

## IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

### Division of Behavioral Health

#### 16.07.17 – Substance Use Disorders Services

##### **Who does this rule apply to?**

*For those seeking substance use disorders services under the Department's Division of Behavioral Health.*

##### **What is the purpose of this rule?**

*This chapter sets the standards for providing substance use disorders services administered under the Department's Division of Behavioral Health. The purpose of these rules is to: (1) provide participant eligibility criteria, application requirements, and appeals process for these services; and (2) establish requirements for quality of substance use disorders treatment, care, and services provided by behavioral health and recovery support services programs.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Health and Safety - Alcoholism and Intoxication Treatment Act:

- [Section 39-311, Idaho Code](#) – Department Rules

Public Assistance and Welfare - Department of Health and Welfare:

- [Section 56-1003, Idaho Code](#) – Powers and Duties of the Director
- [Section 56-1004, Idaho Code](#) – Director – Additional Powers and Duties
- [Section 56-1004A, Idaho Code](#) – Criminal History and Background Checks
- [Section 56-1007, Idaho Code](#) – Collection of Fees for Services

##### **Where can I find information on Administrative Appeals?**

***Appeal of Denial Based on Eligibility Requirements.** Administrative appeals from a denial of substance use disorder services based on eligibility requirements are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings."*

***Appeal of Decision Based on Clinical Judgment.** Decisions involving clinical judgment, including the category of services, the particular provider of services, or the duration of services, are reserved to the Department, and are not subject to appeal, administratively or otherwise, in accordance with *Maresh v. State*, 132 Idaho 221, 970 P.2d 14 (Idaho 1999).*

##### **How do I request public records?**

*Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."*

##### **Who do I contact for more information on this rule?**

Idaho Department of Health and Welfare  
Division of Behavioral Health –  
Substance Use Disorders Services  
450 West State Street  
Boise, ID 83702

P.O. Box 83720, 3rd Floor  
Boise, ID 83720-0036  
Phone: (208) 334-6997 or 1-800-264-6979  
Fax: (208) 334-5998

Email: [DBHPolicy@dhw.idaho.gov](mailto:DBHPolicy@dhw.idaho.gov)

Webpage: <https://healthandwelfare.idaho.gov/Medical/SubstanceUseDisorders/tabid/105/Default.aspx>

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## 16.07.17 – SUBSTANCE USE DISORDERS SERVICES

### 000. LEGAL AUTHORITY.

Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code, authorize the Director to promulgate, recommend, and enforce rules promoting substance use disorders services. Sections 39-305, 39-306, and 39-311, Idaho Code, authorize the Idaho Board of Health and Welfare to adopt rules and to establish standards for treatment facilities. (3-17-22)

### 001. SCOPE.

This chapter sets standards for providing substance use disorders services administered under the Department's Division of Behavioral Health. (3-17-22)

### 002. (RESERVED)

### 003. ADMINISTRATIVE APPEALS.

**01. Appeal of Denial Based on Eligibility Requirements.** Administrative appeals from a denial of substance use disorder services based on eligibility requirements are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (3-17-22)

**02. Appeal of Decision Based on Clinical Judgment.** Decisions involving ASAM clinical judgment, including the category of services, the particular provider of services, or the duration of services, are reserved to the Department, and are not subject to appeal, administratively or otherwise, under *Maresh v. State*, 132 Idaho 221, 970 P.2d 14 (Idaho 1999). (3-17-22)

**03. Appeal by a Substance Use Disorder Services Provider or Program.** Administrative appeals from a decision that a substance use disorder services provider or program is out of compliance with these rules are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." An appeal does not stay Department action. (3-17-22)

### 004. INCORPORATION BY REFERENCE.

The following are incorporated by reference in this chapter of rules: (3-17-22)

**01. ASAM.** American Society of Addiction Medicine (ASAM) Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, Third Edition, 2013. A copy of this manual is available by mail at the American Society of Addiction Medicine, 4601 North Park Ave., Suite 101, Chevy Chase, MD 20815; by telephone and fax, (301) 656-3920 and (301) 656-3815 (fax); or on the internet at <http://www.asam.org>. (3-17-22)

**02. DSM-5.** American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, (DSM-5) Washington, DC, American Psychiatric Association, 2000. Copies of the manual are available from the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington VA 22209-3901. (3-17-22)

