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**IDAPA 41
TITLE 02
Chapter 01**

41.02.01 - RULES GOVERNING HEALTH DISTRICT FEES

000. LEGAL AUTHORITY (Rule 0).

This chapter is adopted under the legal authority of Sections 39-414(1), 39-414(11), and 39-416, Idaho Code. The public health districts are statutorily responsible for providing health services to the public. The public health districts are also statutorily entitled to adopt fees and charges for the services they render. The public health districts therefore find that it is reasonably necessary to adopt these rules to enable them to charge fees for the services they render in order to protect the public health, safety, and welfare, and to comply with the requirements of federal, state, and local laws, rules, and regulations. (1-26-94)

001. TITLE AND SCOPE (Rule 1).

These rules shall be cited in full as Idaho Public Health District Rules, IDAPA 41.02.01, "Rules Governing Health District Fees." (1-26-94)

002. WRITTEN INTERPRETATIONS (Rule 2).

Written interpretations to these rules may be available in the form of explanatory comments from the individual public health districts. (1-26-94)

003. ADMINISTRATIVE APPEAL (Rule 3).

All appeals of the administrative requirements under these rules shall be governed by the public health district rules governing contested cases. (1-26-94)

004. PUBLIC RECORDS ACT COMPLIANCE (Rule 4).

Public inspection and entitlement to documents prepared pursuant to this chapter are as provided by state statutes. (1-26-94)

005. DEFINITIONS (Rule 5).

As used in this chapter: (1-26-94)

01. Director. The director of a public health district created and appointed pursuant to Chapter 4, Title 39, Idaho Code. (1-26-94)

02. District Board. The district board of health of each public health district created and appointed pursuant to Chapter 4, Title 39, Idaho Code. (1-26-94)

03. Public Health District. The districts created and designated pursuant to Chapter 4, Title 39, Idaho Code. (1-26-94)

04. Rules Governing Contested Cases. The rules that govern appeals or contested cases adopted by the districts pursuant to the Administrative Procedures Act, Chapter 52, Title 67, Idaho Code. (1-26-94)

006. CITATION (Rule 6).

The official citation of this chapter is IDAPA 41.02.01.000 et seq. For example, this section's citation is IDAPA 41.02.01.006. (1-26-94)

007. -- 008. (RESERVED).

009. EFFECTIVE DATE (Rule 9).

This rule shall be effective immediately. (1-26-94)

010. ASSESSMENT OF FEES OR CHARGES FOR SERVICES RENDERED (Rule 10).

Under the authority of Section 39-416(11), Idaho Code, the public health districts are empowered to establish reasonable charges or fees for services rendered to the members of the public in an amount calculated to cover the costs of rendering such services. (1-26-94)

011. FEES OR CHARGES FOR SERVICES UNDER PROGRAMS (Rule 11).

Each public health district may adopt charges or fees for services provided consisting of screening, education, consultation, record keeping, evaluation, assessment, referral, permitting, inspection, survey, and treatment as appropriate in the physical health, environmental health, health education, and other programs which they administer including, but not limited to, adult health, AIDS/HIV, child health/adolescent health, communicable diseases, day care, immunization, perinatal services, primary care, reproductive health, risk reduction, school health, sexually transmitted diseases, training and continuing education, monitoring and inspection programs, public health information records development and maintenance, and such other health-related programs which serve specific beneficiaries or which address specific legal responsibilities as may be approved by the respective district board of health from time to time. Such fees or charges shall not conflict with those established by superseding state rule.

(1-26-94)

012. DESIGNATION AND AMOUNT OF FEES (Rule 12).

The adoption by a public health district of a specific fee for services shall be based upon the actual cost of providing the service. The actual cost of providing the service shall be derived from personnel costs (salary and benefits), indirect costs rate formula as approved by the State Controller, and operating expenditures in providing the service. The maximum charge or fee applied to any service shall not exceed the actual cost of providing the service. The charge or fee schedule for a service shall be posted in a conspicuous place where the service is rendered. (1-26-94)

013. ADOPTION OF FEES OR CHARGES (Rule 13).

The adoption of a fee or charge for a specific service and the amount of the fee or charge shall be by resolution of the district board at a properly noticed public meeting after review of evidence establishing the necessity for a fee and the amount of the fee. In the event of one-time or occasional activities where a direct and specific benefit is provided to identifiable individuals, the director of the district may establish a reasonable charge consistent with the principles set forth herein, provided that any individual may appeal any fee so established within ninety (90) days after the date of payment pursuant to the district's rules governing contested cases. (1-26-94)

014. FEDERAL, STATE, AND LOCAL MANDATES (Rule 14).

When mandated by federal, state, or local laws, rules, regulations, or contracts, a charge or fee may be reduced based upon a sliding fee scale based upon indigency as set forth by federal guidelines for services rendered. Where mandated by federal, state, or local laws, rules, regulations, or contracts, persons will not be refused services for their inability to pay a fee or charge. (1-26-94)

015. SEVERABILITY (Rule 15).

The rules contained in public health district rule, IDAPA 41.02.01, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not effect the validity of the remaining portions of this chapter. (1-26-94)

016. -- 999. (RESERVED).