

IDAHO ADMINISTRATIVE BULLETIN

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IDAPA 13 - DEPARTMENT OF FISH AND GAME

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-9802

NOTICE OF TEMPORARY RULES

EFFECTIVE DATE: These temporary rules are effective October 20, 1997.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Section(s) 36-104(b).

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rule-making:

Establishes a framework for allocation of tags for outfitter clients as the proposed Elk Zones are implemented. See Idaho Code Section 36-408(d).

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:

Confers a benefit.

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

NONE.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact John Beecham at 208-334-2920.

DATED this 3rd day of February 1998.

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

TEXT OF DOCKET NO. 13-0104-9802

501. -- 59904. (RESERVED).

505. DEER AND ELK TAG ALLOCATION.

01. Allocation of Tags. Pursuant to Idaho Code Section 36-408(d), the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the

number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation. (10-20-97)T

02. Controlled Hunt Areas. Only those controlled hunt areas existing prior to 1998 with historic licensed deer and/or elk outfitted area(s) may be considered for a tag/permit allocation using one (1) of the following options: (10-20-97)T

a. The number of allocated tags available within the controlled hunt area will be based on a variable scale depending on the number of tags established by the Fish and Game Commission: less than fifty-one (51) tags = zero percent (0%); fifty-one (51) or more tags = maximum of three percent (3%); or. (10-20-97)T

b. The number of tags available within the controlled hunt area will be based on the average historic use during the previous five (5) year period; or. (10-20-97)T

c. No tags will be allocated. (10-20-97)T

506. DEER AND ELK OUTFITTER ALLOCATED TAG.

01. Allocated Tags. The following number of deer and elk tags shall annually be allocated for sale to persons who have entered into a signed agreement to utilize the services of an outfitter who is licensed in that zone under Title 36, Chapter 21, Idaho Code. (10-20-97)T

02. Distribution of Allocated Tags. Allocated tags shall be sold by the Department, as designated by IDAPA 25.01.01.057, "Rules of Idaho Outfitters and Guides Licensing Board," to hunters with signed agreements with licensed outfitters in those zones with a cap on the number of tags sold. In zones where resident and nonresident deer and/or elk tags are issued by lottery, allocated tags will be issued by lottery. Application for the purchase of allocated tags shall be made by the outfitter for the hunter on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the hunter has a signed agreement to hunt with the outfitter making application. (10-20-97)T

03. Designated Buyers. Purchasers of allocation tags who return their unused tag and a notarized affidavit stating that the tag buyer has not hunted may designate another person to purchase a replacement tag. If the original buyer does not make a designation, the outfitter may make the designation. The designated buyer must pay the regular fee for the replacement tag. (10-02-97)T

04. Unsold Tags. Any allocation tags not sold by August 1 of each year shall be sold by the Department on a first come, first serve basis. The Department may use a waiting list methodology to issue unsold tags. Applications shall be made only to the headquarters office of the Idaho Department of Fish and Game in Boise, Idaho. (10-20-97)T

507. -- 599. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9702
NOTICE OF TEMPORARY RULE

EFFECTIVE DATE: The temporary rule is effective April 15, 1998.

AUTHORITY: In compliance with Idaho Code Section 67-5226(1), notice is hereby given that the Board of Health and Welfare (Board) has adopted a temporary rule. The action is authorized by Idaho Code Sections 39-105 and 39-107. In addition, this rulemaking is mandated by the United States Environmental Protection Agency (EPA) pursuant to 61 Fed. Reg. 68,384-68,404 (December 27, 1996) (to be codified at 40 CFR Part 63 Subpart B).

