

# IDAHO ADMINISTRATIVE BULLETIN

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April 5, 2000

Volume 00-4

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# 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 99-1 refers to the first Bulletin issued in calendar year 1999, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, 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. The March 2000 Bulletin is cited as Volume 00-3.*

## **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.

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## 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 YEAR 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	<b>*November 17, 1999</b>	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	<b>**August 22, 2000</b>	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2001

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
01-1	January, 2001	<b>*November 15, 2000</b>	January 3, 2001
01-2	February, 2001	December 20, 2000	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	<b>**August 22, 2001</b>	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 rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.*

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

## ALPHABETICAL INDEX OF AGENCY IDAPA AND ADMINISTRATIVE CODE VOLUME NUMBERS

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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
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06	Correction, Board of
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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
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15	Governor, Office of the - Administrative Code Volume 2
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20	Lands, Department of - Administrative Code Volume 6
11	Law Enforcement, Department of - Administrative Code Volume 2
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52	Lottery Commission, Idaho State - Administrative Code Volume 8
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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
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29	Potato Commission, Idaho - Administrative Code Volume 7
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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
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35	Tax Commission, State - Administrative Code Volume 7
39	Transportation, Department of - Administrative Code Volume 8
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55	Vocational Education, Division of - Administrative Code Volume 8
47	Vocational Rehabilitation, Division of - Administrative Code Volume 8
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**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 PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The amendments to the temporary rule are effective November 1, 1999. These rules have been adopted by the agency and are now pending review by the 2001 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(s) 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 39-106(l), Idaho Code.

**DESCRIPTIVE SUMMARY:** Section 350 of the proposed rules have been amended for clarification 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 rules was published in the January 5, 2000 Administrative Bulletin, Volume 00-1, pages 159 through 176.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5818.

DATED this 4th day of February, 2000.

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  
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**IDAPA 16**  
**TITLE 03**  
**Chapter 01**

**RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN**

**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 text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 159 through 176.

This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0301-0001

**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~~ Current And Anticipated Income Exceeds Limit.** When ~~the~~ countable income ~~in for~~ the ~~month of~~ application or redetermination ~~month~~ exceeds the ~~income~~ limit, ~~determine income eligibility using Subsections 350.01a. through 350.01.b.~~ the income is from a new or continuing source, and is expected to continue at the same rate, the family is not income eligible.

(11-1-99)F(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)F

*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)F

**02. ~~Application Or Redetermination Month Income~~ Current Or Anticipated Income Is Below Limit.** When countable income in the application or redetermination month is below the income limit, or the income exceeds the limit but is not expected to continue at the same rate, 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)F(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) prior calendar months ~~prior to the application or redetermination month~~ is below the income limit, the family is income eligible.*

(11-1-99)F(11-1-99)T

*b. Twelve Month Average. When an average of the countable income ~~received in for~~ the application or redetermination month and the three (3) prior 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 must reasonably reflect expected income. If the twelve (12) month average is below the income limit, the family is income eligible.*

(11-1-99)F(11-1-99)T

*c. Anticipate Income. When ~~the family's~~ countable income exceeds the income 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 anticipated income based on the family's current circumstances. ~~When~~ If the projected income is below the income limit, the family is income eligible.*

(11-1-99)F(11-1-99)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES**

**DOCKET NO. 16-0303-0001**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2001 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(5)(a) 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) 7-1206, 32-1209, 32-1217, and 56-203A, Idaho Code.

**DESCRIPTIVE SUMMARY:** The pending rules are being adopted as proposed. The original text of the proposed rules was published in the January 5, 2000 Idaho Administrative Bulletin, Volume 00-1, pages 178 through 180.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5815.

DATED this 3rd day of February, 2000.

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  
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**IDAPA 16**  
**TITLE 03**  
**Chapter 03**

**RULES GOVERNING CHILD SUPPORT SERVICES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 178 through 180.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.**

**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 PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The amendments to the temporary rule are effective January 1, 2000. These rules have been adopted by the agency and are now pending review by the 2001 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(s) 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) 39-106(l), 56-202(b), Idaho Code.

**DESCRIPTIVE SUMMARY:** In Section 500 of these rules a revision has been made to obviate the need for annual re-promulgation by providing a formula to calculate the annual increase in the Basic Allowance for people living independently or in another's home. The same changes were made Section 511, the SIGRIF Allowance, and in Section 513 the Residential and Assisted Living Facility and Certified Family Home Allowances. These allowances will increase by the cost-of-living dollar increase in the federal Supplemental Security Income (SSI) benefit rate. Section 787 of these rules provides that the effective date for Medicaid under the Home and Community Based Services (HCBS) waiver depends on the date the participant likely to require HCBS services, also deletes obsolete text implementing the Aged and Disabled HCBS income limit by Department region. The income limit was fully implemented on February 1, 2000. 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.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the January 5, 2000 Administrative Bulletin, Volume 00-1, pages 182 through 190.