**03. Federal Guidelines for Opioid Treatment Programs (OTP).** Substance Abuse and Mental Health Services Administration. HHS Publication No. (SMA) PEP15-FEDGUIDEOTP, March 2015. Center for Substance Abuse Treatment, Division of Pharmacologic Therapies for the Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 20857. This manual is available on the internet at <https://store.samhsa.gov/product/Federal-Guidelines-for-Opioid-Treatment-Programs/PEP15-FEDGUIDEOTP>. (3-17-22)

### 005. -- 008. (RESERVED)

### 009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

**01. Criminal History and Background Check.** All employees, volunteers, interns, and contractors of substance use disorder treatment and recovery support services must comply with the provisions of IDAPA 16.05.06, "Criminal History and Background Checks." (3-17-22)

**02. Availability to Work or Provide Service.** An individual listed in Subsection 009.01 of this rule is available to work on a provisional basis at the discretion of the employer or agency once the individual has submitted their completed criminal history and background check application, it has been reviewed by the employer or agency, and no disqualifying crimes or relevant records are disclosed on the application. An individual must be fingerprinted within twenty-one (21) days of submitting their criminal history and background check. (3-17-22)

**a.** An individual is allowed to work or have access to participants only under supervision until the criminal history and background check is completed. (3-17-22)

**b.** An individual, who does not receive a criminal history and background check clearance or have a Behavioral Health waiver granted under the provisions in Subsection 009.03 of this rule, must not provide direct care or services, or serve in a position that requires regular contact with participants. (3-17-22)

**03. Waiver of Criminal History and Background Check Denial.**

**a.** A certified or uncertified individual who is seeking to provide Peer Support Specialist, Family Support Partner, or Recovery Coach services that receives an unconditional denial or a denial after an exemption review by the Department's Criminal History Unit, may apply for a Behavioral Health waiver. (3-17-22)

**b.** An individual is allowed to work or have access to participants only under supervision until the waiver request is processed. (3-17-22)

**010. DEFINITIONS - A THROUGH F.**

For the purposes of these rules, the following terms apply: (3-17-22)

**01. Adolescent.** A youth twelve (12) through seventeen (17) years of age. (3-17-22)

**02. Adult.** An individual eighteen (18) years or older. (3-17-22)

**03. ASAM.** Refers to the manual of the patient placement criteria for the treatment of substance-related disorders, published by the American Society of Addiction Medicine, incorporated by reference in Section 004 of these rules. (3-17-22)

**04. ASAM Level of Care Certification.** Verifies a treatment program's capacity to deliver services consistent with the Level III standards of care described in the ASAM criteria. (3-17-22)

**05. Clinical Assessment.** The gathering of historical and current clinical information through a clinical interview and from other available resources to identify an individual's strengths, weaknesses, problems, needs, and determine priorities so that a service plan can be developed. (3-17-22)

**06. Clinical Judgment.** Refers to observations and perceptions based upon education, experience, and clinical assessment. This may include psychometric, behavioral, and clinical interview assessments that are structured, integrated, and then used to reach decisions, individually or collectively, about an individual's functional, mental, and behavioral attributes and substance use disorders service needs. (3-17-22)

**07. Department.** The Idaho Department of Health and Welfare or its designee. (3-17-22)

**08. Eligibility Screening.** The collection and review of information directly related to the individual's substance use and level of functioning, which the Department uses to determine whether an individual is eligible for adult or adolescent substance use disorder services available through the Department's Division of Behavioral Health. (3-17-22)

**09. Federal Poverty Guidelines.** Guidelines issued annually by the Federal Department of Health and Human Services establishing the poverty income limits. The federal poverty guidelines for the current year may be found at: <http://aspe.hhs.gov/poverty/>. (3-17-22)

**011. DEFINITIONS - G THROUGH Z.**

For the purposes of these rules, the following terms apply: (3-17-22)

**01. Idaho Board of Alcohol/Drug Counselor Certification, Inc. (IBADCC).** A board affiliated with the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC). The IBADCC is the certifying entity that oversees credentialing of Idaho Student of Addiction Studies (ISAS), and Certified Alcohol/

