives, Definition 20

- Feed Sources, Certification 25
Fees 26
Fees And Upper Limits, Durable Medical Equipment/Supplies 203
Fertile, Poultry Products 20
Fiber Stock, Organic Feed Requirements 22
Fiber Stock, Source Of Livestock 24
Financial Eligibility 157
Financial Need And AABD Cash Amount 178
Findings 30
First TM Income, Test Done At The End Of Month Seven 167
Fish And Fish By-products 22
Fish, Organic Feed Requirements 22
Floor Inlets 152
Flow-Through Pool 149
Food Handler 118
Food Poisoning And Foodborne Illness, Control Measures 147
Food Product 20
Food Programs 188
Foodborne Outbreak 118
Forced Molting 24
Form Of The Report, Supplied By The Department 123
Foster Care, Excluded Income 188
Frequency, Sanitary Surveys Of Water Systems 104
Fresh Air And Daylight 25
Funeral Agreements 187
- G**
- General 73, 91
Genetically Modified Breeds 24
Genetically Modified Products 22
Geothermal Pool 149
Geothermal Water 149
Giardiasis, Control Measures 133
Good Cause Defined 156
Good Cause Determination In License Suspension Proceedings 174
Good Cause For Lack Of Earnings 167
Good Cause For Not Making Efforts To Sell Excess Property 161
Good Cause, License Suspension Proceedings 174
Graduated Gross Sales Fee Schedule 27
Group Health Plan Enrollment Requirement 179
- Growth Promoters, Feed Additives 22
Growth Promoters, Health Care 24
- H**
- HCBS Income Limit 184
HUC Index And Abbreviations For Sections 110, 120, 130, 140, 150, And 160 95
Haemophilus Influenzae Invasive Disease, Control Measures 134
Handler 21
Handler Standards 29
Handler Using Prohibited Material 29
Handling Of Reports By The Department And Districts 128
Hantavirus Pulmonary Syndrome 133
Health Care 24
Health Care Applications 25
Health Care Facility 118
Health Care Provider 118
Hemolytic Uremic Syndrome (HUS) 134
Hepatitis A, Control Measures 134
Hepatitis B, Control Measures 135
Hepatitis C, Control Measures 135
Home And Community-Based Waiver Recipient Limitations, Adult Developmentally Disabled Recipients 215
Home And Lot, Resource Exclusion 187
Home Care, HCBS-NF 184
Home Energy Assistance 188
Home Loss Or Damage Insurance Settlements 187
Hoof Trimming 24
Hormones 24
Household Goods, Resource Exclusions 187
Housing And Urban Development (HUD) Interest 188
Housing Subsidies 188
Human Immunodeficiency Virus (HIV) Infection 136
Human T-Lymphotropic Virus (HTLV) Positive Tests 136
- I**
- Identification Number, U.S.D.O.T. 60
Identification System 25
In-Kind Income 163
Income Availability 161
Income Disregards, To Determine Family Income 168
Income From Roomer Or Boarder 164
Income Limit July 1, 1998 And After 169
Income Limit, Must Not Exceed Federal Poverty Guideline 168
Income Of Participant In Facility 180
Income Of Participants In Long-Term Care 180
Income Producing Property 187
Income Tests For TM 167
Incorporations By Reference 73, 91
Incurred Medical Expenses, Certain Limited Medical/Remedial Services 194
Individualized Education Program 218
Ineligible Non-Citizen 159
Inpatients In Hospitals Or Nursing Homes 222
Inspection Fees 27
Inspections 26
Intensive Behavioral Intervention, Reimbursable Services 226
Intent To Qualify 169
Interest Income 188
Interpretive Services, Reimbursable Services 226
Isolation 119
- J**
- Japanese-American Restitution Payments, Excluded Income 189
Job Training Partnership Act (JTPA) Income 163
- L**
- Labeling Standards 26
Laboratory Director 119
Laboratory Fees 27
Lamb 21
Lambs/kids 24
Lead Poisoning Or Excess Lead Exposure, Control Measures 147
Legal Authority 174
Legionellosis, Control Measures 136
Leprosy, Control Measures 136
Leptospirosis, Control Measures 136
Licensed Laboratory 119
Licensed Physician 119
Licensed Residential And Assisted Living Facility Or Uncertified Family