**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 February, 2000.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
450 West State Street - 10th Floor  
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**IDAPA 16**  
**TITLE 03**  
**Chapter 05**

**RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND, AND DISABLED (AABD)**

**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 text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 182 through 190.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0305-0001**

**501. BASIC ALLOWANCE.**

The Each participant receives a basic allowance for a participant, not living unless he lives in a nursing facility. The basic allowance for each living arrangement is listed in Subsections 501.01 through 501.04. The Semi-Independent Group Residential Facility, Room and Board, Residential and Assisted Living Facility and Certified Family Home basic allowances are those in effect January 1, 2000. They do not change with the annual cost-of-living increase in the federal SSI benefit amount. ~~(7-1-99)~~(1-1-00)T

**01. Single Participant.** Through December 31, 2000, Aa participant is budgeted five hundred forty-five dollars (\$545) monthly as a basic allowance when living in a situation described in Subsections 501.01.a. through 501.01.e. Beginning January 1, 2001, the basic allowance increase for a single participant is the dollar amount of the annual cost-of-living increase in the federal SSI benefit rate for a single person. ~~(7-1-00)~~(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. (1-1-00)T
- e. Living with his TAFI child. (7-1-99)

**02. Couple Or Participant Living With Essential Person.** Through December 31, 2000, Aa participant living with his participant spouse or his essential person is budgeted seven hundred sixty-eight dollars (\$768) monthly as a basic allowance. Beginning January 1, 2001, the basic allowance increase for a couple is the dollar amount of the annual cost-of-living increase in the federal SSI benefit rate for a couple. The increase may be rounded up. ~~(7-1-00)~~(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. Through December 31, 2000, Aa participant's SIGRIF allowance is three hundred forty-one dollars (\$341) monthly. Beginning January 1, 2001, the SIGRIF allowance increase is the dollar amount of the annual cost-of-living increase in the federal SSI benefit rate for a single person. ~~(1-1-00)F(1-1-00)T~~

**512. UNLICENSED RESIDENTIAL AND ASSISTED LIVING FACILITY OR UNCERTIFIED FAMILY ROOM AND BOARD HOME ALLOWANCE.**

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. Through December 31, 2000, Aa participant living in a room and board home is budgeted a maximum of six hundred thirty-two dollars (\$632) monthly. Beginning January 1, 2001, the Room and Board allowance increase is the dollar amount of the annual cost-of-living increase in the federal SSI benefit rate for a single person. ~~(1-1-00)F(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. Through December 31, 2000, Care levels and monthly allowances are those listed in Table 513, Subsections 513.01 through 513.03, the Certified Family Home (CFH) allowance. Beginning January 1, 2001, the RALF and CFH allowances increase by the dollar amount of the annual cost-of-living increase in the federal SSI benefit rate for a single person. A participant, living in a Certified Family Home (CFH) operated by his parent, child or sibling 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 seventy-four dollars (\$774)
02.	LEVEL II	Eight hundred and forty-one dollars (\$841)
03.	LEVEL III	Nine hundred and nine dollars (\$909)

~~(1-1-00)F(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 Aged and Disabled (A&D) waiver, has income not exceeding ~~nine hundred ninety dollars (\$990)~~ three (3) times the Federal SSI benefit payable monthly to a single person. For the HCBS 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 A&D in Adams, Canyon, Gem, Owyhee, Payette, Washington, Ada, Boise, Elmore, and Valley counties is nine hundred ninety dollars (\$990) through January 31, 2000. Effective February 1, 2000, the income limit for those counties 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.~~

<b>TABLE 787.04. <del>EFFECTIVE DATE OF HCBS A&amp;D INCOME LIMIT</del></b>	
<b>Counties</b>	<b>Effective Date</b>
<del>Bannock, Bear Lake, Bingham, Caribou, Franklin, Power and Oneida.</del>	<del>March 1, 1999</del>
<del>Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls, Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton.</del>	<del>October 1, 1999</del>
<del>Benewah, Bonner, Boundary, Kootenai, Shoshone, Clearwater, Idaho, Latah, Lewis and Nez Perce.</del>	<del>December 1, 1999</del>
<del>Adams, Canyon, Gem, Owyhee, Payette, Washington, Ada, Boise, Elmore and Valley.</del>	<del>February 1, 2000</del>

~~(1-1-00)F(1-1-00)T~~

**05. Eligible For Long Term Care.** For HCBS-A&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. (1-1-00)T

**06. Home Care.** For HCBS-A&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. (1-1-00)T

**07. Cost Of Care.** For HCBS-A&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. (1-1-00)T

**08. Care Requirement.** For HCBS-A&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. (1-1-99)T

**09. Effective Date.** Medicaid is effective the first day of the thirty (30) day period the participant is likely to require and receive HCBS A&D or HCBS-DD waiver services. ~~(1-1-00)F(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-A&D or HCBS-DD waiver participants is reached, must be denied Medicaid. (1-1-00)T

**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 PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2001 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(5)(a) 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 pending rules are being adopted as proposed. The original text of the proposed rules was published in the January 5, 2000 Administrative Bulletin, Volume 00-1, pages 191 through 194.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5818.