Drug Counselors (CADC) in the state of Idaho. (3-17-22)

**02. Individualized Service Plan.** A written action plan based on an eligibility screening and clinical assessment, that identifies the individual's clinical needs, the strategy for providing services to meet those needs, treatment goals and objectives and the criteria for terminating the specified interventions. (3-17-22)

**03. Intensive Outpatient Services.** Educational classes and individual or group counseling consisting of regularly scheduled sessions within a structured program, for a minimum of nine (9) hours of treatment per week for adults and six (6) hours of treatment per week for adolescents. (3-17-22)

**04. Medication-Assisted Treatment (MAT).** The use of medications, approved by the Food and Drug Administration (FDA), in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders. (3-17-22)

**05. Network Treatment Provider.** Any provider, group of providers, or entity that has a network provider agreement with the Department's Division of Behavioral Health contractor to provide behavioral health services. (3-17-22)

**06. Opioid Treatment Program (OTP).** A program that provides MAT for persons diagnosed with opioid use disorder (OUD). OTPs provide all FDA approved MAT medications. In addition, participants receiving MAT medications must also receive counseling and other behavioral therapies to provide participants with a whole-person approach. (3-17-22)

**07. Outpatient Services.** Educational classes and individual or group counseling consisting of regularly scheduled sessions within a structured program for up to eight (8) hours of treatment per week for adults and five (5) hours of treatment per week for adolescents. (3-17-22)

**08. Priority Population.** Priority populations consist of individuals who receive services ahead of other persons. Priority populations are determined yearly by the Department and align with federally mandated priorities. (3-17-22)

**09. Recovery Support Services.** Non-clinical services designed to initiate, support, and enhance recovery. These services may include: safe and sober housing, transportation, child care, life skills education, drug testing, recovery coaching, and case management. (3-17-22)

**10. Residential Treatment Services.** A planned and structured regimen of treatment provided in a 24-hour residential setting. Residential programs serve individuals who, because of function limitations need safe and stable living environments and 24-hour care. (3-17-22)

**11. Substance-Related Disorders.** Clinical presentations due to substance use that may or may not demonstrate sufficient signs or symptoms to substantiate a diagnosis of a substance use disorder. (3-17-22)

**12. Substance Use Disorder.** A disorder evidenced by a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using a substance despite significant substance-related problems. According to the DSM-5, diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to use of the substance. (3-17-22)

**012. -- 099. (RESERVED)**

#### **PARTICIPANT ELIGIBILITY** **(Sections 100-199)**

**100. ACCESSING SUBSTANCE USE DISORDERS SERVICES.** Individuals may access substance use disorders services administered by the Department's Division of Behavioral Health through an eligibility screening. (3-17-22)

**101. ELIGIBILITY SCREENING AND CLINICAL ASSESSMENT.**

**01. Eligibility Screening.** The eligibility screening must be directly related to the individual's substance-related disorder and level of functioning, and will include: (3-17-22)

- a.** Questions about the individual's substance use and history; and (3-17-22)
- b.** Questions about the individual's income and living situation. (3-17-22)

**02. Clinical Assessment.** Once an individual is found eligible for substance use disorders services, the individual will be authorized to receive a clinical assessment from a treatment provider in the Division of Behavioral Health's substance use disorder services network to determine ASAM level of care. (3-17-22)

## **102. ELIGIBILITY DETERMINATION.**

**01. Determination of Eligibility for Substance Use Disorders Services.** The Department may limit or prioritize adult and adolescent substance use disorder services, impose income limits, define eligibility criteria, and establish the number of persons eligible based upon such factors as court-ordered services, availability of funding, the degree of financial need, the degree of clinical need, or other factors. (3-17-22)

**02. Eligibility Requirements.** To be eligible for substance use disorders services the individual must: (3-17-22)

- a.** Be an adult or adolescent with family income at or below federal poverty guidelines established by the Division; (3-17-22)
- b.** Be a resident of the state of Idaho; (3-17-22)
- c.** Be a member of a priority population; (3-17-22)
- d.** Meet diagnostic criteria for a substance-related disorder as described in the DSM-5; and (3-17-22)
- e.** Meet specifications in each of the ASAM dimensions required for the recommended level of care. (3-17-22)