DESCRIPTIVE SUMMARY: This rule has been adopted to implement the federal program established under Sections 112(g) and 112(j) of the Clean Air Act. The purpose of the rule will be to provide for Idaho to establish Maximum Achievable Control Technology (MACT) standards for new major sources that emit hazardous air pollutants (HAP) in the event that: 1) a source begins construction or reconstruction before EPA is scheduled to develop a MACT for that source category; or 2) a source in a source category for which EPA is required to develop a MACT but is over 18 months behind schedule in developing the MACT for that source category. Sections 112(g) and 112(j) of the Clean Air Act require that states be able to develop equivalent emission limits by permit. This will be implemented through Idaho's Part 70 (Title V) Permit Program. The rule will affect new or reconstructed major sources that emit HAP. A major source for HAP is a source that emits 10 tons/year of any single HAP or 25 tons/year in the aggregate of HAP. The text of the rule is based on a consensus recommendation resulting from the negotiated rulemaking process. The negotiation was open to the public. Participants in the negotiation included industry representatives. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Volume 97-5, May 7, 1997, page 36.

The Legislative Services Office has imposed a moratorium on proposed rules which prohibits agencies from publishing proposed rules until May 1998. The Department of Health and Welfare, Division of Environmental Quality intends to publish this rule as a proposed rule in the May 1998 issue of the Idaho Administrative Bulletin, inviting the public to comment on the rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Idaho Code Section 67-5226(1)(a), the Governor has found that temporary adoption of the rule is appropriate in that the rule protects public health.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rule, contact Tim Teater at (208)373-0502.

DATED this 1st day of April, 1998.

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

TEXT OF DOCKET NO. 16-0101-9702

213. —219. (RESERVED).

214. EMISSIONS LIMITATION FOR NEW AND RECONSTRUCTED MAJOR SOURCES OF HAZARDOUS AIR POLLUTANTS.

01. Definitions for Section 214. The definitions of the terms immediately below apply only to this section. Unless specifically defined otherwise immediately below, all terms in this section shall have the meanings provided in Sections 006 and 007 of these rules. (4-15-98)T

a. "Construct a Major Source" has the meaning provided in 40 CFR Parts 63.40 through 63.44 as incorporated by reference in these rules at Section 107. (4-15-98)T

b. "Major Source" has the meaning provided in Section 7412(a) of the Clean Air Act and the meaning provided in 40 CFR Parts 63.40 through 63.44 as incorporated by reference in these rules at Section 107. (4-15-98)T

c. "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources. "Maximum Achievable Control Technology (MACT)" has the meaning provided in 40 CFR Parts 63.40 through 63.44 as incorporated by reference in these rules at Section 107. (4-15-98)T

d. "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or the effective date of this subsection, whichever is earlier. (4-15-98)T

e. "Reconstruct a Major Source" has the meaning provided in 40 CFR Parts 63.40 through 63.44 as incorporated by reference in these rules at Section 107. (4-15-98)T

02. Federal MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants (HAP) after an applicable emissions standard has been proposed by EPA pursuant to Section 7412(d), Section 7412(n), or Section 7429 of the Clean Air Act shall comply with the requirements and emission standard for new sources when promulgated by EPA. (4-15-98)T

03. State MACT. Any person who proposes to construct or reconstruct a major source of HAP before MACT requirements applicable to that source have been proposed by EPA and after the effective date of this rule shall comply with new and reconstructed source MACT requirements as determined by the Director. The Director shall make this determination on a case by case basis in accordance with the guidance in 40 CFR Parts 63.40 through 63.44 as incorporated by reference in these rules at Section 107. (4-15-98)T

04. Compliance Schedule. The owner or operator of the proposed major source of HAP must demonstrate to the Department that the source will achieve the required emissions limitation prior to commencing operation. (4-15-98)T

215. -- 219. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9704

NOTICE OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 1999 Idaho State Legislature for final approval. The temporary rule is effective April 15, 1998. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the rule is approved, amended or modified by concurrent resolution, the rule will become 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/temporary rule. The action is authorized by Idaho Code Sections 39-105 and 39-107. In addition, certain amendments are mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 60 Fed. Reg. 54,990, 54,993 (1995) and 61 Fed. Reg. 30,570-75 (1995).

