IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

July 7, 2004 -- Volume 04-7

TABLE OF CONTENTS 1

PREFACE 3

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.04 - Rules Governing the Use of the Uniform Mechanical Code
Docket No. 07-0304-0401 (Chapter Repeal)
Notice of Rulemaking - Temporary and Proposed Rule 12

07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems
Docket No. 07-0701-0401
Notice of Rulemaking - Temporary and Proposed Rule 13

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR
09.02.10 - Rules of the Eastern Snake Plain Aquifer Mitigation Grant Program
Docket No. 09-0210-0401
Notice Of Rulemaking - Temporary Rules 15

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.03 - Rules Governing Emergency Medical Services
Docket No. 16-0203-0401
Pending Rule and Amendment to Temporary Rule 19

16.02.10 - Idaho Reportable Diseases
Docket No. 16-0210-0401
Notice of Rulemaking - Pending Rule 21

Docket No. 16-0210-0402
Notice of Rulemaking - Temporary and Proposed Rule 22

16.03.01 - Rules Governing Eligibility for Medicaid for Families and Children
Docket No. 16-0301-0401
Notice of Rulemaking - Temporary and Proposed Rule 28

16.03.09 - Rules Governing the Medical Assistance Program
Docket No. 16-0309-0311
Pending Rule and Amendment to Temporary Rule 51

16.03.18 - Chip B and Children's Access Card Rules
Docket No. 16-0318-0401
Notice of Rulemaking - Temporary and Proposed Rule 73

Docket No. 16-0318-0402 - (Fee Rule)
Notice of Rulemaking - Temporary and Proposed Rule 81

16.06.01 - Rules Governing Family and Children's Services
Docket No. 16-0601-0401
Pending Rule and Amendment to Temporary Rule 83

Docket No. 16-0601-0402
Notice of Rulemaking - Temporary and Proposed Rule 85

16.06.06 - Rules for Loans to Group Homes for Recovering Alcohol and Drug Abusers
Docket No. 16-0606-0401 (Chapter Repeal)
Notice of Rulemaking - Proposed Rule.....88

16.09.01 - Day Care Center Health Standards
Docket No. 16-0901-0401 (Chapter Repeal)
Notice of Rulemaking - Proposed Rule.....89

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
Docket No. 58-0000-0406
Notice of Final Decision on the Big Lost River TMDL.....90

Docket No. 58-0000-0407
Notice of Final Decision on the Willow Creek TMDL 91

58.01.02 - Water Quality Standards and Wastewater Treatment Requirements
Docket No. 58-0102-0402
Notice of Rulemaking - Proposed Rule.....92

58.01.05 - Rules and Standards for Hazardous Waste
Docket No. 58-0105-0401
Notice of Rulemaking - Temporary and Proposed Rule 112

58.01.08 - Idaho Rules for Public Drinking Water Systems
Docket No. 58-0108-0402
Notice of Rulemaking - Proposed Rule.....115

Docket No. 58-0108-0403
Notice of Rulemaking - Proposed Rule.....144

58.01.23 - Rules of Administrative Procedure Before the Board of Environmental Quality
Docket No. 58-0123-0401
Notice of Rulemaking - Temporary and Proposed Rule 152

SUBJECTS AFFECTED INDEX 156

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 161

ABRIDGED EDITION OF THE CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES 163

SUBJECT INDEX 168

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 monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of 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 Rulemaking Notice published in the Bulletin. 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 rule-making activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

*The Bulletin is cited by year and issue number. For example, Bulletin **02-1** refers to the first Bulletin issued in calendar year **2002**; Bulletin **03-1** refers to the first Bulletin issued in calendar year **2003**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 02-**1** refers to January 2002; Volume No. 03-**2** refers to February 2003; and so forth. Example: The Bulletin published in January of 2003 is cited as Volume **03-1**. The December 2002 Bulletin is cited as Volume **02-12**.*

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 RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is

feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein 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. This notice must include:

a) the specific statutory authority (from Idaho Code) 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 as provided in Section 67-5222, Idaho Code; 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. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

a) 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. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

State law required that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it become 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 Rulemaking". This includes:

a) a statement giving 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;

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 change 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 Rulemaking" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.

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 an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the 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 that 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, Twin Falls, Lewiston and East Bonner County 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 83720-0004, telephone (208) 334-3577.

The Idaho Administrative Bulletin *is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.*

The Idaho 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://www2.state.id.us/adm/adminrules/

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 38.07.01.060.02.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 Administrations'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****.*

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 "-", (38-0501-0401). 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. 38-0501-0401"

*"**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**).*

*"**0401**" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2004.*

*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 of a rule 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."***

The citation may also include the IDAPA, Title, or Chapter number, 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 rule.*

***"01"** denotes the Chapter number of the rule.*

*: **"201"** references the main Section number of the rule that the citation refers to.*

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 38.04.041, "Rule Governing Capitol Mall Parking."

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2004

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
04-1	January, 2004	***November 19, 2003**	January 7, 2004	January 28, 2004
04-2	February, 2004	January 7, 2004	February 4, 2004	February 25, 2004
04-3	March, 2004	February 4, 2004	March 3, 2004	March 24, 2004
04-4	April, 2004	March 3, 2004	April 7, 2004	April 25, 2004
04-5	May, 2004	March 31, 2004	May 5, 2004	May 26, 2004
04-6	June, 2004	May 5, 2004	June 2, 2004	June 22, 2004
04-7	July, 2004	June 2, 2004	July 7, 2004	July 28, 2004
04-8	August, 2004	June 30, 2004	August 4, 2004	August 25, 2004
04-9	September, 2004	July 28, 2004	September 1, 2004	September 22, 2004
04-10	October, 2004	****August 25, 2004**	October 6, 2004	October 27, 2004
04-11	November, 2004	October 6, 2004	November 3, 2004	November 24, 2004
04-12	December, 2004	November 3, 2004	December 1, 2004	December 22, 2004

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2005

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
05-1	January, 2005	***November 17, 2004**	January 5, 2005	January 26, 2005
05-2	February, 2005	December 31, 2004	February 2, 2005	February 23, 2005
05-3	March, 2005	February 4, 2005	March 2, 2005	March 23, 2005
05-4	April, 2005	March 4, 2005	April 6, 2005	April 27, 2005
05-5	May, 2005	April 1, 2005	May 4, 2005	May 25, 2005
05-6	June, 2005	April 29, 2005	June 1, 2005	June 22, 2005
05-7	July, 2005	June 3, 2005	July 6, 2005	July 27, 2005
05-8	August, 2005	July 1, 2005	August 3, 2005	August 24, 2005
05-9	September, 2005	July 29, 2005	September 7, 2005	September 28, 2005
05-10	October, 2005	****August 24, 2005**	October 5, 2005	October 26, 2005
05-11	November, 2005	September 30, 2005	November 2, 2005	November 23, 2005
05-12	December, 2005	October 28, 2005	December 7, 2005	December 28, 2004

****Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rule to be reviewed by the legislature.***

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

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBER AND THE CURRENT ADMINISTRATIVE CODE VOLUME NUMBERS		
IDAPA 01	**Accountancy**, Board of	**VOLUME 1**
IDAPA 38	**Administration**, Department of	**VOLUME 8**
IDAPA 44	**Administrative Rules Coordinator**, Office of the	**VOULME 8**
IDAPA 02	**Agriculture**, Idaho Department of	**VOLUME 1**
IDAPA 40	**Arts**, Idaho Commission on the	**VOLUME 8**
IDAPA 03	**Athletic Commission**	**VOLUME 1**
IDAPA 04	**Attorney General,** Office of the	**VOLUME 1**
IDAPA 53	**Barley Commission**, Idaho	**VOLUME 9**
IDAPA 51	**Beef Council**, Idaho	**VOLUME 9**
IDAPA 07	**Building Safety**, Division of Electrical Board Plumbing Board Building Code Advisory Board Public Works Contractors Board	**VOLUME 1**
IDAPA 43	**Canola and Rapeseed Commission**, Idaho	**VOLUME 8**
IDAPA 48	**Commerce**, Idaho Department of	**VOLUME 8**
IDAPA 06	**Correction**, Board of	**VOLUME 1**
IDAPA 19	**Dentistry**, Board of	**VOLUME 6**
IDAPA 08	**Education**, Board of and Department of	**VOLUME 2**
IDAPA 10	**Engineers and Land Surveyors**, Board of Professional	**VOLUME 2**
IDAPA 58	**Environmental Quality**, Department of	**VOLUME 9**
IDAPA 12	**Finance**, Department of	**VOLUME 2**
IDAPA 13	**Fish and Game**, Department of	**VOLUME 2**
IDAPA 14	**Geologists**, Board of Registration of Professional	**VOLUME 2**
IDAPA 15	**Governor**, Office of the Idaho Commission on Aging Idaho Commission for the Blind and Visually Impaired Idaho Forest Products Commission Division Of Human Resources and Personnel Commission Idaho Liquor Dispensary Emergency Response Commission	**VOLUME 3**

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBER AND THE CURRENT ADMINISTRATIVE CODE VOLUME NUMBERS		
IDAPA 16	**Health and Welfare**, Department of	**VOLUMES 3, 4, 5**
IDAPA 45	**Human Rights Commission**	**VOLUME 8**
IDAPA 30	**Idaho State Library**	**VOLUME 7**
IDAPA 11	**Idaho State Police**	**VOLUME 2**
IDAPA 39	**Idaho Transportation Department**	**VOLUME 8**
IDAPA 17	**Industrial Commission**	**VOLUME 5**
IDAPA 18	**Insurance**, Department of	**VOLUME 5**
IDAPA 05	**Juvenile Corrections**, Department of	**VOLUME 1**
IDAPA 09	**Labor**, Idaho Department of	**VOLUME 2**
IDAPA 20	**Lands**, Department of	**VOLUME 6**
IDAPA 52	**Lottery Commission**, Idaho State	**VOLUME 9**
IDAPA 22	**Medicine**, Board of	**VOLUME 6**
IDAPA 23	**Nursing**, Board of	**VOLUME 6**
IDAPA 24	**Occupational Licenses**, Board of Board of Architectural Examiners Board of Barber Examiners Board of Chiropractic Physicians Board of Cosmetology Board of Environmental Health Specialist Examiners Board of Hearing Aid Dealers and Fitters Board of Landscape Architects Board of Morticians Board of Examiners of Nursing Home Administrators Board of Optometry Board of Podiatry Board of Psychologist Examiners Board of Social Work Examiners Idaho Counselor Board Board of Denturity Board of Acupuncture Real Estate Appraiser Board Board of Residential Care Facility Administrators	**VOLUME 6**
IDAPA 25	**Outfitters and Guides Licensing Board**	**VOLUME 6**
IDAPA 50	**Pardons and Parole**, Commission for	**VOLUME 9**
IDAPA 26	**Parks and Recreation**, Department of	**VOLUME 6**
IDAPA 59	**Public Employee Retirement System of Idaho** - PERSI	**VOLUME 9**

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBER AND THE CURRENT ADMINISTRATIVE CODE VOLUME NUMBERS		
IDAPA 27	**Pharmacy**, Board of	**VOLUME 6**
IDAPA 29	**Potato Commission**, Idaho	**VOLUME 7**
IDAPA 31	**Public Utilities Commission**	**VOLUME 7**
IDAPA 41	**Public Health Districts**	**VOLUME 8**
IDAPA 33	**Real Estate Commission**, Idaho	**VOLUME 7**
IDAPA 56	**Rangeland Resources Commission**, Idaho	**VOLUME 9**
IDAPA 34	**Secretary of State**, Office of the	**VOLUME 7**
IDAPA 49	**Shorthand Reporters**, Board of Certified	**VOLUME 8**
IDAPA 36	**Tax Appeals**, Board of	**VOLUME 7**
IDAPA 35	**Tax Commission**, State	**VOLUME 7**
IDAPA 54	**Treasurer**, Office of the State	**VOLUME 8**
IDAPA 21	**Veterans Services**, Division of	**VOLUME 6**
IDAPA 46	**Veterinary Medical Examiners**, Board of	**VOLUME 8**
IDAPA 55	**Vocational and Technical Education**, Division of	**VOLUME 9**
IDAPA 47	**Vocational Rehabilitation**, Division of	**VOLUME 8**
IDAPA 37	**Water Resources**, Department of	**VOLUME 8**
IDAPA 42	**Wheat Commission**	**VOLUME 8**

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.04 - RULES GOVERNING THE USE OF THE UNIFORM MECHANICAL CODE

DOCKET NO. 07-0304-0401 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

The temporary and proposed rule repeals IDAPA 07.03.04 – Rules Governing the Use of the Uniform Mechanical Code. As a result of HB 756, references to mechanical codes were moved from Section 39-4109, Idaho Code (Idaho Building Code Act) to Section 54-5001, Idaho Code under the Idaho Heating, Ventilation and Air Conditioning (HVAC) Board.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with a change in state law that becomes effective January 1, 2005. The changes were made to Section 39-4109, Idaho Code, by House Bill 756.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes to Idaho Code necessitate the repeal of the chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 2004.

DATED this 2nd day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

IDAPA 07.03.04 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

The temporary and proposed rule change is necessary to implement the issuance of certificates of competency for no less than one year and no more than three years. Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birth month of the qualified applicant. Certificate renewals and revivals are similarly addressed.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate due to the requirement for certificates of competency to be issued to qualified applicants beginning July 1, 2004 per Section 54-5008, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Section 54-5012, Idaho Code allows for the issuance of certificates of competency in one to three year increments.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ted Hogander, Bureau Chief, 332-7154.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 2004.

DATED this 2nd day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0701-0401

011. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION-REVIVAL.

01. Issuance. Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. (7-1-04)T

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than (3) three years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1), but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant's birth month. (7-1-04)T

b. The fee for issuance of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

02. Renewal. Certificates of competency shall be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date. (7-1-04)T

a. Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three (3) years. (7-1-04)T

b. The fee for renewal of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

03. Expiration-Revival. (7-1-04)T

a. Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (7-1-04)T

b. Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (7-1-04)T

01~~1~~2. -- 019. (RESERVED).

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.02.10 - RULES OF THE EASTERN SNAKE PLAIN AQUIFER MITIGATION GRANT PROGRAM

DOCKET NO. 09-0210-0401

NOTICE OF RULEMAKING - TEMPORARY RULES

EFFECTIVE DATE: These temporary rules are effective March 26, 2004. These rules shall expire at the conclusion of the next succeeding regular session of the legislature unless they are approved, amended or modified by concurrent resolution.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules. This action is authorized pursuant to Section 67-4702, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking: These rules implement the Department's procedures for project selection, award and disbursement of grant moneys for the Eastern Snake Plain Aquifer Mitigation Grant Program. These rules shall expire at the conclusion of the next succeeding regular session of the legislature unless they are approved, amended or modified by concurrent resolution.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67- 5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: These rules provide a benefit to water right holders in the Eastern Snake Plain Aquifer who have a water right with a point of diversion located within the geographical boundaries of Water District 130 or Water District 36-A, as those Water Districts are defined by the Department of Water Resources.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Dwight Johnson at (208) 332-3570 ext. 3209.

DATED this 2nd day of June, 2004.

Dwight Johnson
Legislative Affairs Manager
Idaho Department of Commerce and Labor
ESPA Grant Program
700 West State Street
P.O. Box 83720, Boise, Idaho 83720-0092
(208) 332-3570 ext. 3209 / (208) 334-6430 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 09-0210-0401

IDAPA 09, TITLE 02, CHAPTER 10

09.02.10 - RULES OF THE EASTERN SNAKE PLAIN AQUIFER MITIGATION GRANT PROGRAM

000. LEGAL AUTHORITY.
These rules are promulgated under the legal authority of Section 67-4702, Idaho Code. (3-26-04)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 09.02.10, "Rules of the Eastern Snake Plain Aquifer Mitigation Grant Program". (3-26-04)T

02. Scope. These rules implement Section (3)(a) of Executive Order No. 2004-02; Paragraph (1)(G) of the Eastern Snake Plain Aquifer Mitigation, Recovery and Restoration Agreement for 2004; and Section 7 of House Bill 843, enacted by the Second Regular Session of the Fifty-seventh Idaho Legislature and signed into law on March 26, 2004. These rules implement the Department's procedures for project selection, award and disbursement of grant moneys for the Eastern Snake Plain Aquifer Mitigation Grant Program. (3-26-04)T

002. WRITTEN INTERPRETATIONS.
The Department has no written interpretations of these rules. (3-26-04)T

003. ADMINISTRATIVE APPEALS.
The award of grants under the Eastern Snake Plain Aquifer Mitigation Grant Program is a discretionary action to be performed by the Department, with assistance from the Department of Water Resources and the Eastern Snake Plain Aquifer Working Group of the Natural Resources Interim Committee, in furtherance of Section (3)(a) of Executive Order No. 2004-02 and the legislative purposes authorized under Section 7 of House Bill 843, as enacted by the Second Regular Session of the Fifty-seventh Idaho Legislature and signed into law on March 26, 2004. In light of the discretionary nature of awarding grants, there is no administrative appeal under these rules. (3-26-04)T

004. OFFICE -- OFFICE HOURS -- ADDRESS AND CONTACT INFORMATION.

01. Address. The mailing address of the Department for information regarding the Eastern Snake Plain Aquifer Mitigation Program is: Idaho Department of Commerce and Labor, ESPA Grant Program, 700 West State Street, P.O. Box 83720, Boise, Idaho 83720-0092. (3-26-04)T

02. Telephone. The telephone number is (208) 334-2470 and the facsimile machine number is (208) 334-2631. (3-26-04)T

03. Office Hours. Office hours are between 8 a.m. and 5 p.m. on regular business days Monday through Friday. (3-26-04)T

005. INCORPORATION BY REFERENCE.
The Eastern Snake Plain Aquifer Mitigation, Recovery and Restoration Agreement for 2004 and the Eastern Snake Plain Aquifer Mitigation Program Application Booklet are incorporated herein by reference. Copies of these documents are available for public inspection and copying at the address indicated above or through the internet at: www.idwr.state.id.us/Committee. (3-26-04)T

006. PUBLIC RECORDS ACT COMPLIANCE.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code). (3-26-04)T

007. -- 012. (RESERVED).

