

IDAHO ADMINISTRATIVE BULLETIN

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March 6, 1996

Volume 96-3

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9603

NOTICE OF CORRECTION TO RULES

ACTION: The action, under Docket No. 16-0309-9603, involves the correction to the rules governing Medical Assistance, IDAPA 16, Title 03, Chapter 09, Rules of the Department of Health and Welfare.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator is correcting a rule. The action is authorized pursuant to Section(s) 67-5228, Idaho Code.

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

In the January 3, 1996, Volume 96-1 of the Idaho Administrative Bulletin, a printing error occurred in Docket No. 16-0309-9603 on page 239. Section 16.03.09.108 through Subsections 108.02 where unreadable due to a technical error that occurred in the printing process. The entire docket is being reprinted in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at the Office of the Administrative Coordinator at (208) 334-3577.

DATED this 6th day of February, 1996.

D. Korey Lowder
Administrative Rules Coordinator
700 W. State Street, 4th Floor
Boise, Idaho 83720
(208) 334-3577

TEXT OF DOCKET NO. 16-0309-9603

108. AUDIOLOGY SERVICES.

The Department will pay for audiometric services and supplies in accordance with the following guidelines and limitations: (10-1-91)

01. Audiology Examinations. When specifically ordered by a physician, all recipients are eligible for audiometric examination and testing once in each calendar year. Basic audiometric testing by certified audiologists and/or licensed physicians will be covered without prior approval. (10-1-91)

02. Additional Testing. Any hearing testing beyond the basic

comprehensive audiometry and impedance testing must be ordered in writing before the testing is done. A copy of the physician's order must be attached to the claim for payment. (10-1-91)

03. Hearing Aids. The Department will cover the purchase of one (1) hearing aid per recipient with the following requirements and limitations: (10-1-91)

a. All hearing aid purchases require prior authorization from the Department. (10-22-93)

b. The following information shall be included with the request for preauthorization: the recipient's diagnosis, prognosis, the results of the basic comprehensive audiometric exam which includes pure tone, air and bone conduction, speech reception threshold, most comfortable loudness, discrimination and impedance testing, the brand name and model type needed. However, the Department will allow medical doctors to forego the impedance test based on their documented judgement. (~~10-22-93~~)(1-3-96)T

c. Covered services included with the purchase of the hearing aid include proper fitting and refitting of the ear mold and/or aid during the first year, instructions related to the aid's use, and extended insurance coverage for two (2) years. (10-22-93)

d. The following services may be covered in addition to the purchase of the hearing aid without prior authorization: batteries purchased on a monthly basis, follow-up testing, necessary repairs resulting from normal use after the second year and the refitting of the hearing aid or additional ear molds no more often than forty-eight (48) months from the last fitting; (~~10-22-93~~)(1-3-96)T

e. Lost, misplaced, stolen or destroyed hearing aids shall be the responsibility of the recipient. The Department shall have no responsibility for the replacement of any hearing aid. In addition, the Department shall have no responsibility for the repair of hearing aids that have been damaged as a result of neglect, abuse or use of the aid in a manner for which it was not intended. (~~10-1-91~~)(1-3-96)T

04. Payment Procedures. The following procedures shall be followed when billing the Department: (10-1-91)

a. The Department will only pay the hearing aid provider for an eligible Medicaid recipient if a properly completed claim is submitted to the Department within the one (1) year billing limitation. (10-22-93)

b. Payment will be based upon the Department's fee schedule (See Subsections 060.04. and 060.05.). (12-31-91)

05. Limitations. The following limitations shall apply to audiometric services and supplies: (10-1-91)

a. Hearing aid selection is restricted to the type and model which the Bureau has prior approved. (10-22-93)

b. Follow-up services are included in the purchase of the hearing aid for the first two (2) years including, but not limited to, repair, servicing and refitting of ear molds. ~~(10-22-93)~~(1-3-96)T

c. Providers are required to maintain warranty and insurance information on file on each hearing aid purchased from them by the Department and are responsible for exercising the use of the warranty or insurance during the first year following the purchase of the hearing aid. ~~(10-1-91)~~(1-3-96)T

d. Providers shall not bill recipients for charges in excess of the fees allowed by the Department for materials and services. ~~(10-1-91)~~(1-3-96)T

e. Audiology services will be a benefit for EPSDT eligible recipients under the age of twenty-one (21) (See Section 100.). (12-31-91)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9606

NOTICE OF PUBLIC HEARING AND
NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

AUTHORITY: In compliance with Section 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and has extended the period for public comment. The action is authorized pursuant to Section(s) 56-202(b) and 56-203(g), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

March 19, 1996, at 7:00 p.m.
Boise State University, 1910 University Drive
2nd Floor of the Student Union Building, Hatch Room A
Boise, Idaho

The hearing site 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 at the address listed below.