DESCRIPTIVE SUMMARY: The rule was adopted by the Board, upon recommendation of the Department of Health and Welfare (Department), because the rule responds to the needs of the regulated community while protecting the public health and environment. In addition, the rule maintains consistency with federal programs. A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 97-11, November 5, 1997, pages 16 through 18.

The Department received no comments from the public concerning the proposed rule. The rule has been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 97-11, November 5, 1997, pages 16 through 18. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Tim Teater at (208)373-0502.

DATED this 1st day of April, 1998.

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

This rule has been adopted by the agency as a temporary rule.
The effective date of the temporary rule is April 15, 1998.
The text of the temporary rule is the same
as the text of the proposed rule.

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 97-11, November 5, 1997,
pages 16 through 18.

This rule has been adopted as Final by the Agency
and is now pending review by the
1999 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.01.02 - WATER QUALITY STANDARDS
AND WASTEWATER TREATMENT REQUIREMENTS**

DOCKET NO. 16-0102-9802

NOTICE OF TEMPORARY RULE

EFFECTIVE DATE: The temporary rule is effective March 1, 1998.

AUTHORITY: In compliance with Idaho Code Section 67-5226(1), notice is hereby given that the Board of Health and Welfare has adopted a temporary rule. The action is authorized by Idaho Code Sections 39-105, 39-107, and 39-3601 et seq.

DESCRIPTIVE SUMMARY: The purpose of this rule is to set forth in the water quality standards site-specific criteria for three metals, cadmium, lead and zinc, in the South Fork Coeur d'Alene River. These site-specific criteria were developed according to rules of the Department of Health and Welfare, Division of Environmental Quality (Department) and EPA guidelines on the resident species approach. The resident species approach uses laboratory bioassays conducted with resident species and site water to develop proposed criteria that are protective of the aquatic biota currently residing or likely to reside in the South Fork Coeur d'Alene River and its tributaries. The toxicity testing and site-specific criteria development were performed by EVS Environment Consultants, Inc. of Seattle. The site-specific criteria will be used in the development of the total maximum daily load (TMDL) and associated allocations for the South Fork Coeur d'Alene River. The waters of the South Fork Coeur d'Alene River from its headwaters to its mouth (confluence with North Fork Coeur d'Alene River) and all tributaries will have site-specific aquatic life metals criteria as follows:

Cadmium. The acute criterion shall be 0.47 ug/l and the chronic criterion shall be 0.47 ug/l, both expressed as dissolved concentrations.

Lead. The acute criterion shall be 245 ug/l and the chronic criterion shall be 118 ug/l, both expressed as dissolved concentrations.

Zinc. The acute criterion shall be 163 ug/l and the chronic criterion shall be 163 ug/l, both expressed as dissolved concentrations.

The Legislative Services Office has imposed a moratorium on proposed rules which prohibits agencies from publishing proposed rules until May 1998. The Department intends to publish this rule as a proposed rule in the May 1998 issue of the Idaho Administrative Bulletin, inviting the public to comment on the rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Idaho Code Section 67-5226(1)(c), the Governor has found that temporary adoption of the rule is appropriate in that the rule confers a benefit. The benefit is prevention of overregulation of dischargers in the South Fork Coeur d'Alene Basin.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rule, contact Mark Shumar at (208)373-0502.

DATED this 1st day of April, 1998.

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

TEXT OF DOCKET NO. 16-0102-9802

281. —298. (RESERVED).

282. SOUTH FORK COEUR D'ALENE RIVER AND ALL TRIBUTARY WATERS - PB-130S, PB-140S, PB-121S, PB-142S, PB-143S, PB-145S, PB-146S, PB-147S, PB-148S, UNDESIGNATED TRIBUTARIES - SITE-SPECIFIC CRITERIA FOR METALS.