013. GRANT APPLICATION.
Only completed applications on forms and in formats approved by the Department will be considered for funding. Approved forms and examples of required formats for Grant Applications are contained in the Department's Eastern Snake Plain Aquifer Mitigation Program Application Booklet. Application Booklets are available from the Department at the address indicated above. At a minimum, a completed Grant Application must contain the following: (3-26-04)T

01. Cover Letter. A cover letter, if additional project information is necessary, signed by the authorized official. (3-26-04)T

02. ESPAM Assistance Grant Application. A fully completed and signed ESPAM Assistance Grant Application from the Application Booklet. (3-26-04)T

03. A Budget. A completed Budget that follows the format contained in the Application Booklet. The Budget will be incorporated into the Grant Contract as Attachment "A" if the project is selected for funding. (3-26-04)T

04. Scope Of Work. A completed Scope of Work that follows the format contained in the Application Booklet. The Scope of Work will be incorporated into the Grant Contract as Attachment "B" if the project is selected for funding. The Scope of Work must be a written narrative that provides a clear understanding of the project and how the grant will help solve spring water supply problems. It should succinctly describe how the proposed improvement will: (3-26-04)T

a. Contribute to providing a long-term solution to the spring water supply problems associated with the Eastern Snake Plain Aquifer; (3-26-04)T

b. Be in place and be capable of producing benefits by the beginning of the 2005 irrigation season; and (3-26-04)T

c. Not injure other water right holders. (3-26-04)T

05. Attachments. Attachments may be submitted with the Scope of Work as necessary to explain the proposed project. Attachments that will be helpful to the Review Committee may include: (3-26-04)T

a. Map(s) showing the location and boundaries of the project; (3-26-04)T

b. Schematics of the proposed project; and (3-26-04)T

c. Support letters. (3-26-04)T

014. GRANT ELIGIBILITY CRITERIA.
Grant proposals seeking reimbursement for existing improvements are not eligible for funding. To be eligible for a grant from the Eastern Snake Plain Aquifer Mitigation Agreement Grant Program, an applicant must: (3-26-04)T

01. Submit Grant Application. Submit a completed Grant Application within the time period provided for in the Application Booklet. (3-26-04)T

02. Be An Affected Spring Water User. Be an affected spring water user as contemplated by paragraph 1(G) of the Eastern Snake Plain Aquifer Mitigation, Recovery and Restoration Agreement for 2004; (3-26-04)T

03. Hold A Valid Water Right. Hold a valid water right having as its source a spring or a spring-fed stream supplied by water that discharges from the Eastern Snake Plain Aquifer and having a point of diversion located within the geographical boundaries of Water District 130 or Water District 36-A, as those Water Districts are defined by the Department of Water Resources; (3-26-04)T

04. Exhibit A Reduction In Water Availability. Exhibit a reduction in the availability of water due to decreases in spring water flows that significantly reduces the beneficial use made under the above identified water right; and (3-26-04)T

05. Propose An Improvement. Propose an improvement that will: (3-26-04)T

a. Contribute to providing a long-term solution to the water supply problems associated with the Eastern Snake Plain Aquifer; (3-26-04)T

b. Be in place and be capable of producing benefits by the beginning of the 2005 irrigation season; and (3-26-04)T

c. Not injure other water right holders. (3-26-04)T

015. GRANT SELECTION CRITERIA.
In order to optimize the use of limited funds provided by the legislature, the disbursement of funds will be based on priority. The following factors will be used to determine the priority for funding eligible grant proposals: (3-26-04)T

01. Cost. Whether the project can be completed with grant funding of twenty-five thousand ($25,000) or less. (3-26-04)T

02. Effective Mitigation. Whether the project will provide mitigation water from a substitute water source on a permanent basis; (3-26-04)T

03. Alternative Funding Sources. Whether funding for the project is available from other sources; (3-26-04)T

04. Availability Of Matching Funds. Whether matching funds are available from other sources; (3-26-04)T

05. Likely Beneficiaries. The number of parties likely to benefit from the grant; (3-26-04)T

06. Project Feasibility. The technical, environmental and legal feasibility of the project; and (3-26-04)T

07. Level Of Support. The level of community support. (3-26-04)T

016. GRANT REVIEW, SELECTION AND AWARD PROCESS.
Grant Applications that have been timely submitted will go through the following review, selection and award process: (3-26-04)T

01. Technical Review. The Department of Water Resources will perform an initial technical review of all completed applications to determine, in its sole discretion, project eligibility according to the grant eligibility criteria. (3-26-04)T

02. Determination Of Priority. The Eastern Snake Plain Aquifer Working Group of the Natural Resources Interim Committee will review all eligible applications against the selection criteria and determine, in its sole discretion, the priority in which each eligible application will be considered for funding. (3-26-04)T

03. Awarding Of Grants. The Department will review the priority rankings established by the Eastern Snake Plain Aquifer Working Group, award grants, send Notices of Award, and begin the Grant Contracting process. Projects will be funded in the order of their priority ranking until all available funds have been obligated. All applicants that are awarded a grant must execute a Grant Contract with the Department within thirty (30) days of the date of their Notice of Award letter. Grantees who fail to execute a Grant Contract within this time period will lose their eligibility for funding. A copy of the Grant Contract that must be executed by the grantee is included in the Application Booklet. (3-26-04)T

017. STANDBY APPLICATIONS.
Applicants meeting the eligibility and selection criteria, but not receiving a Grant Award due to a lower priority ranking or fund unavailability, will become Standby Applications. Standby Application projects shall be eligible for funding in accordance with their priority ranking should grantees with a higher priority ranking fail to timely execute a Grant Contract with the Department. (3-26-04)T

018. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.03 - RULES GOVERNING EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-0401

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is April 1, 2004. This pending rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, 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) 56-1017, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Subsection 324.01 was amended by deleting the reference to “pre-hospital and emergency responses to requests for EMS”. This text is not applicable to this section and was inadvertently added in the proposed rule. No other text in this docket is being amended.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the January Administrative Bulletin, Volume 04-01, pages 60 through 77.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dia Gainor, (208) 334-4004.

DATED this 21st day of May, 2004.

Sherri Kovach, Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16, TITLE 02, CHAPTER 03

RULES GOVERNING EMERGENCY MEDICAL SERVICES

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 04-1, January 7, 2004, pages 60 through 77.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0203-0401

324. STANDARDS FOR AGENCIES UTILIZING EMT-INTERMEDIATE PERSONNEL.
An agency which has demonstrated compliance with Section 300 or Section 301 of these rules may qualify to utilize EMT-Intermediate personnel if the following criteria are met: (4-1-04)T

01. Personnel. The agency must have one (1) or more EMT-Intermediates listed on the agency personnel roster. The agency is specifically prohibited from utilizing other licensed health care providers ~~*for pre-hospital and emergency responses to requests for EMS*~~ unless they are accompanied by or are cross-trained and certified as an EMS provider. ~~*(4-1-04)T*~~(4-1-04)T

a. EMT-Intermediate personnel must hold current certification issued by the EMS Bureau in accordance with Sections 501 and 510 of these rules. (4-1-04)T

b. An agency may use Ambulance-Based Clinicians who function with an EMT-I or are cross-trained and certified as an EMT-I. The agency must verify that all Ambulance-Based Clinicians have successfully completed a formal training program of pre-hospital medical care which meets or exceeds the objectives of the curriculum approved by the State Health Officer. The agency must assure that any Ambulance-Based Clinicians meet additional requirements of the corresponding licensing board. (4-1-04)T

c. Personnel must initiate intermediate life support as authorized by the physician designated as the medical director of the agency, and other physicians providing on-line medical direction as specified in IDAPA 22.01.06, “Rules for EMS Personnel”. (4-1-04)T

d. Personnel must initiate requests for on-line medical direction as dictated by the EMS agency's protocols. (4-1-04)T

02. Required Documentation. The affiliation status and ongoing proficiency maintenance of the certified personnel and Ambulance-Based Clinicians associated with the agency must be documented on a periodic basis to the EMS Bureau. (4-1-04)T

a. The agency must submit a roster of all certified personnel and Ambulance-Based Clinicians with the initial and renewal application for licensure. (4-1-04)T

b. The agency must maintain documentation of proficiency assurance of all certified personnel and Ambulance-Based Clinicians in accordance with the EMS Standards Manual in effect at the time of certification. (4-1-04)T

03. Required Equipment. The agency vehicle(s) must be equipped with the minimum required equipment listed in the EMT-Intermediate Services section of the Minimum Equipment Standards incorporated in these rules. The agency must disclose all additional medical equipment routinely carried on the agency vehicle(s) not included in the Minimum Equipment Standards in the application provided by the EMS Bureau. (4-1-04)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.10 - IDAHO REPORTABLE DISEASES

DOCKET NO. 16-0210-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, 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. The action is authorized pursuant to Section(s) Chapters 6, 9, 10, 16, and 43, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the January Administrative Bulletin, Volume 04-1, pages 78 through 109.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Christine Hahn at (208) 334-5939.

DATED this 21st day of May, 2004.

Sherri Kovach, Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone / (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16, TITLE 02, CHAPTER 10

IDAHO REPORTABLE DISEASES

There are no substantive changes from the proposed rule text.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 04-1, January 7, 2004, pages 78 through 109.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.10 - IDAHO REPORTABLE DISEASES

DOCKET NO. 16-0210-0402

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Chapters 6, 9, 10, 16 and 43, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Department is adding the reportable disease/condition “Transmissible Spongiform Encephalopathies (TSEs), including Creutzfelt-Jakob disease and variant Creutzfelt-Jakob (vCJD) disease”. This is in response to the emergence of bovine spongiform encephalopathy (BSE) into the United States in December of 2003. With the emergence of this pathogen, the risk of human illness caused by BSE theoretically increases in the United States and the Department wants to increase it's surveillance for vCJD and all other TSEs. Surveillance is also encouraged by the Centers for Disease Control and Prevention.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because timelines did not permit negotiated rulemaking and the purpose for the rule change is to protect the public health, safety and welfare.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Dr. Leslie Tengelsen at (208) 334-5941.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 2004.

DATED this 2nd day of June, 2004.

Sherri Kovach, Program Supervisor
DHW - Administrative Procedures Section
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

Because of the subject content of this rulemaking, only those Subsections that have changes are being published in this rulemaking.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0210-0402

010. REPORTABLE DISEASES AND CONDITIONS.
A licensed physician who diagnoses, treats or cares for a person with a reportable disease or condition must make a report of such disease or condition to the Department or District as described in these rules. The hospital or health care facility administrator, or his delegated representative, must report in accordance with these rules all persons who are diagnosed, treated, or receive care for a reportable disease or condition in the administrator's facility. Reports need not be made by the hospital administrator, or his representative, if they can assure that the attending physician has previously reported the disease or condition. The physician is also responsible for reporting diseases and conditions diagnosed, or treated by physician assistants, nurse practitioners or others under the physician's supervision. In addition to licensed physicians, reports must also be made by physician assistants, certified nurse practitioners, registered nurses, school health nurses, infection surveillance staff, public health officials, laboratory directors, and coroners. No physician, hospital administrative person, or patient may deny Districts or agents of the Board access to medical records in discharge of their duties in implementing the reportable disease rules. School administrators shall report as indicated in Subsection 025.03.g. (9-21-92)

01. Reportable Diseases And Conditions. The following diseases and conditions are reportable to the Department or District. (11-17-83)

a. Diseases. (11-17-83)

Subsections 010.01.a.lvi. - lxi.

lvi. Transmissible spongiform encephalopathies (TSEs), including Creutzfeldt-Jakob Disease (CJD) and variant CJD (vCJD). (7-1-04)T

lvii. Trichinosis; (11-17-83)

lviii. Tuberculosis; (11-17-83)

l~~viii~~ix. Tularemia; (11-17-83)

l~~i~~x. West nile virus infection; (12-1-03)T

lxi. Yersinosis. (11-17-83)

Subsections 010.03.c.xxxiv. - xxxix.

03. When To Report. (11-17-83)

c. The remaining reportable diseases and conditions listed below shall be reported to the Department or District within three (3) working days of the identification of a case: (5-3-03)

xxxiv. Transmissible spongiform encephalopathies (TSEs), including Creutzfeldt-Jakob Disease (CJD)

and variant CJD (vCJD). (7-1-04)T

xxx~~i~~v. Trichinosis; (9-21-92)

xxxvi. Toxic shock syndrome; (9-21-92)

xxxvii. Tuberculosis; (9-21-92)

xxxviii. West nile virus infection; (12-1-03)T

xxx~~viii~~ix. Yersiniosis; (9-21-92)

Subsections 010.03.f. and 010.03.f.xx. - xxiii.

f. The laboratory director or his authorized representative ~~*shall*~~ must report the identification of, ~~*the following organisms or significant serologic results or chemical determinations*~~ or laboratory findings suggestive of, the presence of the following organisms or conditions to the Department or District within three (3) working days. ~~*The organisms, serologic tests, and chemical determinations to be reported include:*~~ ~~*(5-3-03)*~~(7-1-04)T

xx. Transmissible spongiform encephalopathies (TSEs), including Creutzfeldt-Jakob Disease (CJD) and variant CJD (vCJD). (7-1-04)T

xxi. West nile virus; (12-1-03)T

xxii. Yersinia enterocolitica; (11-17-83)

xxiii. Yersinia pseudotuberculosis; (9-21-92)

(BREAK IN CONTINUITY OF SECTIONS)

020. SPECIFIC CONTROL MEASURES FOR REPORTABLE DISEASES.

Subsections 020.53 - 020.64

53. Transmissible Spongiform Encephalopathies (TSEs), Including Creutzfeldt-Jakob Disease (CJD) And Variant CJD (vCJD). (7-1-04)T

a. Each case or suspected case of a transmissible spongiform encephalopathy (TSE) must be reported to the Department or District within three (3) working days of identification. (7-1-04)T

b. Each report of a case must be investigated to determine the cause and confirm the diagnosis. (7-1-04)T

5~~3~~4. Trichinosis. (11-17-83)

a. Each case of trichinosis shall be reported to the Department or District within three (3) working days of identification. (5-3-03)

b. Each report of a case shall be investigated to confirm the diagnosis, to determine the extent of the

outbreak, and to identify the source of infection. (11-17-83)

c. Any identified or suspected source of infection shall be reported to the Department which shall immediately notify the Idaho Department of Agriculture and/or other regulatory agency. (11-17-83)

5~~4~~5. Toxic Shock Syndrome. (11-17-83)

a. Each case of toxic shock syndrome shall be reported to the Department or District within three (3) working days of identification. (5-3-03)

b. Each case shall be investigated to obtain specific clinical information on the syndrome to learn more about the etiology of the syndrome, risk factors associated with the syndrome, and means of preventing the syndrome. (11-17-83)

5~~5~~6. Tuberculosis. (11-17-83)

a. Each case or suspected case of tuberculosis shall be reported to the Department or District within three (3) working days of identification. (5-3-03)

b. Each report of a case or suspected case shall be investigated to confirm the diagnosis and to identify contacts, associated cases, and the source of the infection. (11-17-83)

c. Restriction of cases and contacts. (11-17-83)

i. In health care facilities, persons with active pulmonary tuberculosis shall be placed under airborne precautions until they have been determined to be noninfectious by the licensed physician, the infection control committee of the facility or the Department. Patients suspected to have pulmonary tuberculosis shall be placed under airborne precautions until the diagnosis of infectious pulmonary tuberculosis has been excluded by the attending physician. (4-5-00)

ii. Patients with infectious pulmonary tuberculosis shall not engage in any occupation in which they have direct contact with students in schools, provide personal care to children in day care facilities, or provide personal care to persons confined to health care or residential care facilities until they have been determined to be noninfectious by their physician. (9-21-92)

iii. Patients with infectious pulmonary tuberculosis may not attend a school or day care facility until they have been determined to be noninfectious by their licensed physician and the Department or District. (9-21-92)

iv. Any member of the household in which there is a case of infectious tuberculosis shall not engage in any occupation in which he provides direct supervision of students in schools, personal care to children in day care facilities, or personal care to persons who are confined to health care or residential facilities, or attend a school or day care facility until he has been determined to be free from communicable tuberculosis. (9-21-92)

d. In the event that a case of communicable tuberculosis is diagnosed in an employee or patient of a health care facility, the facility shall conduct an investigation to identify contacts. The Department or District authorized representative may assist in the investigation. (9-21-92)

5~~6~~7. Tularemia. (11-17-83)

a. Each case of tularemia shall be reported to the Department or District within one (1) working day of identification. (5-3-03)

b. Each report of a case shall be investigated to confirm the diagnosis and to identify the source of the infection. (4-5-00)

c. Any source or suspected source of the infection shall be reported to the Department, which shall notify the Idaho Department of Agriculture. (11-17-83)

5~~7~~8. Viral Or Aseptic Encephalitis And Meningitis. (4-5-00)

a. Each case of diagnosed or suspected viral or aseptic encephalitis and meningitis shall be reported within three (3) working days of identification. (5-3-03)

b. Each report of a case may be investigated to confirm the diagnosis, to identify clusters or outbreaks of the infection, and to identify the agent or source of the infection. (9-21-92)

5~~8~~9. West Nile Virus (WNV) Infection. (12-1-03)T

a. Each case of diagnosed west nile virus (WNV) infection must be reported to the Department or District within three (3) working days. A WNV infection will be defined as asymptomatic (determined through blood donation screening), fever, encephalitis, meningitis, meningoencephalitis, acute flaccid paralysis or other central or peripheral nervous system manifestation. (12-1-03)T

b. Each report of a case of WNV infection must be investigated to confirm the diagnosis, review any travel history, review any blood donations, and identify the most likely source of infection including exposure to vectors, blood transfusion or organ receipt. (12-1-03)T

~~59~~60. Yersiniosis. (11-17-83)

a. Each case of yersiniosis shall be reported to the Department or District within three (3) working days of identification. (5-3-03)

b. Each report of a case shall be investigated to confirm the diagnosis and to identify carriers and the source of the infection. (11-17-83)

6~~0~~1. Extraordinary Occurrence Of Illness, Including Clusters. (4-5-00)

a. Cases, suspected cases, and clusters of extraordinary or unusual illness shall be reported to the Department or District within one (1) working day by the diagnosing person. (4-5-00)

i. Each case, suspected case, and cluster shall be investigated to confirm the diagnosis, to determine the extent of the outbreak, to identify the source of infection or exposure, and to determine whether there is a risk to the public warranting intervention by a public health agency. Evaluation and control measures shall be undertaken in consultation with the Department and other appropriate agencies. The Department or authorized representative of the Department may elect to investigate by conducting special studies as outlined in Section 016. (4-5-00)

ii. Extraordinary or unusual outbreaks include illnesses which may be a significant risk to the public, may involve a large number of persons, or are a newly described entity. (9-21-92)

iii. Even in the absence of a defined etiologic agent or toxic substance, clusters of unexplained acute illness and early-stage disease symptoms shall be reported to the Department or District within one (1) working day and investigated. (4-5-00)

6~~1~~2. Severe Reaction To Any Immunization. (9-21-92)

a. Each case or suspected case of a severe reaction to any immunization shall be reported by telephone to the Department or District within one (1) working day of identification. (9-21-92)

b. Each case or suspected case shall be investigated to confirm and to document the circumstances relating to the reported reaction. (11-17-83)

6~~2~~3. Food Poisoning, Foodborne Illness, and Waterborne Illness. (5-3-03)

a. Each case or suspected case of food poisoning, foodborne illness, or waterborne illness shall be

reported to the Department or District within one (1) working day of identification. (5-3-03)

b. Each report of a case or suspected case of food poisoning, food borne illness, or waterborne illness may be investigated to confirm the diagnosis, to determine the extent of the outbreak, to identify the source, and to determine if actions need to be taken to prevent additional cases. (5-3-03)

6~~3~~4. Lead Poisoning Or Excess Lead Exposure. (9-21-92)

a. Each case of symptomatic lead poisoning or excess lead exposure as determined by a blood lead level of ten (10) micrograms or more per deciliter (10 ug/dl) of whole blood shall be reported to the Department within one (1) week of identification. (9-21-92)

b. Each case of lead poisoning or excess lead exposure may be investigated to determine the source, and to determine if actions need to be taken to prevent additional cases. (9-21-92)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-239 and 56-240, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

Date:	**Wednesday, July 14, 2004**	**Wednesday, July 14, 2004**	**Thursday, July 15, 2003**
Time:	**7:00 - 9:00 p.m.**	**7:00 - 9:00 p.m.**	**7:00 - 9:00 p.m.**
Place:	**Dept. of Health & Welfare** **1120 Ironwood Dr. , Suite 102** **Coeur d'Alene, ID**	**Dept. of Health & Welfare** **1720 Westgate Dr., Suite D** **Boise, ID**	**Dept. of Health & Welfare** **2nd Floor Conf. Room** **150 Shoup Ave** **Idaho Falls, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule change supports the implementation of the Idaho Health Insurance Access Card Act passed during the 2003 Idaho Legislative session. This chapter of rule has been revised to include the eligibility requirements and guidelines for the Children's Health Insurance Program (CHIP B) and the Children's Access Card Program.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code, and are necessary in order to comply with deadlines in governing law and confer a benefit to Idahoans.