**103. NOTICE OF CHANGES IN ELIGIBILITY FOR SUBSTANCE USE DISORDERS SERVICES.**  
The Department may, upon ten (10) days' written notice, reduce, limit, suspend, or terminate eligibility for substance use disorders services. (3-17-22)

## **104. NOTICE OF DECISION ON ELIGIBILITY AND RIGHT TO APPEAL.**

**01. Notification of Eligibility Determination.** Within two (2) business days of receiving a completed screening, the Department will notify the individual or the individual's designated representative of its eligibility determination. When the individual is not eligible for services through the Department, the individual or the individual's designated representative will be notified in writing. (3-17-22)

**02. Notice of Right to Appeal.** When the individual is not eligible for services through the Department, the Department will notify the individual or the applicant's individual's designated representative. The written notice will include: (3-17-22)

- a.** A statement of the decision and the concise reasons for it; (3-17-22)
- b.** The process and timeline for pursuing an appeal of the decision under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings"; and; (3-17-22)
- c.** The right to be represented on appeal. (3-17-22)

**105. -- 119. (RESERVED)**

**120. FINANCIAL RESPONSIBILITY FOR SUBSTANCE USE DISORDERS SERVICES.**

An individual receiving substance use disorders services through the Department is responsible for paying for the services received. The financial responsibility for each service is based on the individual's ability to pay as determined in IDAPA 16.07.01, "Behavioral Health Sliding Fee Schedules." (3-17-22)

**121. -- 149. (RESERVED)**

**150. SELECTION OF SERVICE PROVIDERS.**

A participant who is eligible for substance use disorders services administered by the Department's Division of Behavioral Health can choose a service provider that is in the contracted substance use disorder provider network. Treatment services must be within the recommended level of care according to ASAM based on the individual's needs identified in the assessment and resulting individualized service plan. (3-17-22)

**151. -- 199. (RESERVED)**

**SUBSTANCE USE DISORDER SERVICES**  
**(Sections 200-600)**

**200. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL PERSONNEL REQUIRED.**

Each behavioral health program providing substance use disorders services must employ the number and variety of staff needed to provide the services and treatments offered by the program as a multidisciplinary team. The program must employ at least one (1) qualified substance use disorders professional for each behavioral health program location. A qualified substance use disorders professional includes individuals with the following qualifications: (3-17-22)

- 01. Idaho Board of Alcohol/Drug Counselor Certification - Certified Advanced or Certified Alcohol/Drug Counselor.** (3-17-22)
- 02. Northwest Indian Alcohol/Drug Specialist Certification - Counselor II or Counselor III.** (3-17-22)
- 03. National Board for Certified Counselors (NBCC) - Master Addictions Counselor (MAC).** (3-17-22)
- 04. Clinical Social Worker (LCSW) or Masters Social Worker (LMSW).** Licensed under Title 54, Chapter 32, Idaho Code; (3-17-22)
- 05. Marriage and Family Therapist or Associate Marriage and Family Therapist.** Licensed under Title 54, Chapter 34, Idaho Code; (3-17-22)
- 06. Nurse Practitioner.** Licensed under Title 54, Chapter 14, Idaho Code; (3-17-22)
- 07. Clinical Nurse Specialist.** Licensed under Title 54, Chapter 14, Idaho Code; (3-17-22)
- 08. Physician Assistant.** Licensed under Title 54, Chapter 18, Idaho Code; (3-17-22)
- 09. Professional Counselor (LPC) or Clinical Professional Counselor (LCPC).** Licensed under Title 54, Chapter 34, Idaho Code; (3-17-22)
- 10. Psychologist or Psychologist Extender.** Licensed under Title 54, Chapter 23, Idaho Code; (3-17-22)
- 11. Physician.** Licensed under Title 54, Chapter 18, Idaho Code; and; (3-17-22)
- 12. Registered Nurse (RN).** Licensed under Title 54, Chapter 14, Idaho Code. (3-17-22)

13.      **Pharmacist.** Licensed under Title 54, Chapter 17, Idaho Code. (3-17-22)

**201. -- 209.      (RESERVED)**

**210.      QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL TRAINEE.**

Each qualified substance use disorders professional trainee practicing in the provision of substance use disorders services must meet the following requirements. (3-17-22)