The waters of the South Fork Coeur d'Alene River from its headwaters to its mouth (confluence with North Fork Coeur d'Alene River) and all tributaries will have site-specific aquatic life metals criteria as follows: (3-1-98)T

01. Cadmium. The acute criterion shall be forty-seven one hundredths (0.47) ug/l and the chronic criterion shall be forty-seven one hundredths (0.47) ug/l, both expressed as dissolved concentrations. (3-1-98)T

02. Lead. The acute criterion shall be two hundred forty-five (245) ug/l and the chronic criterion shall be one hundred eighteen (118) ug/l, both expressed as dissolved concentrations. (3-1-98)T

03. Zinc. The acute criterion shall be one hundred sixty-three (163) ug/l and the chronic criterion shall be one hundred sixty-three (163) ug/l, both expressed as dissolved concentrations. (3-1-98)T

283. -- 298. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.04.11 - RULES AND MINIMUM STANDARDS FOR
DEVELOPMENTAL DISABILITIES CENTERS**

DOCKET NO. 16-0411-9801

NOTICE OF TEMPORARY RULES

EFFECTIVE DATE: These temporary rules are effective March 1, 1998.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Section(s) 39-4601 et. seq., Idaho Code.

DESCRIPTIVE SUMMARY: Private Developmental Disabilities Agencies report difficulties in recruiting staff qualified as Developmental Specialists as defined in these rules. Alternate qualifications are proposed that would allow a broader variety of degrees but require a competency course. Through negotiated rule-making, providers, consumer advocates and Department representative have come to agreement on a competency course to substitute for degrees not listed in current rule.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to protect public health, safety and welfare.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact Paul Swatsenbarg at (208) 334-5512.

DATED this 1st day of April, 1998.

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

TEXT OF DOCKET NO. 16-0411-9801

003. DEFINITIONS.

For the purpose of these rules the following terms are used, as herein defined. (7-1-97)

01. ACCESS Unit. Access to Care Coordination, Evaluation, Services and Supports. A regional multidisciplinary, transdivisional unit that has the responsibility of determining eligibility, authorizing services, and assuring quality services and supports for individuals with developmental disabilities. (7-1-97)

02. Annual. Every three hundred and sixty-five (365) days except during a leap year which equals three hundred and sixty-six (366) days. (7-1-97)

03. Audiologist. A person qualified to conduct hearing evaluation and therapy, who possesses a certificate of clinical competency in audiology or who will be eligible for certification within one (1) year of employment. Certification shall be from the American Speech, Language and Hearing Association (ASHA). (7-1-97)

04. Baseline. Current level of ability to complete a task independently, as a basis for initiating therapeutic intervention. (7-1-97)

05. Board. The Idaho State Board of Health and Welfare. (7-1-97)
06. Bureau of Developmental Disabilities. The section of the Department responsible for community programs for persons with developmental disabilities and which serves as the state developmental disability authority. (7-1-97)
07. Consumer. A person who has been identified as having a developmental disability as defined in this chapter and who is receiving services through a DDA. (7-1-97)
08. Department. The Idaho Department of Health and Welfare. (7-1-97)
09. Developmental Disabilities Agency (DDA). A developmental disabilities facility designated in accordance with these rules to provide (outpatient) rehabilitative or habilitative services to children or adults with developmental disabilities. (7-1-97)
10. Developmental Disabilities Facility. Any public or private organization or agency which provides developmental disabilities services on an inpatient, outpatient, residential, clinical or other programmatic basis, including community rehabilitation programs and developmental disabilities agencies. (7-1-97)
11. Developmental Disabilities Professional (DDP). A physician, psychologist, social worker, audiologist, speech and language pathologist specialist, developmental specialist, occupational therapist, physical therapist, or therapeutic recreation specialist employed by the developmental disabilities agency to provide evaluation and services as defined by the Department. (7-1-97)
12. Developmental Disability. A chronic disability of a person which appears before the age of twenty-two (22) years of age and: (7-1-97)
- a. Is attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments, which requires similar treatment or services or is attributable to dyslexia resulting from such impairments; and (7-1-97)
 - b. Results in substantial functional limitations in three (3) or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and (7-1-97)
 - c. Reflects the need for a combination or sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and individually planned and coordinated. (7-1-97)
13. Developmental Specialist. A person qualified to conduct developmental evaluation and therapy, including: (3-1-98)T
- a. A person who possesses a bachelor's or master's degree in special education, early childhood special education, or a related field including early childhood education, speech and language pathologists, adult special education, psychology, physical therapy, occupational therapy, social work, or therapeutic recreation and who has a minimum of two hundred forty (240) hours of supervised experience with individuals who have developmental disabilities; or had one (1) year of training or one (1) year of experience in the field of developmental disabilities, or a combination of training and work experience. Persons employed as developmental specialists prior to October 6, 1988 will be exempted from the requirements of these rules, as long as there is not a gap of more than three (3) years of employment as a developmental specialist. Persons hired after October 6, 1988 are subject to the requirements of these rules. (7-1-97)(3-1-98)T
 - b. A person who possesses a bachelor's or master's degree in an area not listed in Subsection 003.13.a. of this subsection, and who: (3-1-98)T
 - i. Has completed a competency course jointly approved by the Department and the Idaho Association