Home Allowance 179
Licensed Veterinarian 119
Life Insurance 187
Lifeguard Chair 150
Lifeguard Requirement 151
Limited Confinement 25
Liquid Assets 160
Listeriosis 137
Livestock 21, 119
Living Conditions, Organic Livestock 25
Living With A Relative 165
Loans 188
Location Of Drains 153
Lost SSI 185
Low Income Energy Assistance 188
Low Income Families With Children 165
Low Income Pregnant Woman 168
Lyme Disease, Control Measures 137

M

Maintenance Of Register 47
Malaria, Control Measures 137
Man-Made Waterways, Protected For The Use Which They Were Developed 95
Manure And Waste Water Management 25
Manure Re-Feeding, Feed Additives 22
Maximum Grant Amount 189
Measles, Control Measures 137
Meat From Livestock 28
Medicaid Coverage Groups Related To Federal Poverty Guidelines (FPG) 168
Medical Emergencies 71
Medical Equipment And Supplies, Reimbursable Services 225
Medical Equipment Program Requirements 196
Medical Insurance Payments 164
Medical Necessity Criteria, DME/Medical Supplies 196
Medical Record 118
Medical Supply Program Requirements 201
Medical Support Cooperation 155
Milk Replacer 22
Minimum Age At Weaning 24
Minimum Certification, Water System Operator 102

Minimum Standards 21
Money Gifts 188
Monthly Orientation 222
Multiple Drains 153
Mumps, Control Measures 138
Myocarditis, Viral 138

N

Native American Payments, Excluded Income 188
Native American Payments, Resource Exclusions 187
Natural Additives 22
Natural Background Conditions 94
Natural Service And Artificial Insemination 24
Neisseria Gonorrhoeae Infections, Control Measures 138
Neisseria Meningitidis Invasive Disease, Control Measures 138
No Diving Sign 150
No Health Insurance 169
No Medicaid Eligibility 169
Non-Allowable Costs Of Producing The Self-Employment Income 163
Non-Parent Caretaker 159
Nondesignated Surface Waters 95
Nonrepresentation, Emergency Feed 23
Notarized Statement 26
Notice Of Changes In Eligibility 171
Notice Of Decision, Approving/Denying A Requested Item 203
Nursing Services, Reimbursable Services 225
Nutrient Management Plan 108

O

Occupational Therapy Evaluation And Treatment, Reimbursable Services 225
One Hundred And Twenty Day Review 223
One Hundred Eighty-Five Percent Test 165
One-Time Animal Unit Capacity 109
Operator Certification Requirement 102
Organic Animal Product 21
Organic Eggs 28
Organic Feed 21
Organic Feed Exceptions 22
Organic Feed Requirements 21

Organic Livestock Producer 21
Organic Pasture Or Range 21
Organically Processed 29
Other Child In Home 158
Other Eligibility Criteria, CHIP 169
Outbreak 119
Overflow Gutters 152
Ownership, Documentation 105

P

Packaging Materials 29
Parallel Production 26
Paraprofessionals 221
Parasiticides 24
Parental Notification 223
Parents 157
Participant Does Not Have Good Cause, Sale Of Property 161
Participant Fails To Report Earned Income 171
Participant With Spouse, HCBS 184
Patient Liability For Participant With Community Spouse 181
Patient Liability For Person With No Community Spouse 180
Payment For Services 222
Payment In Full 222
Penalty For Violations 30
Permit Application, Swine And Poultry Facilities 109
Permit Modification, Swine And Poultry Facilities 112
Permitting Requirements, Owners/Operators Of Landfills 75
Person Entitled To Home And Community Based Services (HCBS) 183
Personal Care 119
Personal Care Services, Reimbursable Services 225
Personal Effects, Resource Exclusions 187
Personal Needs Allowance 194
Persons Who May Be Included In An AFDC-Related Medicaid Budget Unit 158
Persons Who Must Be Included In An AFDC-Related Medicaid Budget Unit 157
Persons Who Must Not Be Included In An AFDC-Related Medicaid Budget Unit 158
Pertussis, Control Measures 139
Petroleum Oils For Pest Control 25