**01.      Work Qualifications for Qualified Substance Use Disorders Professional Trainee.** A qualified substance use disorders professional trainee must meet one (1) of the following qualifications to begin work: (3-17-22)

- a.      Substance Use Disorder Associate certification; (3-17-22)
- b.      Formal documentation as a Northwest Indian Alcohol/Drug Specialist Counselor I; or (3-17-22)
- c.      Formal documentation of current enrollment in a program for qualifications in Section 200 of these rules. (3-17-22)

**02.      Continue as Qualified Substance Use Disorders Professional Trainee.** An individual who has completed a program listed in Section 200 of these rules and is awaiting licensure can continue as a qualified substance use disorders professional trainee at the same agency for a period of six (6) months from the date of program completion. (3-17-22)

**211. -- 299.      (RESERVED)**

**300.      SERVICES FOR ADOLESCENTS.**

Behavioral health programs providing substance use disorders treatment to adolescents must comply with the following requirements: (3-17-22)

**01.      Separate Services From Adults.** Each program providing adolescent program services must provide the services separate from adult program services. The program must ensure the separation of adolescent participants from adult participants except as specified in Subsections 300.03 and 300.04 of this rule. (3-17-22)

**02.      Residential Care as an Alternative to Parental Care.** Any program that provides care, control, supervision, or maintenance of adolescents for twenty-four (24) hours per day as an alternative to parental care must meet the following criteria: (3-17-22)

- a.      Be licensed under the "Child Care Licensing Act," Title 39, Chapter 12, Idaho Code; or (3-17-22)
- b.      Be certified by the Department of Juvenile Corrections. (3-17-22)

**03.      Continued Care of an Eighteen-Year-Old.** An adolescent who turns the age of eighteen (18), and is receiving outpatient or intensive outpatient treatment in a state-approved behavioral health program, may remain in the program under continued care described in this rule. The individual may remain in the program for: (3-17-22)

- a.      Up to ninety (90) days after their eighteenth birthday; or (3-17-22)
- b.      Until the close of the current school year for an individual attending school. (3-17-22)

**04.      Documentation Requirements for Continued Care.** Prior to accepting an individual into continued care, the program must assure and document the following: (3-17-22)

- a.      A signed voluntary agreement to remain in the program or a copy of a court order authorizing continued placement after the individual's eighteenth birthday; (3-17-22)
- b.      Clinical staffing for appropriateness of continued care with clinical documentation; (3-17-22)



c. Verification the individual in continued care was in the care of the program prior to their eighteenth birthday; and (3-17-22)

d. Verification that the individual needs to remain in continued care to complete treatment, education, or other similar needs. (3-17-22)

**05. Licensed Hospital Facilities.** Facilities licensed as hospitals under Title 39, Chapter 13, Idaho Code, are exempt from the requirements in this rule. (3-17-22)

**301. -- 349. (RESERVED)**

**350. RECOVERY SUPPORT SERVICES.**

Recovery Support Services are administered through contract. Recovery Support Services are non-clinical services that support recovery from a substance use disorder and are based on an individual participant's needs. Recovery Support Services may include: (3-17-22)

**01. Case Management.** (3-17-22)

**02. Alcohol and Drug Screening.** (3-17-22)

**03. Child Care.** (3-17-22)

**04. Transportation.** (3-17-22)

**05. Life Skills.** (3-17-22)

**06. Recovery Residence-Staffed Safe and Sober Housing for Adults.** (3-17-22)

**07. Recovery Residence-Enhanced Staffed Safe and Sober Housing for Adults.** (3-17-22)

**08. Recovery Coaching.** (3-17-22)

**351. -- 394. (RESERVED)**

**395. RESIDENTIAL TREATMENT SERVICES.**

**01. Residential Treatment Services.** Residential Treatment Services are administered under the Department through a contractor and must be nationally accredited by the Joint Commission, the Council on Accreditation (COA), or Commission on Accreditation of Rehabilitation Facilities (CARF) and have an ASAM Level of Care certification. (3-17-22)

**02. Licensed for Adolescent Residential Treatment.** Each adolescent residential treatment program must be licensed as a Children's Residential Care Facility under IDAPA 16.06.02, "Child Care Licensing." (3-17-22)