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted. The Department, through the formation of the "CHIP B Access Card Project" team, conducted many meetings within the Department reviewing options for the implementation of the CHIP B program and researched other similar programs to design a workable program for Idahoans. The Department also met with and discussed options for the Children's Access Card program with the "Access Card Insurer Group" made up of several major insurance companies and a broker representative. Also, the Idaho High Risk Reinsurance Pool Board reviewed the rules and made recommendations to the Department.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Phil Gordon, at (208) 334-4905.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 2004.

DATED this 27th day of May, 2004.

Sherri Kovach, Program Supervisor
DHW – Administrative Procedures Section
450 West State Street, 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0301-0401

IDAPA 16, TITLE 03, CHAPTER 01

16.03.01 - ~~*RULES GOVERNING*~~ ELIGIBILITY FOR ~~*MEDICAID*~~ HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

000. LEGAL AUTHORITY.
In accordance with Sections 56-201, 56-202(b), 56-203(g), 56-209, 56-209b, 56-236, 56-237, 56-238, 56-239, 56-240, 56-242, and 56-1004(1)(a), Idaho Code, the Idaho Legislature has authorized the Department of Health and Welfare to adopt and enforce rules for the administration of the Title XIX Medicaid, Children's Health Insurance Program A (CHIP A), Children's Health Insurance Program B (CHIP B) and the Children's Access Card programs. ~~*(3-20-04)*~~(7-1-04)T

001. TITLE AND SCOPE.

01. Title. These rules ~~*are known and*~~ will be cited as IDAPA 16, Title 03, Chapter 01, "~~*Rules Governing*~~ Eligibility for ~~*Medicaid*~~ Health Care Assistance for Families and Children". (7-1-04)T

02. Scope. These rules provide standards for issuing Title XIX Medicaid, CHIP A, CHIP B, and Children's Access Card coverage to families and children qualifying under AFDC-related and Federal Poverty Guideline (FPG) coverage groups. ~~*(3-30-01)*~~(7-1-04)T

~~*0*~~**03. Policy**. It is the policy of the Idaho Department of Health and Welfare, to serve the citizens of Idaho and to distribute Title XIX Medicaid, CHIP A, CHIP B and Children's Access Card benefits ~~*in accordance with*~~ according to acceptable standards. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.
All administrative appeals are governed by provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings". (7-1-04)T

004. ~~*DEFINITIONS*~~ INCORPORATION BY REFERENCE.
~~*Definitions applicable to IDAPA 16, Title 03, Chapter 01, are listed in Subsections 004.01 through 004.08.*~~ No documents have been incorporated by reference into these rules. ~~*(7-1-98)*~~(7-1-04)T

~~***01. Department**. The Idaho Department of Health and Welfare. (7-1-98)*~~

~~***02. Examiner**. Eligibility examiner employed by the state of Idaho, Department of Health and Welfare, whose duties include the determination of eligibility and payment of Medicaid benefits. (7-1-98)***~~

~~***03. Field Office**. Office of the Idaho Department of Health and Welfare. The purpose of this office is to accept and process applications for Medicaid. (7-1-98)***~~

~~***04. Participant**. A person who is applying for or receiving Medicaid benefits. (7-1-98)***~~

~~***05. Public Assistance**. Medicaid granted by the Department for persons or families under the authority of Title 56, Chapter 2, Idaho Code. (7-1-98)***~~

~~***06. Self-Reliance Specialist**. Self reliance specialist employed by the state of Idaho, Department of Health and Welfare, whose duties include the determination of eligibility and payment of Medicaid benefits. (7-1-98)***~~

~~***07. State**. The state of Idaho. (7-1-98)***~~

~~***08. Working Day**. A calendar day in which regular hours of Department activity occur. Weekends and State holidays are not considered working days. (7-1-98)***~~

OLD SECTION 005 HAS BEEN RENUMBERED AND MOVED TO SECTION 016

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-04)T

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-04)T

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (7-1-04)T

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (7-1-04)T

05. Internet Website. The Department's internet website is found at "http://www2.state.id.us/dhw/". (7-1-04)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS.
Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (7-1-04)T

00~~6~~7. FEDERAL LAWS.
Federal and public laws applicable to IDAPA 16, Title 03, Chapter 01 are listed in Subsections 00~~6~~7.01 through 00~~6~~7.1~~6~~9. ~~(7-1-98)~~(7-1-04)T

01. Alaska Native Claim Settlement Act. This Federal Law is contained in Title 43 of the U.S. Code. (7-1-98)

02. Adoptions And Safe Families Act Of 1997. This Federal law is contained in Public Law 105-89, November 19, 1997. ~~(7-1-99)~~(7-1-04)T

03. Child Citizenship Act Of 2000. This Federal Law is contained in Title 8 of the U.S. Code. (7-1-04)T

0~~3~~4. **Child Nutrition Act Of 1966**. This Federal Law is contained in Title 42 of U.S. Code. (7-1-98)

0~~4~~5. **Domestic Volunteer Service Act Of 1973**. This Federal Law is contained in Titles 5 and 42 of the U.S. Code. (7-1-98)

0~~5~~6. **Higher Education Amendments Of 1968**. This Federal Law is contained in Titles 12 and 20 of the U.S. Code. (7-1-98)

0~~6~~7. **Housing Act Of 1949**. This Federal Law is contained in Titles 12 and 42 of the U.S. Code. (7-1-98)

0~~7~~8. **Housing And Urban Development Act Of 1965**. This Federal Law is contained in Titles 12, 15, 20, 38, 40, 42, and 49 of the U.S. Code. (7-1-98)

0~~8~~9. **Immigration And Nationality Act**. This Federal Law is contained in Titles 8, 18, 22, 31, 49, and 50 of the U.S. Code. (7-1-98)

~~09~~10. **Manpower Development And Training Act Of 1962 As Amended By The Manpower Act Of 1965**. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-98)

1~~0~~1. **National Housing Act**. This Federal Law is contained in Titles 10, 12, 15, 41, 48, 49, and 50 of the U.S. Code. (7-1-98)

1~~1~~2. **National School Lunch Act**. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-98)

1~~2~~3. **Older Americans Act Of 1965**. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-98)

1~~3~~4. **Personal Responsibility And Work Opportunity Reconciliation Act Of 1996**. This Federal Law is contained in Public Law 104-193. (7-1-98)

1~~4~~5. **Rehabilitation Act Of 1973**. This Federal Law is contained in Title 29 of the U.S. Code. (7-1-98)

1~~5~~6. **Tax Reduction Act Of 1975, As Amended By The Tax Reduction And Simplification Act Of 1977**. This Federal Law is contained in Titles 5, 15, 26, and 42 of the U.S. Code. (7-1-98)

1~~6~~7. **Uniform Relocation Assistance And Real Property Acquisition Policies Act Of 1970**. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-98)

1~~7~~8. **United States Housing Act Of 1937, As Amended By Public Law 92-213**. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-98)

19. **Violence Against Women Act Of 2000 (VAWA 2000)**. This Federal Law is contained in Public Law 106-386 Div. B, October 28, 2000, 114 Stat. 1491. (7-1-04)T

00~~7~~8. -- 0~~9~~09. (RESERVED).

010. DEFINITIONS (A THROUGH L).
For the purposes of these rules the following terms are used as defined below: (7-1-04)T

01. **Adult**. Any individual who has passed the month of his nineteenth birthday. (7-1-04)T

02. **Application Date**. The date the Application for Assistance (AFA) is received by the Department in a local office or the date the application is postmarked if mailed. (7-1-04)T

03. **Budget Unit**. Individuals living with the participant who are the participant's family members and

considered in the household size when eligibility is determined. (7-1-04)T

04. **Child**. Any individual who has not passed the month of his nineteenth birthday. (7-1-04)T

05. **Children's Access Card**. The insurance premium assistance program for children in families who qualify for CHIP A or CHIP B. (7-1-04)T

06. **CHIP A (Children's Health Insurance Program A)**. The health insurance program described in IDAPA 16.03.18, "CHIP B and Children's Access Card Rules," for children whose income exceeds the Title XIX Medicaid threshold, but is less than or equal to one hundred fifty percent (150%) of the Federal Poverty Guidelines (FPG). (7-1-04)T

07. **CHIP B (Children's Health Insurance Program B)**. A limited health insurance program described in IDAPA 16.03.18, "CHIP B and Children's Access Card Rules," for children in families whose income is greater than one hundred fifty percent (150%), but is less than or equal to one hundred eighty-five percent (185%) of the current FPG. (7-1-04)T

08. **Choice Agreement**. An agreement that allows individuals to make a choice between CHIP B and the Children's Access Card programs. (7-1-04)T

09. **Co-Payments (co-pays)**. The amount a participant is required to pay for specified services as set forth in IDAPA 16.03.18, "CHIP B and Children's Access Card Rules". (7-01-04)T

10. **Cost-Sharing**. A payment the participant is required to make toward the cost of their health care. (7-1-04)T

11. **Coverage Group**. One (1) of the following service categories an individual is eligible for: Title XIX Medicaid, CHIP A, CHIP B or Children's Access Card program. (7-1-04)T

12. **Department**. The Idaho Department of Health and Welfare. (7-1-04)T

13. **Disenrollment**. Ending an individual's participation in a health insurance program. (7-1-04)T

14. **Eligibility**. The determination of whether or not an individual is eligible for a public program. (7-1-04)T

15. **Enrollment**. The process of adding eligible individuals to a health insurance program. (7-1-04)T

16. **Enrollment Cap**. The combined total of openings for the CHIP B and Children's Access Card programs. (7-1-04)T

17. **Extended Medicaid For Spousal Support Increase**. Extended Medicaid is medical assistance for a parent or relative caretaker who becomes ineligible for Title XIX Medicaid due to an increase in spousal support payments. (7-1-04)T

18. **Federal Poverty Guidelines (FPG)**. The federal poverty guidelines issued annually by the Department of Health and Human Services (HHS). (7-1-04)T

19. **Field Office**. An office of the Idaho Department of Health and Welfare authorized to accept and process applications for Medicaid. (7-1-04)T

20. **Health Care Assistance (HCA)**. Title XIX Medicaid, CHIP A, CHIP B or Children's Access Card benefits granted by the Department for persons or families under the authority of Title 56, Chapter 2, Idaho Code. (7-1-04)T

21. **Health Insurance Premium Program (HIPP)**. The premium assistance program in which Title XIX Medicaid and CHIP A participants may participate. (7-1-04)T

22. **Low Income Families With Children**. Medical assistance for one (1) or two (2) parent or relative caretaker families. (7-1-04)T

23. **Low Income Child**. Medical assistance for children. (7-1-04)T

24. **Low Income Pregnant Woman**. Medical assistance for a pregnant woman that is limited to pregnancy-related services for the period of the pregnancy and sixty (60) days after the pregnancy ends. (7-1-04)T

011. -- 012. (RESERVED).

013. DEFINITIONS (M THROUGH Z).
For the purposes of these rules the following terms are used as defined below: (7-1-04)T

01. **Open Enrollment**. A time-period during which an eligible participant may enroll in a medical benefit plan. (7-1-04)T

02. **Participant**. A person who is applying for or receiving Title XIX Medicaid, CHIP or Children's Access Card benefits. (7-1-04)T

03. **Premium**. A regular, periodic charge or payment for health coverage as set forth in IDAPA 16.03.18, "CHIP B and Children's Access Card Rules". (7-1-04)T

04. **Premium Assistance**. The partial or total premium paid to an insurance company or employer by the State to supplement the cost of enrolling eligible individuals in a health insurance plan. (7-1-04)T

05. **Qualified Pregnant Woman**. Medical assistance for a pregnant woman who is eligible for AFDC related Title XIX Medicaid but chooses to apply for herself only. (7-1-04)T

06. **Relative Of Specified Degree**. Relatives of specified degree include: father, mother, (natural or adoptive), child, grandfather or grandmother, brother or sister, stepfather or stepmother, stepbrother or stepsister, aunt or uncle, first cousin, first cousin once removed, niece, nephew, person of preceding generations denoted by grand, great or great-great. (7-1-04)T

07. **Self Reliance Specialist**. An individual employed by the state of Idaho, Department of Health and Welfare, whose duties include the determination of eligibility and payments of benefits. (7-1-04)T

08. **State**. The state of Idaho. (7-1-04)T

09. **Title XIX Medicaid**. Medicaid programs regulated by Title XIX of the Social Security Act. (7-1-04)T

10. **Title XXI State Children's Health Insurance Program (SCHIP)**. Programs regulated by Title XXI of the Social Security Act. (7-1-04)T

11. **Transitional Medicaid**. Medical assistance for families who become ineligible for AFDC related Title XIX Medicaid due to an increase in earned income or loss of income disregards. (7-1-04)T

12. **Working Day.** A calendar day in which regular hours of Department activity occur. Weekends and State holidays are not considered working days. (7-1-04)T

014. -- 015. (RESERVED).

0~~05~~16. ABBREVIATIONS.
~~*Abbreviations applicable to IDAPA 16.03.01 are listed in Subsections 005.01 through 005.37 of these rules.*~~
~~*(3-20-04)*~~

01. **AFA**. Application for Assistance. (7-1-04)T

0~~1~~2. **AFDC**. Aid to Families with Dependent Children, the cash assistance program for families and children in effect through June 30, 1997. (7-1-98)

0~~2~~3. **AG**. Office of the Attorney General, Health and Welfare Division. (7-1-98)

0~~3~~4. **AIM**. The Department's Advanced Information Management system for Medicaid. (7-1-98)

0~~4~~5. **ASVI**. Alien Status Verification Index. (7-1-98)

~~***05.***~~ ~~***BCSS**. Bureau of Child Support Services.*~~ ~~*(7-1-98)*~~

06. **CHIP**. Child Health Insurance Program. Includes CHIP A and CHIP B coverage groups. (7-1-04)T

07. **CSS**. Child Support Services. (7-1-04)T

0~~7~~8. **DHW**. Department of Health and Welfare. (7-1-98)

0~~8~~9. **DOL**. Department of Labor. (7-1-99)

~~09~~10. **DVR**. Department of Vocational Rehabilitation. (7-1-98)

~~***10.***~~ ~~***EE**. Eligibility Examiner.*~~ ~~*(7-1-98)*~~

11. **EITC**. Earned Income Tax Credit. (7-1-98)

12. **EPICS**. The DHW Eligibility Programs Integrated Computer System. (7-1-98)

13. **EPSDT**. Early and Periodic Screening, Diagnosis, and Treatment. (7-1-98)

14. **ESI**. Employer Sponsored Insurance. (7-1-04)T

1~~4~~5. **FmHA**. The Farmer's Home Administration of the U.S. Department of Agriculture. (7-1-98)

1~~5~~6. **FPG**. Federal Poverty Guideline. (7-1-98)

17. **HHS**. U.S. Department of Health and Human Services. (7-1-04)T

18. **HIPP**. Health Insurance Premium Payment program. (7-1-04)T

1~~6~~9. **HUD**. The U.S. Department of Housing and Urban Development. (7-1-98)

~~17~~20. **ICF/MR**. Intermediate Care Facility/Mentally Retarded. (7-1-98)

~~18~~21. **ICSES**. The Idaho Child Support Enforcement System. (7-1-98)

~~19~~22. **IEVS**. Income and Eligibility Verification System. (7-1-98)

2~~0~~3. **INA**. Immigration and Naturalization Act. (7-1-98)

2~~1~~4. **IRS**. Internal Revenue Service. (7-1-98)

~~***22.***~~ ~~***MA**. Medicaid (Medical Assistance).*~~ ~~*(7-1-98)*~~

2~~3~~5. **PRWORA**. Personal Responsibility Work Opportunity Reconciliation Act of 1996. (7-1-98)

~~**24.** ***PWE**. Principal Wage Earner.* (7-1-99)~~

2~~5~~6. **RSDI**. Retirement, Survivors, and Disability Insurance. (7-1-98)

2~~6~~7. **SAVE**. Systematic Alien Verification for Entitlement. (7-1-98)

28. **SIE**. Self-Insured Employer. (7-1-04)T

29. **SOLQ**. State Online Query. (7-1-04)T

~~27~~30. **SRS**. Self Reliance Specialist. (7-1-98)

~~28~~31. **SSA**. Social Security Administration. (7-1-98)

~~29~~32. **SSI**. Supplemental Security Income. (7-1-98)

3~~0~~3. **SSN**. Social Security Number. (7-1-98)

3~~1~~4. **TAFI**. Temporary Assistance for Families in Idaho. (7-1-98)

3~~2~~5. **TANF**. Temporary Assistance to Needy Families. (3-20-04)

3~~3~~6. **TPL**. Third Party Liability. (7-1-98)

3~~4~~7. **TM**. Transitional Medicaid. (3-20-04)

3~~5~~8. **UIB**. Unemployment Insurance Benefits. (7-1-98)

3~~6~~9. **VA**. Veterans Administration. (7-1-98)

~~37~~40. **VRS**. Vocational Rehabilitation Services, Department of Education. (7-1-98)

017. -- 099. (RESERVED).

100. PARTICIPANT RIGHTS.
The participant has rights protected by federal and state laws and Department rules. The Department must inform participants of their rights during the application process and eligibility reviews as listed in Subsections 100.01 through 100.03. (7-1-98)

01. Right To Apply. Any person has the right to apply for ~~Medicaid~~ Health Care Assistance programs. Applications must be in writing on forms provided by the Department. ~~(7-1-98)~~(7-1-04)T

02. Right To Hearing. Any participant can request a ~~*fair*~~ hearing to contest a Department decision. ~~(7-1-98)~~(7-1-04)T

03. Civil Rights. Participants have civil rights under the U.S. and Idaho Constitutions, the Social Security Act, Title IV of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other relevant parts of Federal and State laws. (7-1-98)

101. APPLICATION FOR ~~*MEDICAID*~~ HEALTH CARE ASSISTANCE.
The application form must be complete and signed by the participant or authorized representative. By signing the application form, the participant or authorized representative agrees, under penalty of perjury, that statements made on the application are truthful. ~~(3-30-01)~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

104. ELIGIBILITY EFFECTIVE DATES.
~~*Medicaid can start up to three (3) calendar months before the application month. The participant must be eligible for Medicaid during the prior period. Coverage is provided if services payable by Medicaid were received in the prior period.*~~ Title XIX Medicaid, CHIP A and CHIP B coverage begins the first day of the application month. Children's Access Card coverage begins the first day of the month the private insurance coverage begins. Individuals may choose Bridge Coverage as described in Section 105 of this rule. ~~*(7-1-98)*~~(7-1-04)T

105. BRIDGE COVERAGE.
Individuals choosing the Children's Access Card may enroll in CHIP A or CHIP B until their private insurance coverage begins. (7-1-04)T

106. RETROACTIVE MEDICAL ASSISTANCE ELIGIBILITY.
Title XIX Medicaid and CHIP A can begin up to three (3) calendar months before the application month if the participant is eligible for Title XIX Medicaid or CHIP A during the prior period. Coverage is provided if services that can be paid by Medicaid were received in the prior period. CHIP B and Children's Access Card participants are not eligible for retroactive medical assistance unless they meet all of the eligibility criteria for Title XIX Medicaid or CHIP A in the prior period. (7-1-04)T

10~~5~~7. -- 199. (RESERVED).