Physical Therapy Evaluation And Treatment, Reimbursable Services 225
Piglet 24
Plague, Control Measures 139
Plastic Pellets, Feed Additives 22
Pneumocystis Carinii Pneumonia (PCP), Control Measures 139
Poliomyelitis, Control Measures 140
Poultry 24
Poultry And Poultry Products 28
Poultry Stock, Organic Feed Requirements 21
Poultry Stock, Source Of Livestock 24
Pregnant Woman With No Other Children 158
Presumptive Eligibility For Pregnant Women 169
Prevention Of Commingling And Contact With Prohibited Substances 29
Prioritization To Locate Organically Grown Feed 22
Private Pool 150
Process Wastewater 109
Program Abuse, DME/Medical Supply Items 203
Prohibited Practices 25
Provider Records, Types Of Record Information 214
Provider Reimbursement, Adult Developmentally Disabled Recipients 214
Provider Responsibility For Notification, Changes In The Recipient's Condition 214
Provider Staff Qualifications 220, 227
Psittacosis, Control Measures 140
Psychological Evaluation And Therapy, Reimbursable Services 225
Psychosocial Rehabilitation Evaluation And Treatment, Reimbursable Services 225
Public Swimming Pool 150
Publications Of Statements Of Policy 62

Q

Q Fever, Control Measures 140
Qualifications For Certification 102
Qualified Pregnant Woman 165
Quarantine 119

R

Rabies Post-Exposure Prophylaxis (PEP) 119
Rabies Susceptible Animal 119
Rabies, Control Measures 140
Radiation Exposure Payments 189
Recalculation Of Client Participation 194
Recipient Eligibility Determination, Determined By The Regional ACCESS Unit 213
Recipient Eligibility, School Based Program 218
Recirculation System - Cleaning 152
Record Keeping 25
Record Requirements, Idaho Infant Toddler Program 223
Records Maintenance, Regional ACCESS Unit 214
Recoupment Of Federal Share 222
Reevaluation 222
Referred By A Physician 218
Register Of Accredited Out-Of-State Institutions 46
Reimbursable Services, School Based Programs 218, 225
Relapsing Fever, Control Measures 142
Relocation Assistance 189
Remainder After Calculation 194
Remodel 150
Removal Of Number, U.S.D.O.T. Number 60
Replacement Dairy Stock 21
Report, Sanitary Surveys Of Water Systems 104
Reportable Diseases And Conditions 121
Reporting Requirements 170
Reporting Requirements, Section 859 76
Reporting Requirements, Section 860 77
Required Notice During First Six Months Of TM 166
Required Notice During Second Six Months Of TM 166
Requirements For Water Quality Protection, Swine And Poultry Facilities 111
Res Judicata 174
Residential Care Facility 119

Resource Exclusions 187
Resource Limits 160
Resources 169
Respite Care 70
Response Required, Sanitary Surveys Of Water Systems 104
Restrictable Disease 119
Review By ISDA 23
Review Of Independent Paraprofessional 222
Review Of Plans And Specifications 106
Reye Syndrome, Control Measures 142
Rocky Mountain Spotted Fever, Control Measures 142
Room And Board Home 179
Rubella, Control Measures 142
Running And Roughhousing, Swimming Pools 151

S

SIGRIF 178
SSI Recipient 159
Safety And Sanitation, Swimming Pools 151
Sales Contract Income 188
Sales Records Including Weight 25
Salmon Basin 96
Salmonellosis, Control Measures 142
Sanitary Surveys. 104
Sanitation Of Food Contact Surfaces 29
Sanitation, Cleaning 25
School District Is Enrolled As A Provider 218
Seasonal Cold Water 98
Second TM Income Test, Done at The End Of Month Ten 167
Security Interest, EMS Account III Grants 114
Self-Employment Earned Income 162
Semi-Independent Group Residential Facility (SIGRIF) Allowance 179
Senior Volunteers 189
Service Detail Reports 223
Service Limitations 70
Services Provided, Residential Habilitation Services 206
Severe Reaction To Any Immunization 120
Severe Reaction To Any Immunization,

