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**IDAPA 16
TITLE 05
CHAPTER 05**

**16.05.05 - RULES GOVERNING FEES FOR HEALTH OPERATING
PERMITS, LICENSES, AND INSPECTION SERVICES**

000. LEGAL AUTHORITY.

Pursuant to Section 56-1007, Idaho Code, the Board of Health and Welfare is authorized to establish reasonable fees to be charged and collected for any service rendered by the Department of Health and Welfare. (2-15-82)

001. TITLE AND SCOPE.

01. Title. The rules are to be cited in full as Idaho Department of Health and Welfare Rules, IDAPA 16.05.05, "Rules Governing Fees for Health Operating Permits, Licenses, and Inspection Services". (5-3-03)

02. Scope. These rules establish reasonable fees for health operating permits, licenses, inspection services and waiver application processing rendered by the Department of Health and Welfare or its designees. (5-3-03)

002. APPLICABILITY.

In those Health Districts where the fee has already been assessed and paid, that fee will be the only fee assessed for that service for the period of the fee. (2-15-82)

003. DEFINITIONS.

01. Board. The Idaho Board of Health and Welfare. (10-22-92)

02. Department. The Idaho Department of Health and Welfare. (10-22-92)

03. Director. The Director of the Idaho Department of Health and Welfare. (10-22-92)

004. -- 129. (RESERVED).

130. SWIMMING POOL PERMITS.

For those services rendered in the process of issuing swimming pool permits (see Idaho Department of Health and Welfare Rules, IDAPA 16.02.14, "Rules for Construction and Operation of Public Swimming Pools in Idaho"), the fee shall be fifty dollars (\$50) per annum for each swimming pool. In addition, a plan review fee per unit for each swimming pool should be one hundred dollars (\$100). (5-7-93)

131. -- 201. (RESERVED).

202. CLEAN INDOOR AIR ACT REGULATION WAIVERS.

For those services rendered in the processing of applications for waivers of the rules implementing the Clean Indoor Air Act (see Idaho Department of Health and Welfare Rules, IDAPA 16.02.23, "Rules Governing Indoor Smoking"), the fee shall be ten dollars (\$10) per waiver application. (5-7-93)

203. -- 899. (RESERVED).

900. WAIVER OF FEES.

Upon written application to the Director of the Department of Health and Welfare, a waiver of a specific fee may be granted to an applicant who is required by these rules to pay such a fee. (2-15-82)

01. Determination Of Good Cause. Good cause for such a waiver must be shown before it shall be granted by the Director. Good cause may include hardship or extenuating circumstances, as determined by the Director. (2-15-82)

02. Duration Of Waiver. If the fee sought to be waived becomes due periodically, the fee may be waived for a designated period of time. (2-15-82)

03. Limitations. Granting of a waiver shall not be considered as precedent or be given any force or effect in any other proceeding. (2-15-82)

901. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Hearings and appeals shall be governed according to the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Case Proceedings and Declaratory Rulings". (5-7-93)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records". (5-7-93)

998. INCLUSIVE GENDER AND NUMBER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (12-31-91)

999. SEVERABILITY.

The rules contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.05, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this Chapter. (5-7-93)

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