DESCRIPTIVE SUMMARY: The summary of this action is found in Bulletin Volume 96-1, dated January 3, 1996, pages 268 through 269.

ASSISTANCE OF TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Robbie Charlton or Cindy Taylor at (208) 334-5795.

Anyone can submit written comments regarding this rule. All written comments concerning the rule must be directed to the undersigned and must be postmarked on or before March 29, 1996.

DATED this 6th day of March, 1996.

STACI WELSH
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

IDAPA 20 - DEPARTMENT OF LANDS

**20.06.03. - RULES OF SCALING SPECIFICATIONS AND CHECK SCALING
STANDARDS OF THE STATE BOARD OF SCALING PRACTICES**

DOCKET NO. 20-0603-9601

NOTICE OF CORRECTION TO RULES

ACTION: The action, under Docket No. 20-0603-9601, involves the correction to the rules of Scaling Specifications and Check Scaling Standards of the State Board of Scaling Practices, IDAPA 20, Title 06, Chapter 03, Rules of the Department of Lands.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator is correcting a rule. The action is authorized pursuant to Section(s) 67-5228, Idaho Code.

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

Corrections have been made to Appendix - Table II of this chapter that correct those published in Volume 95-5, May 3, 1995 edition of the Idaho Administrative Bulletin. Table II is reprinted here in its entirety.

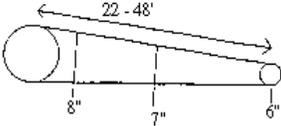
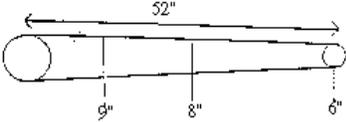
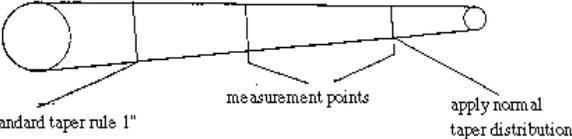
ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at the Office of the Administrative Coordinator at (208) 334-3577.

DATED this 6th day of February, 1996.

D. Korey Lowder
Administrative Rules Coordinator
700 W. State Street, 4th Floor
Boise, Idaho 83720
(208) 334-3577

APPENDIX -- TABLE II CONTINUED

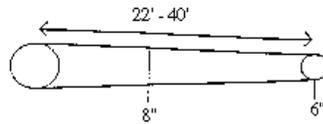
REGION I AVERAGE TAPER FOR LONG LOGS ON WEST SIDE FORESTS

<u>SPECIES</u>	<u>LENGTH</u>	<u>TAPER RULES</u>
L & LP*	22 - 48'	1 inch per segment
		
L & LP	50 - 60'	2 inch top segment, 1 inch remaining segment
		
L & LP	4-segment logs	Take two measurements - top and top of the second segment. (The top diameter of the second segment shall be determined by calipering.) Apply normal taper distribution to top segment. Apply standard taper rule of 1 inch to bottom segment.
		

* To determine the scaling diameter for LP presented with topwood attached, allow a double bark thickness of 0.2" for all top measurements. For all other species, the top measurement should be determined by calipering. Scalping shall not be required except where bark thickness cannot be accurately estimated.

APPENDIX - TABLE II CONTINUED
REGION 1 AVERAGE TAPER FOR LONG LOGS ON WEST SIDE

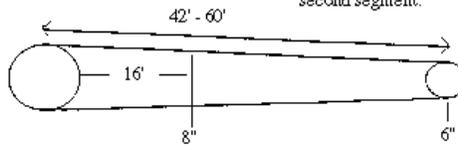
<u>SPECIES</u>	<u>LENGTH</u>	<u>TAPER RULES</u>
C	22' - 40'	2 inches per segment



C

42' - 60'

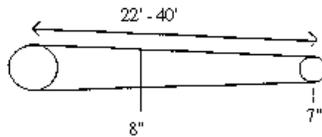
Take two measurements - top 16' up from butt.
 (The diameter at the 16' measurement point shall be determined by calipering.) Apply normal taper distribution to determine scaling diameter of second segment.



All Other
Species

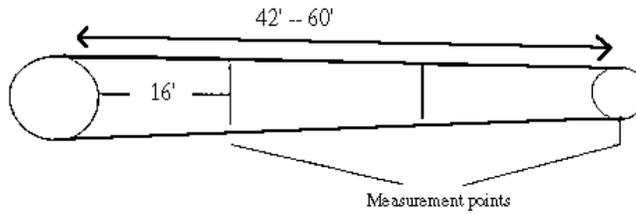
22' - 40'

Allow 1 inch taper on pieces with an odd top diameter, allow 2 inch taper on pieces with an even top diameter. (Odd-Even Rule.)