200. NONFINANCIAL CRITERIA FOR DETERMINING ELIGIBILITY.
Nonfinancial criteria are conditions of eligibility, other than income and resources, that must be met before ~~*Medicaid*~~ Health Care Assistance can be authorized. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

205. INDIVIDUALS NOT MEETING THE CITIZENSHIP OR QUALIFIED NON-CITIZEN REQUIREMENTS.
Individuals who do not meet the citizenship or qualified non-citizen requirements in Section 204 of these rules, may be eligible for emergency medical services if they meet all other conditions of eligibility for a Title XIX Medicaid program or CHIP A. ~~*(3-20-04)*~~(7-1-04)T

01. Limited Eligibility. Eligibility for emergency medical assistance under the Title XIX Medicaid programs and CHIP A is limited to the date(s) of the emergency condition. (7-1-04)T

02. Ineligibility For CHIP B And Children's Access Card. Individuals who do not meet the citizenship or qualified non-citizen requirements in Section 204 of these rules are not eligible for the CHIP B or Children's Access Card program. (7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

207. SPONSOR RESPONSIBILITY.
Section 213 of the Immigration and Naturalization Act requires that a sponsor signing Form I-864, Affidavit of Support, must reimburse the Department for ~~*Medicaid*~~ Health Care Assistance benefits ~~*to*~~ paid for a sponsored ~~*legal*~~ qualified noncitizen. ~~*(7-1-99)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

214. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.

An applicant must provide his Social Security Number (SSN), or proof he has applied for an SSN, to the Department before approval of eligibility. If the applicant has more than one (1) SSN, all numbers must be provided. The SSN must be verified by the Social Security Administration (SSA) electronically. When an SSN is unverified, the applicant is not eligible for ~~*Medicaid benefits*~~ Health Care Assistance. The Department must notify the applicant in writing if eligibility is being denied or lost for failure to meet the SSN requirement. ~~*(3-8-04)*~~(7-1-04)T

01. Application For SSN. The applicant must apply for an SSN, or a duplicate SSN when he cannot provide his SSN to the Department. If the SSN has been applied for but not issued by the SSA, the Department can not deny, delay or stop benefits. The Department will help an applicant with required documentation when the applicant applies for an SSN. (3-8-04)

02. Failure To Apply For SSN. The applicant may be granted good cause for failure to apply for an SSN if they have a well-established religious objection to applying for an SSN. A well-established religious objection means the applicant: (3-8-04)

a. Is a member of a recognized religious sect or division of the sect; and (3-8-04)

b. Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number. (3-8-04)

03. SSN Requirement Waived. An applicant may have the SSN requirement waived when he is: (3-8-04)

a. Only eligible for emergency medical services as described in Section 602 of these rules; or ~~*(3-8-04)*~~(7-1-04)T

b. A waived newborn child as described in Section 601 of these rules. (3-8-04)

215. GROUP HEALTH PLAN ENROLLMENT.
Title XIX Medicaid and CHIP A participants must apply for and enroll in a cost effective group health plan if one is available. A cost effective health plan is one which has premiums and co-payments at a lower cost than Medicaid would pay for full medical services. Medicaid will pay premiums and other co-payments for plans the Department finds cost effective. ~~*(7-1-98)*~~(7-1-04)T

216. ASSIGNMENT OF RIGHTS TO MEDICAL SUPPORT AND THIRD PARTY LIABILITY.
By operation of Section 56-203B and Section 56-209b(3), Idaho Code, medical support rights are assigned to the Department by signature on the ~~*Medicaid*~~ application for assistance. The participant must cooperate to secure medical support from any liable third party. The cooperation requirement may be waived if the participant has good cause for not cooperating. ~~*(7-1-99)*~~(7-1-04)T

217. MEDICAL SUPPORT COOPERATION.
~~*The*~~ A participant enrolled in the Health Care Assistance programs must cooperate to identify and locate the noncustodial parent, establish paternity, and establish, modify and enforce a medical support order. A participant who cannot legally assign his own rights, such as a child, must not be denied ~~*Medicaid*~~ Health Care Assistance if the legally responsible person does not cooperate. A parent of any age can legally assign rights to medical support for his own child or children. The cooperation requirement may be waived if the participant has good cause for not cooperating as described in Subsection 217.02 or if the participant is a poverty level pregnant woman exempt from cooperating in establishing paternity and obtaining medical support from, or derived from, the father of the unborn child. ~~*(3-30-01)*~~(7-1-04)T

01. Cooperation Defined. Cooperation includes~~*, but is not limited to,*~~ providing all information to identify and locate the noncustodial parent~~*. Cooperation for Medicaid includes*~~ and identifying other liable third party payers. The participant must provide the first and last name of the noncustodial parent. The participant must also provide at least two (2) pieces of information about the noncustodial parent, listed in Subsections 217.01.a. through 217.01.g. ~~*(7-1-99)*~~(7-1-04)T

a. Birth date. (4-5-00)

b. Social Security Number. (7-1-99)

c. Current address. (7-1-99)

d. Current phone number. (7-1-99)

e. Current employer. (7-1-99)

f. Make, model, and license number of any motor vehicle owned by the noncustodial parent. (7-1-99)

g. Names, phone numbers and addresses of the parents of the noncustodial parent. (7-1-99)

02. Good Cause Defined. The participant may claim good cause for failure to cooperate in securing medical support for a minor child. Good cause is limited to the reasons listed in Subsections 217.02.a. through 217.02.c. (4-5-00)

a. There is proof the child was conceived as a result of incest or rape. (7-1-99)

b. There is proof the child's noncustodial parent may inflict physical or emotional harm to the participant, the child, the custodial parent or the caretaker relative. (7-1-99)

c. A credible explanation is provided showing the participant cannot provide the minimum information regarding the noncustodial parent. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

300. FINANCIAL ELIGIBILITY.
~~*Financial eligibility is determined using Section 300 through Section 706 of these rules. Income disregards described in Sections 357 through 361 and in Section 388 of these rules do not apply to the Children's Health Insurance Program (CHIP) coverage group.*~~ To be eligible for Health Care Assistance, a participant must meet the income and resource limits for at least one (1) coverage group. ~~*(3-20-04)*~~(7-1-04)T

01. Income And Resources. Sections 300 through 706, of these rules, describe the types of income and resources considered in the eligibility determination process and how they are considered for all family medical coverage groups. (7-1-04)T

02. Income Disregards. The income disregards described in Sections 357 through 361 and Section 388, of these rules, do not apply to CHIP A, CHIP B or the Children's Access Card program. (7-1-04)T

301. FINANCIAL RESPONSIBILITY.
The income and resources of individuals who are financially responsible for the ~~*Medicaid*~~ participant are counted in determining eligibility. Individuals are financially responsible for themselves. Parents are financially responsible for their adoptive and natural children but not step children. Spouses are financially responsible for each other.
~~*(3-20-04)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

307. -- 30~~9~~8. (RESERVED).

309. DETERMINING RESOURCE ELIGIBILITY.
The following information is required to determine a participant's resource eligibility: (7-1-04)T

01. Countable Resources. The value of the participant's calculated countable resources is compared to

the resource limit for the appropriate Health Care Assistance coverage group. (7-1-04)T

02. Initial Eligibility. For initial eligibility the value of their countable resources is determined as of the application date. (7-1-04)T

03. Excess Countable Resources. Excess countable resources anticipated at any time during an upcoming month, affects the entire month's eligibility. (7-1-04)T

310. RESOURCE LIMITS.
The resource limit for AFDC-related coverage groups ~~*related to the AFDC need/payment standards in effect on July 16, 1996,*~~ is one thousand dollars ($1,000). The resource limit for FPG-related coverage groups ~~*related to the Federal Poverty Guidelines (FPG)*~~ is five thousand dollars ($5,000). ~~*(3-30-01)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

331. -- 34~~5~~4. (RESERVED).

34~~6~~5. DETERMINING ~~*INCOME*~~ ELIGIBILITY FOR ~~*THE MONTH OF APPLICATION*~~ RETROACTIVE MEDICAL ASSISTANCE.
~~*Calculate t*~~The ~~*household's*~~ participant's countable income is calculated for ~~*the application*~~ each retroactive month~~*, and compare the income against the income limits for the appropriate Medicaid program. Use actual income for each of the three (3) retroactive months to determine eligibility for that month*~~ using actual, not converted income for that month to a maximum of three (3) months. Determine eligibility for each retroactive month separately. Retroactive medical assistance is limited to Title XIX Medicaid and CHIP A coverage groups. ~~*(3-30-01)*~~(7-1-04)T

34~~7~~6. ~~*ANTICIPATING*~~ DETERMINING INCOME ELIGIBILITY FOR THE MONTH OF APPLICATION.
~~*Anticipate income to determine continuing eligibility. Compare the household's countable anticipated income against the income limits for the appropriate Medicaid program.*~~ The individual's countable income for the application month is compared against the income limits for the appropriate Health Care Assistance program.
~~*(3-30-01)*~~(7-1-04)T

34~~8~~7. DETERMINING AVAILABLE INCOME~~*-AVAILABLE TO THE HOUSEHOLD*~~.
Income from financially responsible household members is ~~*counted for Medicaid eligibility*~~ considered available to the participant. Income is available when the participant has a legal interest in a liquidated sum. ~~*Income must be under the control of the participant during the period for which need is being determined.*~~ Income is available when action can be taken by the individual to obtain or use it. The participant must take all necessary steps to obtain program benefits for which he may be eligible. This includes RSDI, unemployment insurance, and worker's compensation. ~~*(3-30-01)*~~(7-1-04)T

348. DETERMINING INCOME ELIGIBILITY.
Income from financially responsible household members is counted to determine an individual's eligibility. The individual's countable income must be calculated using actual income already received and anticipated income that can reasonably be expected. The individual's calculated income is used to determine eligibility. The appropriate Health Care Assistance coverage group is determined by comparing the income against the income limit. (7-1-04)T

349. CALCULATING A FULL MONTH'S INCOME USING ACTUAL AND PROJECTED INCOME.
~~*Calculate t*~~The participant's monthly income~~,~~ is calculated using actual income ~~*already received during the month and income expected to be received in the month*~~ and anticipated income. ~~*The household and the Department must agree this is a reasonable estimate of that month's income.*~~ Anticipated income is income the participant is reasonably expected to receive. The estimate of anticipated income must be based on the best available information.
~~*(3-30-01)*~~(7-1-04)T

01. Full Month's Income ~~*Expected From An Ongoing Source*~~ Anticipated. If no changes are ~~*expected*~~ anticipated, ~~*use*~~ the actual income received in the past thirty (30) days is used to ~~*project*~~ calculate a full

month's income. If changes are ~~*expected*~~ anticipated, project the full month's income ~~*for the month*~~ is projected with the new information. ~~*(3-30-01)*~~(7-1-04)T

02. Full Month's Income Not ~~*Expected From An Ongoing Source*~~ Anticipated. If a full month's income is not ~~*expected from an ongoing source*~~ anticipated, ~~*count*~~ the actual income expected for the month is counted. ~~*If the actual amount is known, use the actual income.*~~ If the actual income is unknown~~*, project the expected*~~ anticipated income for that month is projected. ~~*(3-30-01)*~~(7-1-04)T

~~***03. Full Month's Income Not Expected From A New Source****. If income is from a new source, and a full month's income is not expected, count the actual income expected for the month. Do not convert the new source of income to a monthly amount. If the actual income is unknown, project the expected income for that month.*~~ ~~*(3-30-01)*~~

~~***04. Income From Terminated Source****. If income is from a terminated source, and no additional income is expected in a future month, count the actual income received during the month. Do not convert income to a monthly amount, if a full month's income from the terminated source is not expected.*~~ ~~*(3-30-01)*~~

0~~*5*~~3. Seasonal Income. If income changes seasonally, consider the household's income from the ~~*last*~~ previous season and any anticipated pay changes to ~~*project*~~ calculate the ~~*month's*~~ individual's average monthly income. ~~*(3-30-01)*~~(7-1-04)T

0~~*6*~~4. Fluctuating Income. When income fluctuates each pay period~~*, and*~~ but the rate of pay remains the same, average the income from the past thirty (30) days to determine the average anticipated pay period amount. Convert the average anticipated pay period amount to a full month's income. ~~*(3-30-01)*~~(7-1-04)T

0~~*7*~~5. Income Paid As Salary. Count income paid as salary at the expected monthly salary rate. Do not count salary at an hourly rate. (3-30-01)

06. Income Paid Under Contract. The earned income of an individual paid on a contractual basis is prorated over the term of the contract. (7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

370. UNEARNED INCOME.
Unearned income is any income the individual receives that is not gained through employment. Unearned income includes payments from pensions, RSDI, unemployment compensation, worker's compensation, veteran's benefits, other government benefits, TAFI, TANF, contributions, support payments, ~~*and*~~ cash gifts~~*. Unearned income includes*~~ and capital investment returns, such as dividends and interest~~*, or other income not gained through employment*~~. ~~*(3-20-04)*~~(7-1-04)T

371. SUPPORT INCOME.
Support income is any payment ~~*an absent*~~ a non-custodial parent or absent spouse makes to the ~~*family*~~ individual. The payment is support when either parent defines it as such, or when the payment is used to meet the ~~*family's*~~ individual's needs. A child support payment is unearned income to the child. A spousal support payment is unearned income to the individual who receives it. For Title XIX Medicaid coverage groups, ~~*T*~~the first fifty dollars ($50) of child support received for each child is disregarded. ~~*(3-20-04)*~~(7-1-04)T

372. RENTAL INCOME FROM REAL PROPERTY.
Rental income is payment for the use of real or personal property. Rental payments may be received for the use of land, buildings, apartments, houses, or for machinery and equipment. The net rental income is the gross rental receipts less ordinary and necessary expenses of producing the income. The net rental income is unearned income when all activities associated with the rental are conducted by an outside agency. If an outside agency is not conducting activities, the net rental income is ~~*earned*~~ self-employment income. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

374. INTEREST AND DIVIDEND INCOME.
Interest posted to any ~~*bank*~~ financial institution account on a monthly, ~~*or*~~ quarterly, or any other regular basis is unearned income in the month received. Dividends are unearned income in the month received. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

377. CONTRIBUTIONS.
Contributions are cash payments from persons not legally liable to support the individual or family. Contributions are unearned income. The contributions are counted prospectively, if they can reasonably be anticipated.
~~*(7-1-98)*~~(7-1-04)T

378. DISABILITY INSURANCE PAYMENTS.
Disability payments paid to ~~*a participant*~~ an individual through an insurance company ~~*on a monthly basis*~~ are unearned income in the month received. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

382. EDUCATIONAL INCOME.
Monies obtained for purposes of education are earned or unearned income as listed in Subsections 382.01 through 382.05. Any student financial assistance provided under Title IV of the Higher Education Act or under Bureau of Indian Affairs education program is excluded. Educational grants and loans to undergraduate students, paid or insured under any program administered by the Secretary of Education, are excluded educational income.
~~*(3-20-04)*~~(7-1-04)T

01. Carl D. Perkins Vocational And Applied Technology Education Act. Any money in excess of attendance costs is unearned income prorated over the period the grant. (7-1-98)

02. State Work Study Income Of Student. Work Study income, partially or wholly funded through the State, is earned income. Tuition and mandatory fees, not paid by another program, must be deducted from the countable work study income after subtracting the earned income disregards. ~~*(7-1-98)*~~(7-1-04)T

03. VA Educational Assistance. VA Educational Assistance payments are unearned income. The costs of tuition, books, fees, equipment, special clothing needs and transportation for school purposes must be deducted from the VA Educational payment. When VA Educational Assistance is paid monthly, anticipate the total of all payments for the school term. Subtract the anticipated allowable expenses for the school term. Divide the balance by the number of months in the school term. Count the balance as unearned income. ~~*(7-1-98)*~~(7-1-04)T

04. AmeriCorps. The AmeriCorps living allowance or stipend is earned income. The AmeriCorps Education Award is not counted as income. The AmeriCorps Child Care Allowance is not counted as income, if used to meet the child care cost needed for participating in the program. ~~*(7-1-98)*~~(7-1-04)T

05. Federal Or Nonfederal Supported Sources. Individuals may receive scholarships, grants, or awards from state sources, civic, fraternal and alumnus organizations, relatives, or other individuals. The amount of the award, minus costs of attendance, is unearned income prorated over the period of the award. (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

384. LUMP SUM INCOME.
A nonrecurring lump sum payment is income in the month received. Lump sum income is a retroactive monthly

benefit or a windfall payment. This may be earned or unearned income, paid in a single sum. Lump sum income includes RSDI, VA, worker compensation awards, severance pay, disability insurance and lottery winnings. (4-5-00)

01. Lump Sum Received In Initial Month Of Eligibility. Count lump sum income received in the application month as income for that month. (7-1-04)T

02. Lump Sum Received In Any Other Month Of Eligibility. If the lump sum income can be anticipated, count the lump sum as income in the month income is expected. Any portion of the lump sum left after the month of receipt is a countable resource. (7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

~~388. CHILD SUPPORT INCOME DISREGARD.~~
~~The first fifty dollars ($50) of child support received for each child is disregarded.~~ *~~(3-20-04)~~*

38~~9~~8. -- 399. (RESERVED).

400. DETERMINING COVERAGE GROUPS ELIGIBILITY.
~~Countable monthly income and resources are compared to the AFDC resource and payment standard in effect on July 16, 1996 to determine the coverage group for the family or individual. When income or resources exceed the AFDC standards, the family is ineligible for Medicaid in a coverage group related to AFDC standards. If the participant is a child or pregnant woman, income and resources are compared to the Federal Poverty Guidelines (FPG) income and resource limits. If countable monthly income or resources exceeds both the AFDC standard and the FPG, the family or individual is ineligible for Medicaid.~~ To correctly determine coverage group eligibility for each individual, the income and resource tests in the order listed in Subsections 400.01 through 400.03 are applied. *~~(7-1-98)~~*(7-1-04)T

01. Individual Countable Monthly Income. Countable monthly income and resources for each individual are compared to the income and resource payment standard for Title XIX Medicaid AFDC-related coverage groups. When income or resources exceed the AFDC-related coverage groups standards, the individual is ineligible for Title XIX AFDC-related coverage groups. (7-1-04)T

02. Child Or Pregnant Woman Countable Monthly Income. If the individual is a child or pregnant woman, the individual's countable monthly income and resources are compared to the income and resource limits for the Title XIX Medicaid FPG-related coverage groups. If the individual's countable monthly income or resources exceed the income and resource standards for both the Title XIX Medicaid AFDC and FPG-related coverage groups, the participant is ineligible for Title XIX AFDC and FPG-related coverage groups. (7-1-04)T

03. Child's TITLE XXI CHIP A, CHIP B, And Children's Access Card Countable Monthly Income. If the individual is a child, his countable monthly income and resources are compared to the Title XXI CHIP A, CHIP B and Children's Access Card coverage group's income and resource standards. If the individual's countable monthly income or resources exceed the income and resource standards for the Title XXI CHIP A, CHIP B and Children's Access Card coverage groups, the child is not eligible. (7-1-04)T

401. AFDC RELATED COVERAGE GROUPS INCOME STANDARDS.
The AFDC standards are based on the number of *~~family~~* budget unit members. The standards are listed in Table 401.