of Developmental Disabilities Agencies which relates to the job requirements of a developmental specialist; and (3-1-98)T

ii. Has passed a competency examination approved by the Department; and (3-1-98)T

iii. Has a minimum of two hundred forty (240) hours of supervised experience with individuals who have developmental disabilities; or (3-1-98)T

c. A person who possesses a bachelor's or master's degree in an area not listed in Subsection 003.13.a. of this subsection, and who: (3-1-98)T

i. Has passed a competency examination approved by the Department; and (3-1-98)T

ii. Has a minimum of two hundred forty (240) hours of supervised experience with individuals who have developmental disabilities; or (3-1-98)T

d. A person who is exempt from the requirements of these rules: (3-1-98)T

i. Any person employed as a developmental specialist prior to October 6, 1988 will be exempt from the requirements of these rules as long as there is not a gap of more than three (3) years of employment as a developmental specialist; or (3-1-98)T

ii. Any person employed as a developmental specialist prior to May 30, 1997, unless previously disallowed by the Department, will be exempt from the requirements of these rules. (3-1-98)T

14. Director. The Director of the Idaho Department of Health and Welfare or his designee. (7-1-97)

15. Division of Family and Community Services. The division of the Department with responsibility for both community and institutional services for persons with developmental disabilities and mental illness. (7-1-97)

16. Evaluation. A process by which the need for services or progress toward identified goals is determined. It may include a comprehensive assessment or a specific skill assessment for the purpose of determining baseline or the need for further intervention for the discipline area being assessed. (7-1-97)

17. Habilitation. The process of developing skills and abilities. (7-1-97)

18. Initial License. A license issued to a DDA upon application when the Department determines that all application requirements have been met. An initial license can be issued for a period not to exceed one hundred and eighty (180) days from the initiation of services. This license allows the Department time to evaluate the agency's ongoing capability to provide services and to meet these rules. (7-1-97)

19. Normalization. The process of providing services which promote a life as much as possible like that of other citizens of the community, including living in the community and access to community resources. These services are designed to enhance the social image and personal competence of those being served. (7-1-97)

20. Objective. A behavioral statement of outcome developed to address an identified need of an individual. The need is identified by the consumer and guardian where applicable, and others the consumer has chosen to participate on his planning team, to be incorporated into the consumer's repertoire of functional behaviors. The objective is written in measurable terms which specify a target date for completion, no longer than two (2) years in duration, and criteria for successful attainment of the objective. (7-1-97)

21. Occupational Therapist. A person qualified to conduct occupational therapy evaluations and therapy, who is certified by the American Occupational Therapy Certification Board and licensed to practice in Idaho, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (7-1-97)

22. Paraprofessional. A person such as an aide or therapy technician who is qualified to assist DDP's in

providing services. (7-1-97)