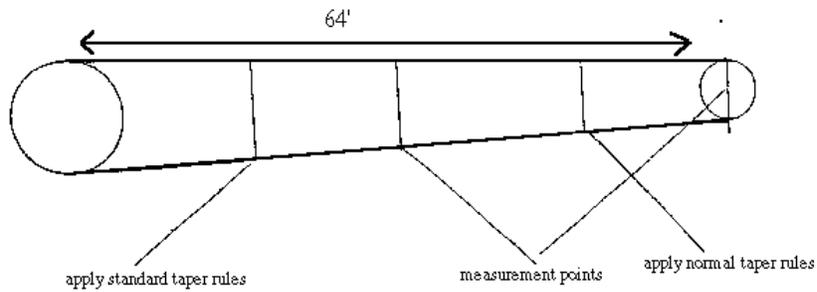


APPENDIX - TABLE II CONTINUED
REGION 1 AVERAGE TAPER FOR LONG LOGS ON WEST SIDE

<u>SPECIES</u>	<u>LENGTH</u>	<u>TAPER RULES</u>
All Other Species	42 - 60'	Same taper rules as for cedar logs 42 - 60' long.



All Other Species	4-segment logs	Same taper rules for 4 segment L & LP logs, except that the odd-even rule is applied to the top diameter of the second segment to determine the scaling diameter of the butt segment.
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IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.15.01 - THE IDAHO COUNSELOR LICENSING BOARD
DOCKET NO. 24-1501-9501
NOTICE OF TEMPORARY RULE

EFFECTIVE DATE: These temporary rules are effective January 12, 1996.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that the Idaho Counselor Licensing Board has adopted a temporary rule. The action is authorized pursuant to Section 54-3404, Idaho Code.

DESCRIPTIVE SUMMARY: The Counselor rules, as published in the November 1, 1995 Bulletin, Volume 95-11, Pages 133 through 139, were adopted as Temporary by the Board on the 12th day of January, 1996.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this temporary rule, contact Dee Ann Randall, at (208) 334-3233.

DATED this 18th day of January, 1996.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.61.01 - MOTOR CARRIER RULE

DOCKET NO. 31-6101-9502

NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective upon approval of the Idaho Legislature at its next regular session.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is authorized pursuant to Idaho Code 61-807 and 61-812.

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

The proposed changes to Rule 51 implement the provisions of a governing statute, Idaho Code Section 61-802B, and confer a benefit by reducing a fee. Currently Rule 51 requires interstate or foreign carriers to register with the Commission by paying a fee of \$2 per vehicle to the Commission or to the regulatory authority of another state for remittance to the Commission. The Commission proposes to reduce the per vehicle fee from \$2 to \$1 as authorized by Idaho Code Section 61-812(b).

Also, a technical amendment to Rule 51 mirrors a change to Idaho Code Section 61-802B enacted by the 1995 Legislature in House Bill No. 42. The amendment to Section 61-802B removed a requirement that an interstate carrier file an affidavit of exemption from Interstate Commerce Commission (ICC) regulation with the Commission, and instead authorizes a carrier merely to certify that it is exempt from ICC regulation. The technical amendment to Rule 51 makes the rule consistent with the statute to allow an interstate carrier to certify that it is exempt from ICC regulation.

There are no changes between the text of the proposed rule and the final rule.

ASSISTANCE ON TECHNICAL QUESTIONS: Weldon B. Stutzman, at (208) 334-0318.

DATED this 18th day of January 1996.

Weldon B. Stutzman
PO Box 83720, Boise, ID 83720-0074
(208) 334-0318/334-3762

IDAPA 31
TITLE 61
Chapter 01

Motor Carrier Rules

**There are no substantive changes
from the proposed rule text**

**The original text was published in the Idaho
Administrative Bulletin, Volume 95-6, June 7, 1995
Pages 331 through 334**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature
for final adoption**

IDAPA 37 - DEPARTMENT OF WATER RESOURCES
37.01.02 - ENVIRONMENTAL AUDIT PROTECTION RULES
DOCKET NO. 37-0102-9601
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule is effective December 28, 1995.

AUTHORITY: In compliance with sections 67-5226(1) and 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and is commencing proposed rulemaking to promulgate a permanent rule. The temporary/proposed rule is a new chapter and shall be cited as IDAPA 37.01.02, Rules of the Idaho Department of Water Resources, Title 01, Chapter 02, Environmental Audit Protection Rules. The action is authorized by sections 9-810 and 42-1805(8), Idaho Code. Pursuant to section 67-5229, Idaho Code, the temporary/proposed rule incorporates by reference the substantive provisions of the Environmental Audit Protection Rules of the Idaho Department of Health and Welfare, IDAPA 16.01.10, Rules 010 through 018.