TABLE 401 - AFDC STANDARDS

Number In Family	Payment Standard	Need Standard
1	$205	$643
2	$251	$786

TABLE 401 - AFDC STANDARDS		
Number In Family	**Payment Standard**	**Need Standard**
3	$317	$991
4	$382	$1,196
5	$448	$1,401
6	$513	$1,606
7	$579	$1,811
8	$645	$2,016
9	$710	$2,221
10	$776	$2,426
Over 10 Persons	Add $65 Each	Add $205 Each

~~*(7-1-98)*~~(7-1-04)T

402. -- 409. (RESERVED).

410. TITLE XIX MEDICAID COVERAGE GROUPS RELATED TO AFDC STANDARDS.
Persons with countable income below the AFDC payment standard may be eligible for the Title XIX Medicaid coverage groups of ~~*Qualified Child,*~~ Qualified Pregnant Women, or Low Income Families with Children.
~~*(7-1-98)*~~(7-1-04)T

411. ~~*QUALIFIED CHILD*~~ (RESERVED).
~~*A Qualified Child must meet non-financial and financial criteria for AFDC, must be born after September 30, 1983, and be nineteen (19) years of age or younger at the time of application.*~~ ~~*(7-1-98)*~~

412. QUALIFIED PREGNANT WOMAN.
A Qualified Pregnant Woman must meet non-financial and financial criteria for ~~*AFDC*~~ one (1) of the Low Income Families With Children coverage groups.
~~*(3-30-01)*~~(7-1-04)T

413. LOW INCOME FAMILIES WITH CHILDREN.
Families with minor children in the home, who would be AFDC eligible if the program was in effect, are eligible if all non-financial, financial, and ~~*the*~~ conditions listed in Subsections 413.01 through 413.0~~4~~3 of these rules are met.
~~*(3-20-04)*~~(7-1-04)T

01. Living With A Relative. A child must live ~~*in a home*~~ with an adult ~~*caretaker*~~ who is ~~*related to the child by blood, marriage, or adoption*~~ a relative of specified degree.
~~*(7-1-98)*~~(7-1-04)T

02. ~~*Dependent*~~ Child. A ~~*dependent*~~ child ~~*is a child under eighteen (18) years of age or, if over eighteen (18) years of age,*~~ is expected to graduate from high school by ~~*the*~~ his nineteenth ~~*(19th)*~~ birthday. ~~*(7-1-98)*~~(7-1-04)T

03. Financial Deprivation. A child is financially deprived when the ~~*family's*~~ individual's income does not exceed the income limit for their ~~*family*~~ budget unit size as described in Section 401 of this rule.
~~*(3-20-04)*~~(7-1-04)T

~~***04. One Hundred Eighty-Five Percent Test**. The family is ineligible for AFDC-related Medicaid when total gross income exceeds one hundred eighty-five percent (185%) of the monthly need standard. (3-30-01)***~~

414. (RESERVED).

415. EXTENDED MEDICAID FOR ~~*CHILD*~~ SPOUSAL SUPPORT INCREASE.
Participants in the Low Income Families with Children coverage groups are eligible for four (4) calendar months of Extended Medicaid (EM) if the individual's spousal support income ~~*for the family exceeds*~~ causes them to exceed the income limit~~s~~ for ~~*reasons related to the initiation of or an increase in child support collected by CSS*~~ their budget unit size. The individual must have received Title XIX Medicaid ~~*must have been received*~~ in Idaho in at least three (3) of the six (6) months before the month the ~~*family would become*~~ participant became income ineligible.
~~*(3-30-01)*~~(7-1-04)T

416. TRANSITIONAL MEDICAID (TM).
Individuals and families who were eligible for Title XIX Medicaid coverage under the Low Income Families with Children group (MA or MU) are eligible for Transitional Medicaid (TM) if the family income exceeds limits because of a reason listed in Subsections 416.01 through 416.03 of this rule. The family must have received ~~*Medicaid*~~ Low Income Families with Children medical assistance in Idaho in three (3) of the six (6) months before the month they became ineligible unless the family meets the condition in Subsection 416.01 of this rule. Eligible families may get TM for up to twelve (12) months. ~~*(3-20-04)*~~(7-1-04)T

01. Idaho TAFI Income And Income From Employment. Family income exceeds limits because they have Idaho TAFI income and income from employment. (3-20-04)

02. Employment Income Increased. Family income exceeds limits because employment income increased. (4-5-00)

03. Disregard Expired. Family income exceeds limits because the thirty dollar ($30) plus one-third (1/3) or the thirty dollar ($30) disregard expired. (4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

500. ~~*MEDICAID*~~ HEALTH CARE ASSISTANCE COVERAGE GROUPS RELATED TO ~~*FEDERAL POVERTY GUIDELINES (*~~THE FPG~~*)*~~ STANDARDS.
Pregnant women and children whose countable income is within the income ranges specified may be eligible for one (1) of the FPG coverage groups. ~~*are*~~ The Title XIX Medicaid coverage groups related to the FPG are Low Income Child, Low Income Pregnant Women, and presumptively eligible pregnant women. ~~*and Child Health Insurance Program (*~~ The Title XXI coverage groups related to the FPG are CHIP~~*)*~~ A, CHIP B and Children's Access Card.
~~*(3-30-01)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

502. LOW INCOME PREGNANT WOMAN.
A pregnant woman of any age is eligible for the Low Income Pregnant Woman ~~*must*~~ coverage group if she meets ~~*Medicaid*~~ all of the non-financial and financial criteria of the coverage group. ~~*Medicaid*~~ Medical assistance for a participant in the Low Income Pregnant Woman coverage group is limited to pregnancy related and postpartum services. ~~*A*~~ The Low Income Pregnant Woman ~~*is eligible for Medicaid*~~ medical assistance coverage extends through ~~*a*~~ the sixty (60) day postpartum period if she applied for ~~*Medicaid*~~ medical assistance while pregnant and was receiving ~~*Medicaid*~~ medical assistance when the child was born. An individual who applies for Low Income Pregnant Woman medical assistance after the child is born is not eligible for the sixty-day (60) postpartum period. ~~*(3-30-01)*~~(7-1-04)T

01. Income Limit. ~~*Family*~~ The individual's countable income which is calculated using income disregards must not exceed one hundred thirty-three percent (133%) of the ~~*Federal Poverty Guideline*~~ FPG for her

budget unit size in the application month. ~~*(4-5-00)*~~(7-1-04)T

02. Family Size. Family members include the pregnant woman and the unborn child. Family members also include the spouse, minor dependent children, and minor step-children, if living with the pregnant woman. Other related or non-related children may be included if they live with the pregnant woman. Count family members regardless of Medicaid ineligibility or disqualification. Do not include family members receiving SSI or AABD payments. For an individual Medicaid determination, only income and resources of persons financially responsible for the individual can make the individual ineligible for Medicaid. (3-30-01)

03. Income Disregards. Subtract allowable income exclusions and disregards to determine family income. (3-30-01)

04. Continuing Eligibility. The pregnant woman remains eligible during the pregnancy regardless of changes in income. Changes in resources and non-financial criteria must be considered prospectively. The woman must report the end of pregnancy to the Department within ten (10) days. (4-5-00)

503. PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME.
A pregnant ~~*Medicaid participant,*~~ woman in any Title XIX Medicaid coverage group, who becomes ineligible for that coverage group because of an increase in income, continues to receive ~~*Medicaid*~~ coverage as a Low Income Pregnant Woman. ~~*(7-1-98)*~~(7-1-04)T

504. PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.
A pregnant woman can get ~~*Medicaid*~~ limited ambulatory prenatal care as a presumptively eligible (PE) pregnant woman ~~*prior to a formal Medicaid*~~ through the end of the month after the month the provider completes the PE determination. PE coverage is designed to provide some prenatal care during the time between the pregnancy diagnosis and the eligibility determination. ~~*Medicaid is limited to payments for ambulatory prenatal services.*~~ A qualified PE provider ~~*must*~~ accepts written requests for ~~*this*~~ these services and ~~*makes*~~ completes the eligibility determination. The qualified PE provider must inform the participant how to complete the formal ~~*Medicaid*~~ application process. Qualified PE providers are required to send the result of the ~~*presumptive eligibility*~~ PE decision and the completed application for Title XIX Medicaid to the Department within two (2) working days. ~~*The*~~ Notice and ~~*Fair H*~~hearing rights of the Title XIX Medicaid program do not apply to the ~~*presumptive eligibility*~~ PE decisions. ~~*Presumptive eligibility is limited to one (1) determination per pregnancy.*~~ An individual is eligible for only one (1) period of PE coverage during each pregnancy. ~~*(3-30-01)*~~(7-1-04)T

505. ~~*CHILD HEALTH INSURANCE PROGRAM (*~~CHIP~~*)*~~ A.
~~*The 1997 Balanced Budget Reconciliation Act provides medical coverage for low income children. The children must meet the conditions in Subsections 505.01 through 505.08:*~~ A child may be eligible for CHIP A coverage if all non-financial and financial criteria are met. The child must meet all the conditions listed in Subsections 505.01 through 505.08 of these rules. ~~*(3-30-01)*~~(7-1-04)T

01. ~~*Under Age Nineteen*~~. ~~*The child must be under the age of nineteen (19).*~~ **Child's Income Eligibility**. To participate in the CHIP A coverage group, an individual's countable income, must be within the range specified for their age. There are no earned or unearned income disregards for CHIP A. ~~*(7-1-99)*~~(7-1-04)T

a. Child under age six (6). The child's countable income must exceed one hundred thirty-three percent (133%) of the FPG for his budget unit size and must be less than or equal to one hundred fifty percent (150%) of the FPG for his budget unit size. (7-1-04)T

b. Child age six (6) through the month of his nineteenth birthday. The child's countable income must exceed one hundred percent (100%) of the FPG for his budget unit size and must be less than or equal to one hundred fifty percent (150%) of the FPG for his budget unit size. (7-1-04)T

02. ~~*No Health Insurance*~~. ~~*The child must not have creditable health insurance coverage.*~~ **Child's Resource Eligibility**. The child's countable resources must not exceed five thousand dollars ($5000). ~~*(7-1-99)*~~(7-1-04)T

03. ~~*No Medicaid Eligibility*~~. ~~*The child must not be eligible for other Medicaid programs.*~~ **No**

Creditable Health Insurance. The child must not have creditable health insurance coverage. ~~*(7-1-99)*~~(7-1-04)T

04. ~~***Resources****. The family's countable resources must not exceed five thousand dollars ($5000).*~~ **Child Disenrolled To Qualify For CHIP A**. If a child is disenrolled from creditable insurance with the intent to qualify for CHIP A he is not eligible for CHIP A. A child who is disenrolled from creditable health coverage through no fault of his own will not be denied CHIP A coverage under this provision. A child did not disenroll with the intent to qualify if he lost creditable insurance for one of the following reasons: ~~*(3-30-01)*~~(7-1-04)T

a. The child lost insurance due to the loss of employment; or (7-1-04)T

b. The employee lost eligibility for his employer sponsored insurance; or (7-1-04)T

c. The employer stopped providing creditable insurance coverage; or (7-1-04)T

d. The child lost access to his health insurance because his parent can no longer legally cover him with employer sponsored insurance. (7-1-04)T

05. ~~***Income Limit July 1, 1998 And After****. For the period beginning July 1, 1998 and after, the family's gross income must not exceed and one hundred fifty percent (150%) of the Federal Poverty Guidelines for the household size. Families who receive Medicaid under the CHIP coverage group are not entitled to disregards from earned or unearned income.*~~ **Not Eligible For Other Coverage**.The child must not be eligible for any Title XIX Medicaid coverage. ~~*(3-30-01)*~~(7-1-04)T

06. ~~***Intent To Qualify****. A family must not remove a child from a creditable health insurance plan with the intent to qualify.*~~ **Choice Agreement Signed**. A child who is eligible to participate in CHIP A and chooses Children's Access Card coverage must have a Choice Agreement signed and on file. If a Choice Agreement is not signed and on file, the child will be enrolled in the CHIP A program. ~~*(7-1-99)*~~(7-1-04)T

07. ~~***Cost Prohibitive****. A family must purchase creditable health insurance if affordable and available. The SRS will determine if insurance would be cost prohibitive, given the family's circumstances.*~~ **Choice Agreement Change Requested**. CHIP A participants can move from CHIP A to the Children's Access Card at any time if they request the change in writing at least forty-five (45) days in advance of the change. A Children's Access Card participant who is income eligible for CHIP A can move to CHIP A at any time if they make the request in writing at least forty-five (45) days in advance of the change. The forty-five (45) day advance notice requirement will be waived if the child is moving from Children's Access Card to CHIP A for one (1) of the reasons listed in Subsection 505.04.a. through 505.04.d. of this rule. ~~*(3-30-01)*~~(7-1-04)T

08. **Other Eligibility Criteria**. All other eligibility ~~*criteria as defined for poverty level, low income children*~~ requirements in this chapter are applicable to the CHIP A coverage group unless the rule excludes this coverage group. ~~*(7-1-99)*~~(7-1-04)T

506. CHIP B.

The CHIP B coverage group provides a limited benefit package as described in IDAPA 16.03.18, "CHIP B and Children's Access Card Rules," to children who apply and are found eligible during an open enrollment period. Children applying during closed enrollment periods are denied. A child may be eligible for the CHIP B coverage group if all non-financial and financial criteria are met. The child must also meet all the conditions listed in Subsections 506.01 through 506.12 of this rule. (7-1-04)T

01. **Child's Income Eligibility**. The child's countable income must exceed one hundred fifty percent (150%) of the FPG for his budget unit size and must be less than or equal to one hundred eighty-five percent (185%) of the FPG for his budget unit size. There are no earned or unearned income disregards for CHIP B. (7-1-04)T

02. **Child's Resource Eligibility**. The child's countable resources must not exceed five thousand dollars ($5000). (7-1-04)T

03. **No Creditable Health Insurance**. The child must not have creditable health insurance coverage. (7-1-04)T

04. **Child Disenrolled To Qualify For CHIP B**. To be enrolled in CHIP B, a child must not have disenrolled from creditable insurance in the six (6) months prior to his application with the intent to qualify for CHIP B. (7-1-04)T

05. **Not Eligible for Other Coverage**. The child must not be eligible for any Title XIX Medicaid coverage group or the CHIP A coverage group. (7-1-04)T

06. **Dependents of State Employees Not Eligible**. The dependent child of a State employee is not eligible to enroll in CHIP B if the State employee is eligible to participate in state-sponsored health insurance. (7-1-04)T

07. **Choice Agreement Signed**. A child who is eligible to participate in CHIP B and chooses Children's Access Card coverage must have a Choice Agreement signed and on file. If a Choice Agreement is not signed and on file, the child will be enrolled in the CHIP B program. (7-1-04)T

08. **Choice Agreement Change Requested**. A CHIP B participant can move from CHIP B to the Children's Access Card at any time if the request is made in writing at least forty-five (45) days in advance of the change. A Children's Access Card participant who is income eligible for CHIP B can move to CHIP B at any time if the request is made in writing at least forty-five (45) days in advance of the change. The forty-five day (45) advance notice requirement will be waived if the child is moving from Children's Access Card to CHIP B for one (1) of the reasons listed in Subsections 505.04.a. through 505.04.d. of this rule. (7-1-04)T

09. **CHIP B Participants Have Required Cost-Sharing Responsibilities**. The parent of a CHIP B participant must comply with any cost-sharing requirements described in IDAPA 16.03.18, "CHIP B and Children's Access Card Rules". Native American and Alaskan Eskimo children are not subject to cost-sharing requirements. (7-1-04)T

10. **Other Eligibility Criteria**. All other eligibility requirements in this chapter are applicable to this coverage group unless the rule specifically excludes the CHIP B coverage group. (7-1-04)T

11. **Enrollment Cap**. The number of individuals who can be enrolled in this program is subject to an enrollment cap specified by the Department. Individuals who meet all eligibility criteria for this program will be denied if there are no enrollment openings. (7-1-04)T

12. **Child Entering the Home**. A child entering the home during a closed enrollment period will not be automatically enrolled in the CHIP B program. They may apply during open enrollment. (7-1-04)T

507. **CHILDREN'S ACCESS CARD.**

The Children's Access Card coverage group provides insurance premium assistance to children who apply and are found eligible during an open enrollment period. A child receiving Children's Access card can change to CHIP A or B with a forty-five (45) day written notice, subject to the provisions in Subsections 505.07 and 506.08 of these rules. (7-1-04)T

01. **Children's Access Card Eligibility**. A child may be eligible for the Children's Access Card if all eligibility requirements for either CHIP A or CHIP B listed in Sections 505 and 506 of these rules are met. (7-1-04)T

02. **Co-Pays And Deductibles**.The family is responsible for the co-pays and deductibles required by their private insurance. (7-1-04)T

03. **Choice Agreement**. The family must have a signed Choice Agreement on file requesting Children's Access Card. If the family does not sign a Choice Agreement they will be enrolled in the CHIP coverage group they are eligible for. (7-1-04)T

04. **Enrollment Cap**. The number of individuals who can be enrolled in this program is subject to an enrollment cap specified by the Department. Individual's who meet all eligibility criteria for this program will be denied if there are no enrollment openings. (7-1-04)T

50~~6~~8. -- 599. (RESERVED).