23. Person Centered Planning Process. The means by which the consumer and those individuals selected by the consumer to be team members, identify the consumer's talents, skills, strengths, needs and desires. (7-1-97)

24. Physical Therapist. A person qualified to conduct physical therapy evaluations and therapy, who is registered to practice in Idaho, and has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (7-1-97)

25. Physician. A person licensed to practice medicine in Idaho in accordance with the provisions of the Medical Practice Act, Sections 54-1801 et seq., Idaho Code. (7-1-97)

26. Provider. Any individual or organization furnishing services through the provisions of these rules. (7-1-97)

27. Provider Agreement. An agreement between a provider and third-party payor whereby the third-party payor agrees to pay the provider for furnishing developmental disabilities rehabilitative and habilitative services in accordance with these rules. (7-1-97)

28. Provisional License. A license issued to a DDA which is found not to be in substantial compliance with these rules but not to have deficiencies which jeopardize the health or safety of consumers. A provisional license can be issued for a specific period of time, not to exceed one hundred and eighty (180) days, while corrections are being completed. (7-1-97)

29. Psychologist. A person licensed by the State of Idaho in accordance with the provisions of Sections 54-2301 et seq., Idaho Code, to independently practice psychology, or who is exempt from such requirements and meets the minimum qualifications established by the Idaho Personnel Commission to perform the duties assigned in classified service as defined by the Department, and has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (7-1-97)

30. Psychology Assistant. An individual who practices psychology under the supervision of a licensed psychologist as required by Title 54, Chapter 23, Idaho Code, and as outlined by IDAPA 24.12.01, Rules of the Idaho State Board of Psychologist Examiners. (7-1-97)

31. Rehabilitation. The process of improving skills or level of adjustment to increase the person's ability to maintain satisfactory independent or dependent functioning. (7-1-97)

32. Rehabilitative and Habilitative Services. Evaluation and diagnostic services which include medical, social, developmental, psychological/psychiatric services, occupational therapy, physical therapy, and speech and hearing therapy. Treatment services which include individual, group and family-centered psychotherapy; individual and group speech and hearing therapy; individual and group physical therapy; individual and group developmental therapy, and individual and group occupational therapy. Evaluation, diagnostic and treatment services are to be provided on an outpatient basis and may be community-based, home-based, or center-based as consistent with the requirements of this chapter. (7-1-97)

33. Service. Evaluation, diagnosis, therapy, training, assistance, or support provided to a person with a developmental disability by a DDA. (7-1-97)

34. Social Worker. A person licensed in accordance with the Social Work Licensing Act, Sections 54-3201 et seq., Idaho Code, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (7-1-97)

35. Speech and Language Pathologist. A person qualified to conduct speech/language evaluation and therapy, who possesses a certificate of clinical competency in speech-language pathology or who will be eligible for certification within one (1) year of employment. Certification shall be from the American Speech Language and Hearing Association (ASHA). (7-1-97)

36. State Developmental Disability Authority. The Division of Family and Community Services, Bureau of Developmental Disabilities, within the Department which has statewide responsibility for planning, coordinating and monitoring developmental disabilities services. (7-1-97)

37. Substantial Compliance. Deficiencies identified at the time of the survey by the licensing agency that do not present a serious risk to consumers' health or safety or seriously impede the agency's ability to provide habilitative or rehabilitative services. (7-1-97)

38. Supervision. Initial direction and procedural guidance by a DDP and periodic inspection of the actual work performed at the site of service delivery. (7-1-97)

39. Targeted Service Coordinator. A regionally enrolled provider of the Department who is qualified by training and experience to develop and coordinate individual supports and services for eligible consumers of the Department, as defined in IDAPA 16.03.09, Rules Governing Medical Assistance, Section 118. (7-1-97)

40. Temporary Developmental Disabilities Site Approval. A location, established by a fully licensed agency, to provide additional services for ninety (90) or less consecutive days. (7-1-97)

41. U.L. Underwriters Laboratories. (7-1-97)

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