OPPORTUNITY TO REQUEST PUBLIC HEARING: No public hearing concerning this proposed rulemaking is scheduled by the agency. The agency will provide an opportunity for oral presentation if requested by twenty-five (25) persons, a political subdivision, or an agency. The request must be made in writing and be within fourteen (14) days of the date of publication of this notice of proposed rulemaking in the bulletin, or within fourteen (14) days prior to the end of the comment period, whichever is later.

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of the supporting reasons for temporary adoption of the rule and a nontechnical explanation of the substance and purpose for proposing the rule for final adoption:

Voluntary environmental audit laws grant incentives to those regulated entities which voluntarily discover, disclose and correct violations of environmental laws. The Idaho Environmental Audit Protection Act (EAPA), effective July 1, 1995, prohibits state environmental agencies from disclosing, or under certain circumstances compelling disclosure of, a qualifying environmental audit, and provides for limited immunity for violations of state environmental law identified in an audit. Unless the sunset clause is subsequently removed by the legislature, the protections of the statute will not apply to submittals made after December 31, 1997.

The EAPA specifically directs the environmental agencies to promulgate rules (1) further defining environmental audits, (2) setting forth timetables for remedial actions to be performed and (3) governing the treatment of environmental audit reports and associated confidential business information. The Environmental Audit Protection Rules proposed are designed to implement the provisions of the EAPA and closely follow the legislative intent. The rules clarify which submittals are "voluntary," set forth what information is required to be in a plan or protocol for conducting an environmental audit, set forth compliance timetables which must be followed by the owner or operator to receive the protections of the statute, further define the term "confidential business information" used in the statute, and establish some basic procedures to be followed by the agency to protect the confidentiality of submittals made pursuant to the statute.

Because the statute states that these rules must be in place by December 28, 1995, the Director of the Department of Water Resources has adopted the rule as a temporary rule.

The temporary rule will remain in effect beyond the conclusion of the 1996 Regular Session of the Idaho Legislature if the rule is approved, amended or modified by concurrent resolution.

TEMPORARY RULE JUSTIFICATION: Pursuant to section 67-5226(1)(b), Idaho Code, the Governor has found that a temporary rule is required to comply with the deadline set forth by the Idaho Legislature in section 9-810(1), Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rulemaking, contact L. Glen Saxton at (208) 327-7900.

Anyone can submit written comment regarding this proposed rule. All written comments must be received by the undersigned on or before March 28, 1996.

DATED this 17th day of January, 1996.

Karl J. Dreher, Director
Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706-2237

TEXT OF DOCKET NO. 37-0102-9601

IDAPA 37
TITLE 01
CHAPTER 02

ENVIRONMENTAL AUDIT PROTECTION RULES

000. LEGAL AUTHORITY (Rule 0).

This chapter is adopted by the Idaho Department of Water Resources under the legal authority of sections 9-810 and 42-1805(8), Idaho Code. (12-28-95)T

001. TITLE, SCOPE AND CITATION (Rule 1).

These rules shall be cited as IDAPA 37.01.02, Rules of the Idaho Department of Water Resources, Title 01, Chapter 02, "Environmental Audit Protection Rules." These rules implement the Environmental Audit Protection Act, sections 9-801 to 9-811, Idaho Code. These rules are intended to encourage owners and operators of facilities and other persons conducting activities regulated under applicable environmental laws to conduct voluntary internal environmental audits of their activities, operations, compliance programs and management systems and to assess and improve compliance with applicable environmental laws while protecting confidentiality of communications relating to

voluntary internal environmental audits. These rules are not intended to protect those who willfully violate environmental laws. (12-28-95)T

002. ADMINISTRATIVE APPEALS (Rule 2).

Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to section 67-5270, Idaho Code, and IDAPA 37.01.01, Rules of Procedure of the Idaho Department of Water Resources. (12-28-95)T

003. WRITTEN INTERPRETATIONS (Rule 3).

The Department of Water Resources may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. If available, written statements can be inspected and copied at cost at the Department of Water Resources, 1301 North Orchard, Boise, Idaho, 83706. (12-28-95)T

004. CATCHLINES (Rule 4).

Catchlines within this chapter are not to be used in the interpretation of the rules. (12-28-95)T

005. -- 009. (RESERVED).

010. INCOPORATION BY REFERENCE (Rule 10).

The provisions of Rules 010 through 018 of the Environmental Audit Protection Rules of the Idaho Department of Health and Welfare, IDAPA 16.01.10, are incorporated by reference as Rule 010 of these rules, except that "Department" as used in these rules means the Idaho Department of Water Resources. (12-28-95)T

011. -- 999. (RESERVED).

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