600. INDIVIDUALS ~~*RELATED TO EITHER AFDC OR FPG STANDARDS*~~ WHO MAY QUALIFY FOR HEALTH CARE ASSISTANCE THROUGH SPECIAL CIRCUMSTANCES.
~~*Some individuals can be Medicaid eligible in any coverage group. These individuals are newborn children of mothers receiving Medicaid, persons meeting requirements of an emergency medical condition, minor parents, and residents of eligible institutions.*~~ The individuals listed in Subsections 601 through 603 of these rules may gain eligibility in any Title XIX Medicaid or CHIP A coverage group. Individuals described in Section 604 of these rules, may gain eligibility in any Title XIX or CHIP A or CHIP B coverage group. ~~*(7-1-98)*~~(7-1-04)T

601. NEWBORN CHILD.
A newborn child whose mother is receiving Title XIX Medicaid or CHIP A at the time of the child's birth is eligible for Title XIX Medicaid for one (1) year. ~~*The newborn child must live with his mother and the mother must continue receiving Medicaid, or would continue receiving Medicaid if she were still pregnant.*~~ Other nonfinancial criteria ~~*is postponed*~~ are not applied until a~~*n application*~~ renewal is made. ~~*(7-1-98)*~~(7-1-04)T

602. EMERGENCY MEDICAL CONDITION.
Individuals who do not meet citizenship requirements may receive ~~*Medicaid*~~ medical assistance under any Title XIX coverage group or the CHIP A coverage group for medical services necessary to treat an emergency medical condition, including labor and delivery. Emergency medical conditions have acute symptoms of severity, including severe pain. The Bureau of Medicaid Policy and Reimbursement determines if a condition meets criteria of an emergency condition. ~~*Medicaid*~~ Medical assistance is limited to the period of time established for the emergency condition. For undocumented individuals with emergency conditions, the SSN requirement is waived because an SSN cannot be issued. Individuals must be otherwise ~~*Medicaid*~~ eligible for Title XIX Medicaid. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

604. RESIDENT OF ELIGIBLE INSTITUTION.
A resident of an eligible institution can get Title XIX Medicaid, CHIP A or CHIP B. Non-financial and financial criteria must be met, and the individual must meet conditions of ~~*a coverage group*~~ Title XIX Medicaid, CHIP A or CHIP B. Eligible institutions are medical institutions, intermediate care facilities, child care institutions for foster care, or publicly operated community residences serving no more than sixteen (16) residents. ~~*(7-1-98)*~~(7-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

749. CONTINUOUS HEALTH CARE ASSISTANCE ELIGIBILITY FOR CHILDREN UNDER AGE NINETEEN.
Children under age nineteen (19), found ~~*Medicaid*~~ eligible in an initial determination or a ~~*redetermination*~~ renewal, remain eligible for a period of twelve (12) months. Eligibility ~~*continues for twelve (12) months, or until the age limit is exceeded, regardless of changes in circumstances*~~ stops when the child is no longer an Idaho resident, or the child dies. The twelve-month (12) continuous eligibility period does not apply if, for any reason, eligibility was determined incorrectly. Children approved for emergency medical services or pregnancy related services only are not eligible for the twelve-month (12) continuous eligibility period. ~~*(3-30-01)*~~(7-1-04)T

750. ANNUAL ~~*REDETERMINATION*~~ RENEWAL.
Participants must have ~~*eligibility redetermined*~~ an annual~~*ly*~~ eligibility renewal. The annual ~~*redetermination*~~ renewal is a review of all eligibility factors. ~~*To continue to receive Medicaid, the participant must complete and sign an application form and meet all nonfinancial and financial eligibility criteria.*~~ Exceptions to annual ~~*redetermination*~~ renewal are listed in S~~*ubs*~~ections~~s~~ 751~~*.01 through 751.04*~~ of these rules. ~~*(3-30-01)*~~(7-1-04)T

751. EXCEPTIONS TO ANNUAL ~~*REDETERMINATION*~~ RENEWAL.
Participants who receive Title XIX Medicaid through a time-limited coverage group, ~~*for which eligibility is not redetermined*~~ do not require an annual~~*ly,*~~ renewal. Coverage groups that do not require renewal are listed in

Subsections 751.01 through 751.04 of these rules. ~~*(3-30-01)*~~(7-1-04)T

01. Extended Medicaid. A participant who receives Extended Medicaid is eligible as provided in Section 415 of these rules. ~~*(3-30-01)*~~(7-1-04)T

02. Transitional Medicaid. A participant who receives Transitional Medicaid is eligible as provided in Section 416 of these rules. ~~*(3-30-01)*~~(7-1-04)T

03. Low Income Pregnant Woman. A participant who receives Medicaid as a Low Income Pregnant Woman is eligible as provided in Section 502 of these rules. ~~*(3-30-01)*~~(7-1-04)T

04. Newborn Child Of Medicaid Eligible Mother. A participant receiving Medicaid as the newborn child of a Medicaid eligible mother is eligible as provided in Section 601 of these rules. ~~*(3-30-01)*~~(7-1-04)T

752. REPORTING REQUIREMENTS.
Changes in family circumstances must be reported to the Department. Participants have ten (10) days, from the date the change is known, to report. Report of changes may be made verbally ~~or~~, in writing, through personal contact, telephone, fax, electronic mail, or mail. ~~*(3-30-01)*~~(7-1-04)T

753. TYPES OF CHANGES THAT MUST BE REPORTED.
Changes in circumstances the participant must report are listed in Subsections 753.01 through 753.12 of these rules. ~~*(3-30-01)*~~(7-1-04)T

01. Name Or Address. A name change for any participant must be reported. A change of address or location must be reported. (3-30-01)

02. Household Composition. Changes in family composition must be reported if a parent or relative caretaker receives Medicaid. (3-30-01)

03. Marital Status. Marriages or divorces of any family member must be reported if a parent or relative caretaker receives Medicaid. (3-30-01)

04. New Social Security Number. A Social Security Number (SSN) that is newly assigned to a Medicaid Health Care Assistance program participant must be reported. ~~*(3-30-01)*~~(7-1-04)T

05. Health Insurance Coverage. Enrollment or disenrollment of a participant in a health insurance plan must be reported. (3-30-01)

06. End Of Pregnancy ~~*Termination*~~. Pregnant participants must report when pregnancy ends. ~~*(3-30-01)*~~(7-1-04)T

07. Earned Income. Changes in the amount or source of earned income must be reported if a parent or relative caretaker receives Title XIX Medicaid. ~~*(3-30-01)*~~(7-1-04)T

08. Unearned Income. Changes in the amount or source of unearned income must be reported if a parent or relative caretaker receives Title XIX Medicaid. ~~*(3-30-01)*~~(7-1-04)T

09. Support Income. Changes in the amount of support paid or a change in the ordered amount must be reported if a parent or relative caretaker receives Title XIX Medicaid. ~~*(3-30-01)*~~(7-1-04)T

10. Resources. Changes in resources must be reported when a parent, relative caretaker, or pregnant woman receives Title XIX Medicaid. This includes receipt of money or goods from any source. ~~*(3-30-01)*~~(7-1-04)T

11. Vehicles. Changes in the number or type of vehicles must be reported if a parent or relative caretaker receives Title XIX Medicaid. ~~*(3-30-01)*~~(7-1-04)T

12. Disability. A family member who becomes disabled or is no longer disabled must be reported if a

parent or relative caretaker receives Title XIX Medicaid. ~~*(3-30-01)*~~(7-1-04)T

754. PARTICIPANT FAILS TO REPORT EARNED INCOME.
When a parent or relative caretaker who receives Title XIX Medicaid fails to report a change in earned income, or the change is not reported on time, the earned income disregards are not allowed in the financial determination. ~~*(3-30-01)*~~(7-1-04)T

755. -- 759. (RESERVED).

760. NOTICE OF CHANGES IN ELIGIBILITY.
The participant must be notified of changes in ~~*Medicaid*~~ Health Care Assistance eligibility. The notice must give the effective date, the reason for the action, the rule that supports the action, and appeal rights. ~~*(3-30-01)*~~(7-1-04)T

761. ADVANCE NOTICE RESPONSIBILITY.
When a reported change results in ~~*Medicaid*~~ Health Care Assistance closure, the participant must be notified at least ten (10) calendar days before the effective date of the action. ~~*(3-30-01)*~~(7-1-04)T

762. ADVANCE NOTICE NOT REQUIRED.
Advance notice is not required when a condition listed in Subsections 762.01 through 762.08 of these rules exists. The participant must be notified by the date of the action. ~~*(3-30-01)*~~(7-1-04)T

01. Death Of Participant. The Department has proof of the participant's death. (3-30-01)

02. Participant Request. The participant requests closure in writing. (3-30-01)

03. Participant In Institution. The participant is admitted or committed to an institution. Further payments to the participant do not qualify for federal financial participation under the state plan. (3-30-01)

04. Nursing Care. The participant is placed in a nursing facility, or Intermediate Care Facility for the Mentally Retarded. (3-30-01)

05. Participant Address Unknown. The participant's whereabouts are unknown. (3-30-01)

06. Aid In Another State. A participant is approved for aid in another state. (3-30-01)

07. Eligible One Month. The participant is eligible for aid only during the calendar month of his application for aid. (3-30-01)

08. Retroactive Medicaid. The participant's Title XIX Medicaid or CHIP A eligibility is for a prior period. ~~*(3-30-01)*~~(7-1-04)T

763. -- 799. (RESERVED).

800. OVERPAYMENTS.
~~*Medicaid*~~ Health Care Assistance overpayments occur when a participant receives ~~*Medicaid services*~~ benefits during a month~~*, but is ineligible for Medicaid*~~ they were not eligible. ~~*(7-1-99)*~~(7-1-04)T

801. RECOVERY OF OVERPAYMENTS.
All ~~*Medicaid*~~ Health Care Assistance overpayments are subject to recovery. ~~*Medicaid o*~~Overpayments are recovered by direct payment. ~~*(7-1-99)*~~(7-1-04)T

01. Notice Of Overpayment. The participant must be informed of the ~~*Medicaid*~~ Health Care Assistance overpayment. ~~*(7-1-99)*~~(7-1-04)T

02. Notice Of Recovery. The participant must be informed when his ~~*Medicaid*~~ Health Care Assistance overpayment is fully recovered. ~~*(7-1-99)*~~(7-1-04)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

DOCKET NO. 16-0309-0311

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendments to the temporary rule is August 1, 2004. This pending rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, 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 Sections 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 Sections 56-202, 56-203, 56-1003(l), 56-1004(l)(a), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Based on input from service providers, staff, and other interested stakeholders, amendments were made to the temporary rule in order to clarify requirements related to psychosocial rehabilitation (PSR) services and mental health clinics. Areas of substantive change include:

1. Clarification of PSR eligibility requirements following discharge from psychiatric hospitalization;
2. Clarification of PSR provider responsibilities regarding comprehensive assessment;
3. Clarification and revision of requirements regarding the individualized treatment plan and replacement of the term “service plan” with the term “individualized treatment plan” throughout docket text;
4. Clarification of the criminal history check requirements both for PSR agencies and mental health clinics;
5. Clarification of physician requirements for mental health clinics;
6. Replacement of the term “paraprofessional” by the term “support staff”;
7. Clarification of requirements for provider agencies vs. requirements of agency staff delivering services;
8. Clarification and revision of the requirements for those conducting psychological testing; and
9. Reduction in the limit on treatment hours for the partial care service from 56 to 36 hours per week.

Other more minor clarifications, revisions, and corrections were made to the text of the temporary rule, as needed.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the November 5, 2003, Administrative Bulletin, Volume 03-11, pages 38 through 63.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Pat Guidry at (208) 364-1833.

DATED this 1st day of June, 2004.

Sherri Kovach - Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16, TITLE 03, CHAPTER 09

RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

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 03-11, November 5, 2003, pages 38 through 63.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING RULE DOCKET NO. 16-0309-0311

Subsections 449.04 and 449.09

449. DEFINITIONS FOR PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR).

04. Initial Contact. The date a participant, ~~*or*~~ parent, or legal guardian signs the request for assessment hours. ~~*(12-1-03)T*~~(8-1-04)T

09. Tasks. Specific, time-limited activities and interventions designed to accomplish the objectives in the ~~*service*~~ individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

Section 450, Subsections 450.01., 01.d., 03, and 04.a.

450. PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR).
Under 42 CFR 440.130(d) and in accordance with Section 39-3124, Idaho Code, the Department or its designee in each region ~~*must purchase*~~ will cover psychosocial rehabilitative services (PSR) for maximum reduction of mental disability. For ~~*psychosocial rehabilitative services*~~ PSR provided by a school district under an individualized education plan (IEP), refer to Section 560 of these rules. ~~*(12-1-03)T*~~(8-1-04)T

01. PSR Eligibility Criteria For Children. A seriously emotionally disturbed child is an individual under the age of eighteen (18) who has a serious emotional disturbance (SED). The following definition of the SED target population is based on ~~*the guidelines taken from Section 1912(c) of the Public Health Services Act as amended*~~

~~*by Public Law 102-321;*~~ the definition of SED found in the Children's Mental Health Services Act, ~~*Title 16, Chapter 24*~~ Section 16-2403, Idaho Code~~*; and IDAPA 16.06.01, "Rules Governing Family and Children's Services"*~~.
~~*(3-15-02)*~~(8-1-04)T

d. The disorder is considered to be a serious disability if it causes substantial impairment in functioning. Functional impairment must be assessed using the Child and Adolescent Functional Assessment Scale/ Preschool and Early Childhood Functional Assessment Scale (CAFAS/PECFAS). Substantial impairment requires a full eight (8) scale score of eighty (80) or higher with "moderate" impairment in at least one (1) of the following three (3) scales: ~~*(12-1-03)T*~~(8-1-04)T

03. PSR Eligibility Following Discharge From Psychiatric Hospitalization. Children and adults discharged from psychiatric hospitalization and who meet the diagnostic criteria of the target population in these rules, described in Subsections 450.01.a. for children, and in 450.02.a. for adults, are considered immediately eligible for PSR services for a period of at least one hundred and twenty (120) days following discharge from the hospital. The ~~*service*~~ individualized treatment plan must be ~~*submitted to the Department or its designee*~~ completed within ten (10) days of discharge. ~~*(12-1-03)T*~~(8-1-04)T

a. Up to two (2) hours of plan development hours may be prior authorized for coordinating with hospital staff and others the participant chooses. These prior authorized plan development hours are to be used for the development of an individualized treatment plan based solely on the participant's hospital records and past history. The provider agency does not have to perform any additional assessment nor does the participant need to qualify as described in Subsection 453.01 of these rules. (8-1-04)T

b. Upon submission of the completed individualized treatment plan to the Department or its designee, PSR services may be prior authorized for no more than one hundred twenty (120) days. For services to continue beyond one hundred twenty (120) days, the requirements of Section 452 in these rules must be met by the provider agency. (8-1-04)T

04. Place Of Service. PSR services are to be home and community-based. (12-1-03)T

a. PSR services must be provided to the participant in his home and community whenever possible. Any other location, including a provider's office or clinic, may be used if the specific place of service is stated in the ~~*task*~~ individualized treatment plan and is prior authorized. ~~*(12-1-03)T*~~(8-1-04)T

Section 451 Entire Section

451. RESPONSIBILITIES OF THE DEPARTMENT REGARDING PSR SERVICES.
The Department will administer the provider agreement for the provision of PSR services and is responsible for the following tasks: (12-1-03)T

03. ~~***Service***~~ **Individualized Treatment Plan Authorization Requirements**. ~~*Service*~~ Individualized treatment plan authorizations must include the following: ~~*(12-1-03)T*~~(8-1-04)T

a. Required Documentation. The required documentation for ~~*all service*~~ each individualized treatment plan~~s~~ includes: ~~*(12-1-03)T*~~(8-1-04)T

i. Participant demographic information; (12-1-03)T

ii. A comprehensive assessment as provided in Subsection 453.01 of these rules; and (12-1-03)T

iii. A written ~~*service*~~ individualized treatment plan as provided in Subsection 453.02 of these rules. ~~*(12-1-03)T*~~(8-1-04)T

iv. Adult service plans also require a rehabilitation outcome database. (12-1-03)T

v. Children's ~~*service*~~ individualized treatment plans also require the Child and Adolescent Functional Assessment Scale/Preschool and Early Childhood Functional Assessment Scale (CAFAS/PECFAS). ~~*(12-1-03)T*~~(8-1-04)T

b. Physician's Signature and Receipt of Required Documentation. Reimbursement for services will be authorized from the date of the physician's signature if the required documentation is received by the Department or its designee within thirty (30) days from the request of assessment hours. If the documentation is received after thirty (30) days from the date of the request of assessment hours, or after the expiration of the plan, the date to begin services is the date the ~~*service*~~ individualized treatment plan and other required documentation are received by the Department or its designee. For the annual update, all required documentation must be received by the Department or its designee before the expiration date of the current assessment and plan. In order for a prior authorization to remain valid throughout the ~~*service*~~ treatment plan year, documentation of the one hundred twenty (120) day reviews must comply with Subsection 457.05 of these rules. ~~*(12-1-03)T*~~(8-1-04)T

c. Hours and Type of Service. The Department or its designee must authorize the number of hours and type of services which could be reasonably expected to lead to achievement of the ~~*service*~~ individualized treatment plan objectives. ~~*(12-1-03)T*~~(8-1-04)T

d. Authorization Time Period. Service authorizations are limited to a twelve (12) month period and must be reviewed and updated at least annually. (12-1-03)T

e. No Duplication of Services. The Department or its designee must monitor, coordinate, and jointly plan with all known providers to a participant to prevent duplication of services provided to PSR participants through other Medicaid reimbursable and non-Medicaid programs. (12-1-03)T

04. **Notice Of Decision**. At the point a decision is made that a participant is ineligible for PSR services, a notice of decision citing the reason(s) the participant is ineligible for PSR services must be issued by the Department. The notice of decision must be sent to the adult participant and a copy to his legal guardian, if any. When the participant is a minor child, the notice of decision must be sent to the minor child's parent or legal guardian. (8-1-04)T

0~~4~~5. Changes In ~~*Service*~~ Individualized Treatment Plan Hours Or Service Type. When the Department or its designee is notified, in writing, by the provider of recommended increases in hours or change in type of service provided, the Department or its designee must review the request and either approve or deny within ten (10) working days of receipt. A clear rationale for the change in hours or service type must be included with the request. ~~*(12-1-03)T*~~(8-1-04)T

0~~5~~6. Changes To ~~*Service*~~ Individualized Treatment Plan Objectives. When a provider believes that an ~~*service*~~ individualized treatment plan needs to be revised, the provider should include that recommendation and rationale in documentation of the next one hundred twenty (120) day review. The Department or its designee will review the information, and if appropriate, act on the recommendation. In the event substantial changes in the participant's mental status or circumstances occur requiring immediate changes in the plan objectives, the provider must notify the Department or its designee, in writing, of its recommendation and rationale for the change. The Department has ten (10) working days to respond to and either approve or deny the request for change. ~~*(12-1-03)T*~~(8-1-04)T

0~~6~~7. Minor Changes To ~~*Service*~~ Individualized Treatment Plan Tasks. When the Department or its designee is notified in writing by the provider of necessary and specific changes to ~~*service*~~ individualized treatment plan tasks that require no change in total hours or service type, a copy of the amended ~~*service*~~ individualized treatment plan tasks must be forwarded to the Department or its designee including rationale for those changes. The Department or its designee has ten (10) working days to respond to the changes. If no response is received, the provider may proceed to incorporate those and only those specific task changes into the ~~*service*~~ individualized treatment plan. While task changes may result in reassignment of available hours among tasks, under no circumstances does this permit the provider to increase the total number of prior authorized hours. ~~*(12-1-03)T*~~(8-1-04)T

0~~7~~8. **Quality Of Services**. The Department or its designee must monitor the quality and outcomes of PSR services provided to participants, in coordination with the Divisions of Medicaid, Management Services, and Family and Community Services. (12-1-03)T

Subsections 452.04 through 452.07

452. RESPONSIBILITIES OF PSR PROVIDERS.

04. Comprehensive Assessment And ~~*Service*~~ Individualized Treatment Plan Development. The provider agency is responsible to conduct a comprehensive assessment and develop an ~~*service*~~ individualized treatment plan for each participant. ~~*At the point a decision is made that a participant is ineligible for PSR services, a notice of decision citing the reason(s) the participant is ineligible for PSR services must be issued by the Department or its designee. The notice of decision must be sent to the adult participant and a copy to their guardian. When the participant is a minor child, the notice of decision must be sent to the minor child's parent(s) or guardian. The adult or family of the minor child must receive appropriate referrals to meet their identified needs.*~~ In the event the agency makes a determination that it cannot serve the participant, the agency must make appropriate referrals to other agencies to meet the participant's identified needs. ~~*(12-1-03)T*~~(8-1-04)T

05. ~~*Service*~~ Individualized Treatment Plan. The provider must develop an ~~*service*~~ individualized treatment plan in accordance with Subsection 453.02 of these rules. The signature of a physician, or other licensed practitioner of the healing arts within the scope of his practice under state law is required on the ~~*service*~~ individualized treatment plan indicating the services are medically necessary. The date of the plan is the date it is signed by the physician if all the required documentation is received by the Department or its designee within thirty (30) days of the date of the request for assessment hours. ~~*(12-1-03)T*~~(8-1-04)T

06. Changes To ~~*Service*~~ Individualized Treatment Plan Objectives. When a provider believes that an ~~*service*~~ individualized treatment plan needs to be revised, the provider should include that recommendation and rationale in the documentation for the next one hundred twenty (120) day review. ~~*(12-1-03)T*~~(8-1-04)T

07. Effectiveness Of Services. Effectiveness of services, as measured by a participant's achievement of his plan objectives, must be monitored by the provider and changes to the ~~*service*~~ individualized treatment plan must be initiated when service needs change or interventions are shown to be ineffective. These measures must be included on the participant's one hundred twenty (120) day review. ~~*(12-1-03)T*~~(8-1-04)T