DATED this 3rd day of February, 2000.

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) 332-7347 fax

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**IDAPA 16**  
**TITLE 03**  
**Chapter 08**

**RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 191 through 194.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES**  
**DOCKET NO. 16-0411-9801**

**NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The amendments to the temporary rule are effective March 1, 1998 and March 1, 2000. These rules have been adopted by the agency and are now pending review by the 2001 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) 39-4601 et. seq., Idaho Code.

**DESCRIPTIVE SUMMARY:** The Department added a requirement of two hundred and forty (240) hours of professionally supervised experience to all sections. In Section 003 the teaching certificate requirement for children ages three (3) to seventeen (17) was deleted and language was added to allow for competency course and examination for Developmental Specialists serving children. Also, clarification when the Department of Education requirements apply. The proposed rules have been amended in response to public comment 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 temporary rules was published in the April 1, 1998 Administrative Bulletin, Volume 98-4, pages 9 through 13 and again as proposed in the October 6, 1999 Administrative Bulletin, Volume 99-10, pages 304 through 309.

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

DATED this 30th day of December, 1999.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
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**IDAPA 16**  
**TITLE 04**  
**Chapter 11**

**RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES**

**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 original text of the temporary rules was published in the April 1, 1998 Administrative Bulletin, Volume 98-4, pages 9 through 13.**

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-12, October 6, 1999, pages 304 through 309.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE 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, speech and language pathology, applied behavioral analysis, psychology, physical therapy, occupational therapy, social work, or therapeutic recreation and who has a minimum of two hundred forty (240) hours of professionally supervised experience with individuals who have developmental disabilities; or ~~(3-1-98)T~~(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., 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 professionally supervised experience with individuals who have developmental disabilities; or ~~(3-1-98)T~~(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., 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 professionally supervised experience with individuals who have developmental disabilities; or ~~(3-1-98)T~~(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

e. Developmental Specialists providing services to infants and toddlers, birth to three (3) years of age, must have a minimum of two hundred forty (240) hours of professionally supervised experience with young children who have developmental disabilities and one (1) of the following: (3-1-00)T

i. An Elementary Education Certificate or Special Education Certificate with an Endorsement in Early Childhood Special Education; or (3-1-00)T

ii. A bachelor's or master's degree in special education, elementary education, speech language pathology, early childhood education, physical therapy, occupational therapy, psychology, social work, or nursing plus a minimum of twenty (20) credits in Early Childhood Special Education (ECSE) from the listing of approved courses. Courses must cover content in each of the following areas: normal child development, characteristics of young children with disabilities and foundations of special education, curriculum and instruction in ESCE, assessment in ESCE and families of young children with disabilities. Closely related electives may be accepted with recommendation from an institution of higher education. In circumstances where there is a shortage of such qualified personnel to meet service needs the Department may approve the most qualified individuals who are demonstrating satisfactory progress toward completion of applicable course work in accordance with the individuals's approved plan to meet the required standard within three (3) years of being hired. Satisfactory progress will be determined on an annual review by the Department. (3-1-00)T

f. Developmental Specialists providing services to children ages three (3) through seventeen (17) must meet one (1) of the Developmental Specialists definitions listed in Subsections 003.13.a. through 003.13.d., and also complete a competency course regarding developmental evaluation and therapy for children and pass a competency examination that includes demonstration of learned skills within one (1) year of the availability of the Department approved competency course and examination. (3-1-00)T

g. Developmental Specialists providing services to children under the provisions of an Individualized Education Plan approved by a local school district must meet the personnel requirements established by the State Department of Education, Bureau of Special Education. Services must also be delivered in accordance with local school district and state education requirements for mandatory school attendance, and coordination of services, see Section 821. (3-1-00)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 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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## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

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Docket No. **16-0411-9801**

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# Bulletin Summary of Proposed Rulemakings

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## **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.

There are no proposed rules being promulgated or published in this issue of the Bulletin.

Please refer to the Idaho Administrative Bulletin, **April 5, 2000, Volume 00-4** for notices and text of all rule-makings, 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.

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