- Control Measures 147
Shade and Dusting Wallows 28
Shift Operator, Water System Operator 102
Shigellosis, Control Measures 144
Sibling Caretaker 158
Siblings 158
Significant Exposure To Blood Or Body Fluids 120
Single Participant, Not Living In Nursing Facility 178
Site Characterization, Swine And Poultry Facilities 110
Slaughter Stock, Organic Feed Requirements 21
Slaughter Stock, Source Of Livestock 23
Social Security Number 155
Social Security Overpayment 188
Solvent Extracted Meals 22
Source Of Livestock 23
South Fork Salmon Subbasin 96
Special-Use Pool 150
Specific Control Measures For Reportable Diseases 129
Speech/Audiological Evaluation And Treatment, Reimbursable Services 226
Spina Bifida 189
Standard Earned Income Disregard 164
Standard Precautions 120
Standards Of Performance For Hospital/Medical/Infectious Waste Incinerators That Commenced Construction After June 20, 1996, Or For Which Modification Is Commenced After March 16, 1998 78
Standards Of Performance For Municipal Solid Waste Landfills That Commenced Construction, Reconstruction Or Modification On Or After May 30, 1991 74
State Epidemiologist 120
State Exiting Standards 50
State Health Officer 120
Statements Of Policy For Offerings Registered 62
Stepparent Caretaker 158
Stepparent Incapacitated Or Unemployed 158
Stepparent Or Legal Non-citizen Parent 159
Stepparent Without Common Child 159
Streptococcus Pyogenes, Group A, Infections Which Are Invasive Or Result In Rheumatic Fever, Control Measures 144
Student Evaluations 221
Submission To Academic Affairs And Program Committee 47
Supportive Services 187
Surface Water Quality Criteria For Aquatic Life Use Designations 98
Surface Water Use Designations 95
Suspected Case 120
Synthetic Additives 22
Synthetic Medication 24
Synthetic Parasiticides And Hormones 29
Synthetic Vitamins And Minerals 22
Syphilis, Control Measures 144
System Operator Certification Requirement 102
- T**
- TAFI, Excluded Income 188
TAFI, Income 165
TM Notice Requirements 166
TM Reporting Requirement 166
Table 352 Computing Self-Employment Income 163
Tail Docking 24
Tax Refunds 188
Termination Of Services 174
Tetanus, Control Measures 145
Third Party Payments 188
Time Period For Disposal Of Excess Personal Property 161
Title And Scope 155
Title IV-E Foster Child 159
Toxic Shock Syndrome, Control Measures 145
Transfer Of Permits, Swine And Poultry Facilities 112
Transportation Services, Reimbursable Services 226
Trichinosis, Control Measures 145
Tuberculosis, Control Measures 145
Tularemia, Control Measures 146
Two Non-Parent Caretaker Relatives 159
Types Of Changes That Must Be Reported, Medicaid 170
- U**
- Under Age Nineteen 169
Unearned Income Disregards 164
Unenforceable Order, Services May Be Terminated 174
Unlicensed Residential And Assisted Living Facility Or Uncertified Family Home Allowance 179
Unoccupied Home, Resource Exclusion 187
Urea 22
Use Of Organic Certified Fields 23
Utility Reimbursement Payment 188
Utilizing Paraprofessional To Assist In Provision Of Physical Therapy 222
- V**
- VA Educational Assistance 189
Vaccination Of An Animal Against Rabies 120
Vaccinations 24
Vehicle And Carrier Identification 60
Vehicles 160
Violation, Sanitary Surveys Of Water Systems 104
Viral Or Aseptic, Encephalitis, And Meningitis 146
Vista Payments, Excluded Income 189
Volunteer And Employee Recruitment, Training, And Supervision 70
- W**
- Wading Pool 150
Waiver Services For Adult Developmentally Disabled Recipients 206
Wall Inlets 152
Water Quality Monitoring 112
Week 120
Weight Records 26
When To Report, Diseases 124
Whole Milk 22
Width Of Decks And Walkways 151
Withholding Treatment 24
Work Reimbursements 187
Work Study Income Of Student 188
Working Day 120
- Y**
- Yersiniosis, Control Measures 146