Section 453 Entire Section

453. PSR SERVICE DESCRIPTIONS.
The goal of PSR services is to aid participants in work, school, family, community, or other issues related to their mental illness. It is also to aid them in obtaining developmentally appropriate skills for living independently and to prevent movement to a more restrictive living situation. All services provided must be clinically appropriate in content, service location and duration and based on measurable and behaviorally specific and achieveable objectives. In order to prevent duplication, PSR services must be coordinated with all other services received by the participant. PSR consists of the following services: ~~*(12-1-03)T*~~(8-1-04)T

01. Comprehensive Assessment. A comprehensive assessment must be completed for each participant determined eligible for PSR. The assessment must address the participant's strengths and supports, deficits and needs, and must be directed toward formulation of a diagnosis and a written ~~*service*~~ individualized treatment plan ~~*including the task plan*~~. The participant must take part in the assessment to the fullest extent possible. The assessment must be directly related to the participant's mental illness and level of functioning. Information regarding services received from any of the participant's service provider(s) must be collected and reported on the comprehensive assessment. The assessment and supplemental psychiatric, psychological, or other specialty evaluations and tests must be written,

dated, signed and be retained in the participant's file. The assessment is reimbursable if conducted by ~~a~~ qualified provider ~~*named in*~~ agency staff listed under Section 456 of these rules. Each of the following areas must be assessed initially and at least annually thereafter: ~~*(12-1-03)T*~~(8-1-04)T

a. ~~*Psychiatric history and current mental status including at a minimum, age at onset, childhood history of physical or sexual abuse, number of hospitalizations, precursors of hospitalizations, symptoms of decompensation the participant manifests, the participant's ability to identify his symptoms, medication history, substance abuse history, history of mental illness in the family, current mental status, any other information that contributes to the assessment of the participant's current psychiatric status. This section must contain the diagnosis documented by a licensed physician or other licensed practitioner of the healing arts within the scope of his practice under state law;*~~ Psychiatric history and current mental status which includes, at a minimum: ~~*(12-1-03)T*~~(8-1-04)T

i. Diagnosis documented within the last twelve (12) months by a licensed physician or other licensed practitioner of the healing arts, licensed master's level psychiatric nurse, licensed psychologist, licensed clinical professional counselor, or licensed clinical social worker within the scope of his practice under state law; (8-1-04)T

ii. Age of the participant at onset; (8-1-04)T

iii. Childhood history of physical or sexual abuse; (8-1-04)T

iv. Number of hospitalizations; (8-1-04)T

v. Precursors of hospitalizations; (8-1-04)T

vi. Symptoms of decompensation the participant manifests; (8-1-04)T

vii. Participant's ability to identify his symptoms; (8-1-04)T

viii. Medication history; (8-1-04)T

ix. Substance abuse history; (8-1-04)T

x. History of mental illness in the family; (8-1-04)T

xi. Current mental status; and (8-1-04)T

xii. Any other information that contributes to the assessment of the participant's current psychiatric status. (8-1-04)T

b. Medical history and current medical status which includes at a minimum, history of any major non-psychiatric illnesses, surgeries, hospitalizations, dates of last physical, dental, or eye examinations, pertinent family history of medical illness, current health problems/needs, current medications, name of current primary physician; (3-15-02)

c. Vocational/Educational status which includes at a minimum, current and past job status, level of satisfaction with the vocation, educational level, military status, strengths and barriers to employment. For children, this area addresses relevant school enrollment, performance, achievement levels and school-related social functioning; (3-15-02)

d. Financial status which includes at a minimum, adequacy and stability of the participant's financial status, financial difficulties of the participant, resources available, and the participant's ability to manage personal finances; (12-1-03)T

e. Social relationships/support which includes, at a minimum, participant's ability to establish/ maintain personal support systems or relationships and participant's ability to develop leisure, recreational, or social interests; (12-1-03)T

f. Family status which includes, at a minimum, the participant's ability or desire to carry out family roles, participant's perception of the support he receives from his family, and the role the family plays in the participant's mental illness. For children this area addresses the child's functioning within the family and the impact of the child's mental illness on family functioning; (12-1-03)T

g. Basic living skills which include at a minimum, participant's ability to meet age appropriate basic living skills including transition to adulthood; (12-1-03)T

h. Housing which includes at a minimum, current living situation and level of satisfaction with the arrangement, and appropriateness of current living situation with respect to the participant's needs, his health and safety; (12-1-03)T

i. Community/Legal status which includes at a minimum, legal history with law enforcement, transportation needs, supports the participant has in the community, and daily living skills necessary for community living; and (12-1-03)T

j. Health or medical issues, or both, including medical complications that result from the mental illness. (12-1-03)T

02. Written ~~*Service*~~ Individualized Treatment Plan. A written ~~*service*~~ individualized treatment plan must be developed and implemented for each participant of PSR services as a means to address the rehabilitative service needs of the participant. Services must support the goals of PSR which are maximum reduction of mental disability and achievement of the highest possible functioning level for that participant. For adults this means becoming independent or maintaining the highest level of independence. For children this means learning or maintaining developmentally appropriate role functioning. The ~~*service*~~ individualized treatment plan identifies the issue(s), goal(s), areas of need, the objectives and the total number of hours and types of services estimated to achieve all objectives based on the ability of the participant to effectively utilize services. The ~~*service*~~ individualized treatment plan must be developed by the participant, his family, other support systems and the ~~*Department or its designee*~~ provider agency. ~~*Service*~~ Treatment planning is reimbursable if conducted by ~~*a*~~ qualified provider~~*, in accordance with*~~ agency staff listed under Section~~*s*~~ 456 of these rules.The ~~*service*~~ individualized treatment plan must be documented by the ~~*Department or its designee*~~ provider agency. ~~*(12-1-03)T*~~(8-1-04)T

a. An ~~*service*~~ individualized treatment plan must include the following, at a minimum: ~~*(3-15-02)*~~(8-1-04)T

i. An issue statement specifically describing the participant's behavior that directly relates to his mental illness and functional impairment. (12-1-03)T

ii. A statement which identifies the participant's goal relative to the goals of PSR as per Section 450 and Subsection 453.02 of these rules; (12-1-03)T

iii. Overall goal(s) and concrete, measurable objectives to be achieved, including time frames for completion. At least one (1) objective is required for the focus areas which must likely lead to the greatest stabilizing impact. At a minimum, this should include at least one (1) objective in each of the two (2) focus areas which qualify the participant for PSR; (12-1-03)T

iv. Tasks that are specific, time-limited activities and interventions designed to accomplish the objectives in the ~~*service*~~ individualized treatment plan and are developed by the participant and the selected provider(s). Each task description must specify the anticipated place of service, the frequency of services, the type of service, and the person(s) responsible to assist the participant in the completion of tasks. ~~*(12-1-03)T*~~(8-1-04)T

v. Documentation of who participated in the development of the ~~*service*~~ individualized treatment plan. The participant, if possible, must take part in the development of the ~~*service*~~ individualized treatment plan. The adult participant or the adult participant's legal guardian must sign the ~~*service*~~ individualized treatment plan or documentation must be provided why this was not possible, including participant refusal to sign. For a minor child participant, the child's parent~~*(s)*~~ or legal guardian~~*(s)*~~ must sign the plan. A copy of the plan must be given to the adult participant and his legal guardian or to the parent~~*(s)*~~ or legal guardian ~~*of the*~~ when the participant is a minor child;

~~*(12-1-03)T*~~(8-1-04)T

b. An ~~*service*~~ individualized treatment plan must be developed within thirty (30) calendar days from initial face-to-face contact between the ~~*Department or its designee*~~ provider agency staff and the participant, or ~~*in the case of a minor child,*~~ the ~~*child's*~~ parent~~s~~ or legal guardian~~s~~ when the participant is a minor child.
~~*(12-1-03)T*~~(8-1-04)T

c. An ~~*service*~~ individualized treatment plan review by the ~~*Department or its designee*~~ provider agency staff and the participant must occur at least annually. During the review, the ~~*Department or its designee*~~ provider agency staff and the participant review any objectives which may be added to or deleted from the ~~*service*~~ individualized treatment plan. Input from other participants in the plan including service provider(s) must be considered. ~~*Who*~~ Other attendees of the individualized treatment plan review ~~*is a decision of*~~ may be chosen by the adult participant ~~*and*~~ or his legal guardian if any or, ~~*in the case of*~~ when the participant is a minor child, by his family or legal guardian~~*(s),*~~ and the ~~*Department or its designee*~~ provider agency staff. ~~*(12-1-03)T*~~(8-1-04)T

d. Each ~~*service*~~ individualized treatment plan must be reviewed and signed by a physician or a licensed practitioner of the healing arts at least annually. Once the date of a plan is established, that date continues to be the annual date of the plan. ~~*If the physician does not sign a subsequent plan on or before the date of the plan, the plan is expired and a new plan must be developed. The date of the physician's signature on subsequent plans must not be after the established annual date. This in no way precludes the Department or its designee from reformulating a completely new plan annually.*~~ Any subsequent treatment plans must be received by the Department or its designee on or before the expiration date of the current plan. If a subsequent plan is not received on or before the expiration date of the current plan, services that are provided in the interim will not be reimbursed. ~~*(12-1-03)T*~~(8-1-04)T

e. The eligible participant will be allowed to choose whether or not he desires to receive PSR services and who the provider(s) of services will be to assist him in accomplishing the objectives stated in his ~~*service*~~ individualized treatment plan. Documentation must be included in the participant's file showing that the participant has been informed of his rights to refuse services and choose providers. ~~*(12-1-03)T*~~(8-1-04)T

03. Pharmacological Management. Pharmacological management services must be provided in accordance with the ~~*service*~~ individualized treatment plan. Pharmacological management, alone, may be provided if the plan indicates that this service is necessary and sufficient to prevent relapse or hospitalization and that functional deficits are either manageable by the participant or absent but expected to return if pharmacological management is not provided. The telephoning of prescriptions to the pharmacy is not a billable service. Medication prescription must be done by a licensed physician or other practitioner of the healing arts within the scope of practice defined in their license in visual contact with the participant. ~~*(12-1-03)T*~~(8-1-04)T

04. Individual Psychosocial Rehabilitation (PSR). Individual psychosocial rehabilitation must be provided in accordance with the objectives specified in the ~~*service*~~ individualized treatment plan. Individual PSR is a service provided to an individual participant on a one-to-one basis. Individual PSR is reimbursable if provided by an agency with a current provider agreement and the agency~~*'s providers*~~ staff delivering the service meet the qualifications, in accordance with Section 456 of these rules. Individual PSR includes one (1) or more of the following: ~~*(12-1-03)T*~~(8-1-04)T

a. Assistance in gaining and utilizing skills necessary to undertake school, employment, or independence. This includes helping the participant learn personal hygiene and grooming, selecting and acquiring appropriate clothing, time management and other skills related to participant's psychosocial circumstances;
(12-1-03)T

b. Ongoing on-site assessment, evaluation, and feedback sessions, including one hundred twenty (120) day reviews, to identify symptoms or behaviors related to the participant's mental illness and to develop interventions with the participant and his employer or teacher; (12-1-03)T

c. Individual interventions in social skill training to improve communication skills and facilitate appropriate interpersonal behavior directly related to the participant's mental illness; (12-1-03)T

d. Problem solving, support, and supervision related to activities of daily living to assist participants

in gaining and utilizing skills such as personal hygiene, household tasks, use of transportation, and money management; (12-1-03)T

e. Assisting the participant with receiving necessary services when he has difficulty or is unable to obtain them. (8-1-04)T

i. This assistance may be given by accompanying him to Medicaid-reimbursable appointments. For reimbursement purposes, the PSR ~~*provider*~~ agency staff person must be present during the appointment and deliver a PSR service during the appointment. Travel time and time waiting to meet with the Medicaid provider are not reimbursable; however, reimbursement is available for the delivery of prior authorized PSR services occurring during these times. (8-1-04)T

ii. To be eligible for this service, the participant must have a functional impairment that affects his ability to communicate accurately due to a mental illness and be unable to report symptoms to a licensed practitioner, as identified in Subsection 456.01, or be unable to understand the practitioner's instructions. The impairment must be identified in the assessment. The ~~*service*~~ individualized treatment plan must identify how the impairment is to be resolved and include objectives toward independence in this area. For children, this service is not intended to replace the parent's responsibility in advocating for or attending appointments for their child; ~~*(12-1-03)T*~~(8-1-04)T

f. Medication education may be provided by a licensed physician, licensed nurse, or a licensed practitioner of the healing arts within the scope of his practice under state law. This service focuses on educating the participant about the role and effects of medications in treating symptoms of mental illness and symptom management. (12-1-03)T

g. Development of coping skills and symptom management to identify the symptoms of mental illness that are barriers to successful community integration and crisis prevention. (12-1-03)T

h. May assist participant with “self” administration of medications by verbal prompts according to the direction of the prescribing physician. Verbal prompts must be delivered face-to-face and an assessment of the participant's functioning must be completed and documented. In cases where verbal prompts by phone are justified, they must be specifically prior authorized. (12-1-03)T

05. Group Psychosocial Rehabilitation (PSR). Group PSR must be provided in accordance with the objectives specified in the ~~*service*~~ individualized treatment plan. Group PSR is a service provided to two (2) or more individuals~~*, at least one (1) of whom is a participant*~~ concurrently. Group PSR is reimbursable if provided by an agency with a current provider agreement and the agency~~*'s provider*~~ staff person delivering the service meets the qualifications in accordance with Section 456 of these rules. This service includes one (1) or more of the following: ~~*(12-1-03)T*~~(8-1-04)T

a. Medication education groups provided by a licensed physician, licensed nurse, or a licensed practitioner of the healing arts within the scope of his practice under state law. This service focuses on educating participants about the role and effects of medications in treating symptoms of mental illness and symptom management. These groups must not be used solely for the purpose of group prescription writing; (12-1-03)T

b. Employment or school-related groups to focus on symptom management on the job or in school, symptom reduction, and education about appropriate job or school-related behaviors; (12-1-03)T

c. Communication and interpersonal skills groups, the goals of which are to improve communication skills and facilitate appropriate interpersonal behavior; (12-1-03)T

d. Symptom management groups to identify mental illness symptoms which are barriers to successful community integration, crisis prevention, problem identification and resolution, coping skills, developing support systems and planning interventions with teachers, employers, family members and other support persons; and (3-15-02)

e. Activities of daily living groups which help participants learn skills related to personal hygiene, grooming, household tasks, use of transportation, socialization, and money management. (12-1-03)T

06. Crisis Intervention Service. Crisis support that includes intervention for a participant in crisis situations to ensure his health and safety or to prevent his hospitalization or incarceration. Crisis intervention service is reimbursable if provided by an agency with a current provider agreement and the agency~~'s providers~~ staff delivering the service meet the qualifications ~~of~~ under Section 456 of these rules. A crisis may be precipitated by loss of housing, employment or reduction of income, risk of incarceration, risk of physical harm, family altercation or other emergencies. PSR ~~providers~~ agency staff may ~~provide~~ deliver direct services within the scope of these rules or link the participant to community resources to resolve the crisis or both. Crisis support may be provided prior to or after the completion of the assessment and service plan. Service is reimbursable if there is documentation that supports the need for the service and the ~~service~~ the individualized treatment is either authorized the next business day following the beginning of the crisis or prior authorized in anticipation of the need for crisis support. Crisis hours are authorized on a per incident basis. ~~(12-1-03)T~~(8-1-04)T

a. Crisis Support in a Community. Limitations to reimbursement in this place of service are described in Subsection 459.03 of these rules. (12-1-03)T

b. Crisis Support in an Emergency Department. (12-1-03)T

i. A service provided in a hospital emergency department as an adjunct to the medical evaluation completed by the emergency department physician. This evaluation may include a psychiatric assessment. (12-1-03)T

ii. The goal of this service is to assist in the identification of the least restrictive setting appropriate to the needs of the participant. (12-1-03)T

07. Collateral Contact. Collateral ~~C~~contacts are contacts made with significant individuals in the participant's environment for the purpose of assisting the participant to live in the community. Collateral~~s~~ contacts may include a parent, legal guardian, relatives, family members, landlords, employers, teachers, providers or other individuals with a primary relationship to the participant. The purpose of collateral contacts is to gather and exchange information with individuals specifically identified in the ~~service or task~~ individualized treatment plan. Collateral contacts must be prior authorized. Collateral ~~C~~contact is reimbursable if provided by an agency with a current provider agreement and the agency~~'s providers~~ staff making the contacts meet the qualifications ~~of~~ under Section 456 of these rules. Subsection 454.06 of these rules describes limitations on reimbursement for collateral contacts between provider~~s~~ agency staff. The types of collateral contact are as follows: ~~(12-1-03)T~~(8-1-04)T

a. Collateral contact face-to-face. When two persons meet visually at the same time; (3-15-02)

b. Collateral contact telephone. When it is the most expeditious and effective way to exchange information; and (3-15-02)

c. Collateral contact parent group. When two (2) or more parents of children, under the age of eighteen (18), with similar serious emotional disturbances meet to share information and learn about their children's needs. (3-15-02)

08. Nursing Service. A service performed by licensed and qualified nursing personnel within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code. This may include supervision, monitoring, and administration of medications. (3-15-02)

09. Psychotherapy. Individual, group and family psychotherapy must be prior authorized and provided in accordance with the objectives specified in the written ~~service~~ individualized treatment plan. Staff ~~Q~~qualified ~~providers~~ to deliver psychotherapy and qualified supervisors of psychotherapy are identified in Subsection 469.06 of these rules. Family psychotherapy must include the participant and at least one (1) family member at any given time and must be delivered in accordance with objectives as specified in the written ~~service~~ individualized treatment plan. An agency must assure clinical supervision is available to all staff that provide psychotherapy. The amount of supervision should be adequate to insure that the ~~service~~ individualized treatment plan objectives are achieved. Documentation of supervision must be maintained by the agency and be available for review by the Department or its designee. ~~(12-1-03)T~~(8-1-04)T

10. Occupational Therapy. Occupational therapy services must be prior authorized by the Department or its designee, based on the results of an occupational therapy evaluation completed by a licensed Occupational Therapist in accordance with Subsections 456.~~0~~12 and 458.08 of these rules. ~~(12-1-03)T~~(8-1-04)T

Subsections 454.08 And 454.10

454. EXCLUDED SERVICES NOT REIMBURSABLE UNDER MEDICAID PSR.
Excluded services are those services that are not reimbursable under Medicaid PSR. The following is a list of those services: (12-1-03)T

08. Services Delivered On An Expired ~~*Service*~~ Individualized Treatment Plan. Services provided between the expiration date of one (1) plan and the start date of the subsequent treatment plan; and ~~(3-15-02)~~(8-1-04)T

10. Inmate Of A Public Institution. Treatment services rendered to participants who are residing in a public institution as defined in 42 CFR 435.1009; (8-1-04)T

1~~0~~1. Services Not Listed. Any other services not listed in Section 453 of these rules. (12-1-03)T

Section 455 Entire Section

455. PSR PROVIDER AGENCY REQUIREMENTS.
Each agency ~~*who*~~ that enters into a provider agreement with the ~~*Division of Medicaid*~~ Department for the provision of PSR services must meet the following requirements: ~~(12-1-03)T~~(8-1-04)T