**396. -- 409. (RESERVED)**

**410. OUTPATIENT TREATMENT SERVICES.**

Outpatient substance use disorder treatment services are contained in the Medicaid Idaho Behavioral Health Plan (IBHP) and delivered under contract. (3-17-22)

**01. Treatment Services.** Services are delivered according to ASAM criteria and Level of Care Placement guidelines. Services include: (3-17-22)

a. Assessments; (3-17-22)

b. Service planning and placement; (3-17-22)

- c. Group therapy; and (3-17-22)

**02. Treatment Providers.** Outpatient treatment services are delivered by network providers enrolled with the Medicaid IBHP contractor. (3-17-22)

**411. -- 414. (RESERVED)**

**415. MEDICATION-ASSISTED TREATMENT.**

**01. Medication-Assisted Treatment Services.** A behavioral health program providing medication assisted treatment for substance use disorders must make counseling and behavioral therapies available in combination with MAT services. (3-17-22)

**02. Opioid Treatment Program.** OTP must meet all requirements established under 42 CFR, Section 8.12, Federal Opioid Treatment Standards. (3-17-22)

**QUALITY ASSURANCE AND INSPECTIONS**  
**(Sections 416-419)**

**416. INSPECTIONS.**

As the State substance abuse authority, the Department will periodically inspect substance use disorder services providers or programs as provided in Section 39-305, Idaho Code, to determine compliance with these rules and Title 39, Chapter 3, Idaho Code. (3-17-22)

**01. Department Inspection.** The Department may inspect a substance use services provider or program at any reasonable time during regular business hours. Inspections may be made without prior notice to the substance use services provider or program. (3-17-22)

**02. Program Compliance with Inspection.** The program or provider must, in compliance with federal and state confidentiality requirements, provide for review of participant treatment records, behavioral health records, logbooks, staffing charts, time reports, claims data, administrative documents, complaints, grievances, and any other requested documents or data required by the Department. (3-17-22)

**03. Department Protection of Participants.** The Department will take steps to protect individuals receiving substance use disorder services during its inspections. (3-17-22)

**417. INVESTIGATIONS AND FINDINGS.**

The Department may conduct inspections as provided in Section 416 of these rules, to investigate complaints, incidents, accidents, allegations of abuse, neglect, or exploitation. If the Department chooses to investigate, the investigation and a report of the Department's findings must be completed within thirty (30) calendar days of the date the Department learned of the complaint, incident, accident, or allegation. The Department may take any of the following actions: (3-17-22)

**01. Corrective Action Plan.** Require the substance use disorders services provider, program, or the Department contractor administering the provider network to engage in a corrective action plan as determined and monitored by the Department or the contractor administering the provider network; or (3-17-22)

**02. Program Improvement Plan.** Require the substance use disorder services provider, program, or the Department contractor administering the provider network to develop a program improvement plan to be implemented and monitored over time. (3-17-22)

**418. NOTICES FOLLOWING INVESTIGATION.**

Within thirty (30) calendar days of the date the Department learned of the complaint, incident, accident, or allegation, the Department must issue a notice to the provider, program, or the contractor administering the provider network. The notice must include: (3-17-22)

**01. Statement of Department Findings.** A statement of the Department's findings about whether the program, provider, or contractor is in compliance with these rules or has engaged in abuse, neglect, or exploitation; or whether an incident or accident occurred; (3-17-22)

**02. Department Plan Requirement.** Whether the Department will require a corrective action plan or program improvement plan; (3-17-22)

**03. Department Notifications.** Whether the Department will be notifying the program or provider's accrediting entity or licensing authority, if applicable; and (3-17-22)

**04. Appealing the Decision.** The process and timeline for appealing the decision under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (3-17-22)

**419. NOTIFICATION TO ACCREDITING OR LICENSING AUTHORITY.**

When the Department issues a notice requiring corrective action or a program improvement plan, the Department: (3-17-22)

**01. Notification of Accrediting Entity.** May notify the program or provider's accrediting entity, if any, of the Department decision; and (3-17-22)

**02. Notification of Licensing Authority.** Must notify the licensing authority of any program or provider that must be licensed, of the Department decision. (3-17-22)

**420. -- 999. (RESERVED)**