01. Agency. A PSR agency must be a proprietorship, partnership, corporation, or other entity, employing at least two (2) ~~*providers*~~ staff qualified to deliver PSR services under Section 456 of these rules, and offering both PSR services and administrative services. Administrative services may include such activities as billing, hiring staff, assuring staff qualifications are met and maintained, setting policy and procedure, payroll. ~~(3-15-02)~~(8-1-04)T

02. Criminal History Checks. (8-1-04)T

a. The agency must verify that all employees, subcontractors, or agents of the agency providing direct care or PSR services have complied with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks". (8-1-04)T

b. Once an employee, subcontractor, or agent of the agency has completed a self-declaration form and has been fingerprinted, he may begin working for the agency on a provisional basis while awaiting the results of the criminal history check. (8-1-04)T

c. Once an employee, subcontractor, agent of the agency has received a criminal history clearance, any additional criminal convictions must be reported to the Department or its designee when the agency learns of the conviction. (8-1-04)T

0~~2~~3. PSR Agency Staff Qualifications. ~~*An*~~ The agency must assure that ~~*all*~~ each agency staff person delivering PSR services meets at least one (1) of the qualifications in Section 456 of these rules. ~~*The agency must verify that all employees, subcontractors, or agents coming into direct contact with participants have passed a Department criminal history check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks". The agency must report criminal convictions of employees, subcontractors, or agents to the Department or its designee.*~~ ~~(12-1-03)T~~(8-1-04)T

0~~3~~4. **Supplemental Services Agreement**. ~~*An*~~ The agency must have negotiated a Supplement Services Agreement (SSA) with the Department or its designee. The SSA must specify what PSR services must be provided by the agency. ~~*An*~~ The agency's Supplemental Services Agreement must be reviewed at least annually and may be revised or cancelled at any time. ~~*(12-1-03)T*~~(8-1-04)T

0~~4~~5. **Agency Employees And Subcontractors**. Employees and subcontractors of ~~*an*~~ the agency are subject to the same conditions, restrictions, qualifications and rules as the agency. ~~*(12-1-03)T*~~(8-1-04)T

0~~5~~6. **Supervision**. ~~*An*~~ The agency must provide staff with adequate supervision to insure that the tasks on a participant's ~~*service*~~ individualized treatment plan can be implemented effectively in order for the ~~*service*~~ individualized treatment plan objectives to be achieved. Case-specific supervisory contact must be made weekly, at a minimum, with staff for whom supervision is a requirement. Individuals in Subsections 456.09 through 456.12 of these rules must be supervised by individuals in Subsections 456.01 through 456.08. Documentation of supervision must be maintained by the agency and be available for review by the Department or its designee. ~~*(12-1-03)T*~~(8-1-04)T

0~~6~~7. **Continuing Education**. The agency must assure that all staff complete twenty (20) hours of continuing education annually from the date of hire. Four (4) hours every four (4) years must be in ethics training. Staff who are not licensed must select the discipline closest to their own and use the continuing education standards attached to that professional license. Nothing in these rules will affect professional licensing continuing education standards and requirements set by the Bureau of Occupational Licenses. (12-1-03)T

0~~7~~8. **Crisis Service Availability**. PSR agencies must provide twenty-four (24) hour crisis response services for their participants or make contractual arrangement for the provision of those services. (12-1-03)T

Section 456 (Partial Section)

456. PSR ~~*PROVIDER*~~ AGENCY STAFF QUALIFICATIONS.
All ~~*individuals providing*~~ agency staff delivering PSR services must meet at least one (1) of the following qualifications: ~~*(12-1-03)T*~~(8-1-04)T

Section 457, Subsections 457.02, and 457.05 through 457.07

457. RECORD REQUIREMENTS FOR PSR PROVIDERS.
In addition to the development and maintenance of the ~~*service*~~ individualized treatment plan, the following documentation must be maintained by the provider of PSR services: ~~*(12-1-03)T*~~(8-1-04)T

02. **Provider**. Name of the provider agency and the agency staff person ~~*providing*~~ delivering the service; ~~*(3-15-02)*~~(8-1-04)T

05. **One Hundred Twenty Day Review**. A documented review of progress toward each ~~*service*~~ individualized treatment plan goal and objective must be kept in the participant's file. ~~*and*~~ For children, a copy of the review must be sent to the Department or its designee within five (5) working days of the due date. For adults, a copy of the review must be sent to the Department or its designee upon request. Failure to do so may result in the loss of a prior authorization or result in a recoupment of reimbursement provided for services delivered after the one hundred twenty (120) day review due date. The review must also include a reassessment of the participant's continued need for services. The review must occur at least every one hundred twenty (120) days and be conducted in visual contact with the participant. For children, the review must include a new CAFAS/PECFAS for the purpose of measuring functional impairment. After eligibility has been determined, subsequent CAFAS/PECFAS scores are used to measure progress and functional impairment and should not be used to terminate services; ~~*(12-1-03)T*~~(8-1-04)T

06. ~~***Service Provider's***~~ **Signature Of Staff Delivering Service**. The legible, dated signature, with degree credentials listed, of the staff ~~*member performing*~~ person delivering the service; and ~~*(3-15-02)*~~(8-1-04)T

07. **Choice Of Provider**. Documentation of the participant's choice of provider must be maintained in the participant's file prior to the implementation of the ~~*service*~~ individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

Subsections 458.02, 458.07, and 458.08

458. PAYMENT FOR PSR SERVICES.
Payment for PSR services must be in accordance with rates established by the Department. The rate paid for services includes documentation. (12-1-03)T

02. **Number Of Staff Able To Bill**. Only one (1) staff member may bill for an assessment, ~~*service*~~ individualized treatment plan, or case review when multiple PSR staff are present. ~~*(3-15-02)*~~(8-1-04)T

07. **Psychological Evaluations**. Psychological evaluations are reimbursable if provided ~~*by a licensed psychologist, or by qualified clinician or psychologist extender*~~ in accordance with the requirements in Subsection 45~~6~~8.06 of these rules ~~*and under the direction of a licensed psychologist*~~. ~~*(12-1-03)T*~~(8-1-04)T

08. **Evaluations By Occupational Therapists**. Evaluations performed by qualified licensed occupational therapists, performed in conjunction with development of an ~~*service*~~ individualized treatment plan are reimbursable. ~~*(3-15-02)*~~(8-1-04)T

Subsections 459.01, 459.01.b., and 459.04

459. PSR SERVICE LIMITATIONS.
The following service limitations apply to PSR services, unless otherwise authorized by the Department or its designee in each region. (12-1-03)T

01. **Assessment And ~~*Service*~~ Individualized Treatment Plan Development**. Any combination of evaluations or diagnostic services is limited to a maximum of six (6) hours annually. Additional hours may be approved by the Department or its designee under the following situations: ~~*(12-1-03)T*~~(8-1-04)T

b. When ~~*service*~~ individualized treatment plan development is being done by an agency that did not do the assessment. ~~*(12-1-03)T*~~(8-1-04)T

04. **Psychosocial Rehabilitation**. Individual and group PSR services are not to exceed twenty (20) hours per week and must receive prior authorization from the Department or its designee. Services in excess of twenty (20) hours require additional review and prior authorization by the Department or its designee in each region. The prior authorization of additional hours must be documented in the ~~*service*~~ individualized treatment plan and written approval must be retained in the participant's file. ~~*(12-1-03)T*~~(8-1-04)T

Section 465 (Entire Section)

465. MENTAL HEALTH CLINIC PROVIDER AGENCY REQUIREMENTS.
Each agency that enters into a provider agreement with the Department for the provision of mental health clinic

services must meet the following requirements: (8-1-04)T

01. Mental Health Clinic. A mental health clinic, also referred to as "agency," must be a proprietorship, partnership, corporation, or other entity, in a distinct location, employing at least two (2) ~~*providers*~~ staff qualified to deliver clinic services under this rule and operating under the direction of a physician. The Department must approve the enrollment of the agency as a Medicaid provider. Each location of the agency must meet these requirements. All mental health clinic services must be provided at the clinic unless provided to an eligible homeless individual. ~~*(12-1-03)T*~~(8-1-04)T

02. Physician Requirement For Clinic Supervision. ~~*Each participant's care must be under the supervision of a physician directly affiliated with the clinic.*~~ In order to fulfill the requirement ~~*for*~~ that the clinic be~~*ing*~~ under the direction of a physician, ~~*the physician must see the program participant at least once, prescribe the type of care provided, and, if the services are not limited by the prescription, periodically review the need for continued care*~~ the clinic must have a contract with the physician. ~~*(12-1-03)T*~~(8-1-04)T

a. The contract must specifically require that the physician spend as much time in the facility as is necessary to assure that participants are receiving services in a safe and efficient manner in accordance with accepted standards of medical practice. (8-1-04)T

b. The supervising physician of the clinic may also serve as the supervising physician of a participant's care. (8-1-04)T

03. Physician Requirement For Supervision Of A Participant's Care. Each participant's care must be under the supervision of a physician directly affiliated with the clinic. Documentation of the affiliation must be kept in the clinic location. The clinic may have as many physician affiliations as is necessary in order to meet the needs of the volume of participants served in that location. The physician who supervises a participant's care does not have to deliver this service at the clinic nor does the physician have to be present at the clinic when the participant receives services at the clinic. In order to fulfill the requirement for physician supervision of a participant's care, the following conditions must also be met: (8-1-04)T

a. The clinic and the physician must enter into a formal arrangement in which the physician must assume professional responsibility for the services provided; (8-1-04)T

b. The physician must see the participant at least once to determine the medical necessity and appropriateness of clinic services; (8-1-04)T

c. The physician must review and sign the individualized treatment plan as an indicator that the services are prescribed; and (8-1-04)T

d. The physician must review and sign all updates to the individualized treatment plan that involve changes in the types or amounts of services. (8-1-04)T

04. Assessment. All treatment in mental health clinics must be based on an individualized assessment of the patient's needs, including a current mental status examination, and provided under the direction of a licensed physician. (8-1-04)T

05. Criminal History Checks. (8-1-04)T

a. The agency must verify that all employees, subcontractors, or agents of the agency providing direct care or clinical services have complied with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks". (8-1-04)T

b. Once an employee, subcontractor, or agent of the agency has completed a self-declaration form and has been fingerprinted, he may begin working for the agency on a provisional basis while awaiting the results of the criminal history check. (8-1-04)T

c. Once an employee, subcontractor, agent of the agency has received a criminal history clearance,

any additional criminal convictions must be reported to the Department or its designee when the agency learns of the conviction. (8-1-04)T

0~~3~~6. **Staff Qualifications**. ~~*A*~~ The mental health clinic must assure that ~~*all*~~ each agency staff person delivering clinical services ~~*meet the*~~ to eligible MA participants has, at a minimum, one (1) or more of the following qualifications: ~~*as listed in Subsection 466.03 of these rules. The clinic must verify that all employees, subcontractors, or agents coming into direct contact with participants have complied with IDAPA 16.05.06 "Rules Governing Mandatory Criminal History Checks". The clinic must report criminal convictions of employees, subcontractors, or agents to the Department or its designee.*~~ ~~*(12-1-03)T*~~(8-1-04)T

a. Licensed Psychiatrist; (8-1-04)T

b. Licensed Physician or licensed practitioner of the healing arts; (8-1-04)T

c. Licensed Psychologist; (8-1-04)T

d. Psychologist extender, registered with the Bureau of Occupational Licenses; (8-1-04)T

e. Licensed Masters Social Worker, Licensed Clinical Social Worker, or Licensed Social Worker; (8-1-04)T

f. Licensed Clinical Professional Counselor or Licensed Professional Counselor; (8-1-04)T

g. Licensed Marriage and Family Therapist; (8-1-04)T

h. Certified Psychiatric Nurse, R.N., as described in Subsection 456.02 of these rules; (8-1-04)T

i. Licensed Professional Nurse, R.N.; or (8-1-04)T

j. Registered Occupational Therapist, O.T.R. (8-1-04)T

0~~4~~7. ~~***Paraprofessionals***~~ **Support Staff**. For the purposes of this rule, ~~*a paraprofessional*~~ support staff is any person who does not meet the qualifications of professionals as listed in Subsection 46~~6~~5.0~~3~~6 of these rules. ~~*A Mental Health Clinic provider*~~ The agency may elect to employ ~~*paraprofessionals*~~ support staff to provide support services to participants. Such support services may include providing transportation, cooking and serving meals, cleaning and maintaining the physical plant, or providing general, non-professional supervision. ~~*Paraprofessionals*~~ Support staff must not ~~*be employed in any capacity to*~~ deliver or assist in the delivery of ~~*partial care*~~ services ~~*or any other services in the clinic*~~ that are reimbursable by Medicaid. ~~*(12-1-03)T*~~(8-1-04)T

0~~5~~8. **Agency Employees And Subcontractors**. Employees and subcontractors of ~~*an*~~ the agency are subject to the same conditions, restrictions, qualifications and rules as the agency. ~~*(12-1-03)T*~~(8-1-04)T

0~~6~~9. **Supervision**. ~~*An*~~ The agency must ensure that staff providing clinical services are supervised according to the following guidelines: ~~*(12-1-03)T*~~(8-1-04)T

a. Standards and requirements for supervision set by the Bureau of Occupational Licenses are met; (12-1-03)T

b. Case-specific supervisory contact must be made weekly, at a minimum, with staff for whom supervision is a requirement; and (12-1-03)T

c. Documentation of supervision must be maintained by the agency and be available for review by the Department or its designee. (12-1-03)T

~~***07***~~**10.** **Continuing Education**. The agency must ensure that all staff complete twenty (20) hours of continuing education annually in the field in which they are licensed. Documentation of the continuing education hours must be maintained by the agency and be available for review by the Department or its designee. Nothing in

these rules will affect professional licensing continuing education standards and requirements set by the Bureau of Occupational Licenses. (12-1-03)T

11. **Informed Consent**. The agency must ensure that participants who receive services through the agency have obtained informed consent from the participant or his legal guardian indicating agreement with all of the elements on the individualized treatment plan including choice of the provider agency, designated services, times, dates, frequencies, objectives, goals, and exit criteria. For minors, informed consent must be obtained from the minor's parent or legal guardian. (8-1-04)T

Section 466 (Entire Section)

466. ~~*CARE AND SERVICES PROVIDED IN*~~ INDIVIDUALIZED TREATMENT PLAN FOR MENTAL HEALTH CLINIC~~*S*~~ SERVICES.
A written individualized treatment plan is a medically-ordered plan of care. An individualized treatment plan must be developed and implemented for each participant receiving mental health clinic services. Treatment planning is reimbursable if conducted by a qualified professional identified in Subsection 465.06 of these rules. (8-1-04)T

01. ~~***Treatment Plan.*** *Services in mental health clinics must be provided specifically in conjunction with a medically ordered plan of care, referred to as the treatment plan, signed by a physician and delivered by licensed, qualified professionals employed full or part-time within a clinic. All*~~ **Individualized Treatment Plan Development**. The individualized treatment plan~~*s*~~ must be developed by the following: ~~*(12-1-03)T*~~(8-1-04)T

a. ~~*Be dated and fully signed with title identification by both the prime therapist(s) and licensed physician*~~ The clinic staff providing the services; and ~~*(12-1-03)T*~~(8-1-04)T

b. ~~*Contain the diagnosis documented by an examination and by a licensed physician or other licensed practitioner of the healing arts within the scope of his practice under state law; including signature, problem list, type, frequency, and duration of treatment;*~~ The adult participant, if capable, and the adult participant's legal guardian, or, in the case of a minor, the minor's parent or legal guardian. The participant or his parent or legal guardian may also choose others to participate in the development of the plan. ~~*(12-1-03)T*~~(8-1-04)T

~~**c.** Be reviewed and authorized and signed within thirty (30) days of implementation; and (12-1-03)T~~

~~**d.** Be reviewed within one hundred twenty (120) days and every one hundred twenty (120) days thereafter; (12-1-03)T~~

~~**e.** Be completely rewritten and authorized annually. Authorization for services after the first year must be based on documentation that the participant has specifically benefited from services but continues to need additional services. The participant's progress toward the service no longer being necessary must also be documented. (12-1-03)T~~

02. ~~***Assessment****. All treatment in mental health clinics must be based on an individualized assessment of the patient's needs, including a current mental status examination, and provided under the direction of a licensed physician.*~~ **Individualized Treatment Plan Requirements**. An individualized treatment plan must include the following, at a minimum: ~~*(12-1-03)T*~~(8-1-04)T

a. Statement of the overall goals and concrete, measurable treatment objectives to be achieved by the participant, including time frames for completion. The goals and objectives must be individualized and must be directly related to the clinic service needs that are identified in the assessment. (8-1-04)T

b. Documentation of who participated in the development of the individualized treatment plan. (8-1-04)T

i. The authorizing physician must sign and date the plan within (30) thirty calendar days from the initiation of treatment. (8-1-04)T

ii. The adult participant, the adult participant's legal guardian or, in the case of a minor, the minor's parent or legal guardian, must sign the treatment plan indicating their participation in its development. If these signatures indicating participation in the development of the treatment plan are not obtained, then the agency must document in the participant's record the reason the signatures were not obtained, including the reason for the participant's refusal to sign. A copy of the treatment plan must be given to the adult participant and his legal guardian or to his parent or legal guardian if the participant is a minor. (8-1-04)T

iii. Other individuals who participated in the development of the treatment plan must sign the plan. (8-1-04)T

iv. The author of the treatment plan must sign the plan and include his title and credentials. (8-1-04)T

c. The diagnosis of the participant must be documented by an examination and be made by a licensed physician or other licensed practitioner of the healing arts, licensed psychologist, licensed clinical professional counselor, or licensed clinical social worker within the scope of his practice under state law; and (8-1-04)T

d. A problem list, and the type, frequency, and duration of treatment estimated to achieve all objectives based on the ability of the participant to effectively utilize services. (8-1-04)T

03. ~~***Provider Qualifications****. Licensed, qualified professionals providing mental health clinic services to eligible MA participants must have, at a minimum, one (1) or more of the following qualifications:*~~ **Treatment Plan Review**. The treatment plan review by the clinic and the participant must occur within one-hundred-twenty (120) days and every one-hundred-twenty (120) days thereafter. During the review, the clinic staff providing the services and the participant must review progress made on objectives and identify objectives that may be added, amended, or deleted from the individualized treatment plan. The attendees of the treatment plan review are determined by the adult participant or his legal guardian, or, in the case of a minor, his parent or legal guardian and clinic staff providing the services. ~~*(12-1-03)T*~~(8-1-04)T

~~***a.*** *Licensed Psychiatrist; or* *(12-1-03)T*~~

~~***b.*** *Licensed Physician; or* *(12-1-03)T*~~

~~***c.*** *Licensed Psychologist; or* *(7-1-99)*~~

~~***d.*** *Psychologist extender, registered with the Bureau of Occupational Licenses; or* *(7-1-99)*~~

~~***e.*** *Licensed Masters Social Worker, Licensed Clinical Social Worker, or Licensed Social Worker; or* *(12-1-03)T*~~

~~***f.*** *Licensed Clinical Professional Counselor or Licensed Professional Counselor; or* *(12-1-03)T*~~

~~***g.*** *Licensed Marriage and Family Therapist; or* *(3-15-02)*~~

~~***h.*** *Certified Psychiatric Nurse, R.N., as described in Subsection 456.02 of these rules; or* *(12-1-03)T*~~

~~***i.*** *Licensed Registered Nurse, R.N.; or* *(4-5-00)*~~

~~***j.*** *Registered Occupational Therapist, O.T.R.* *(7-1-99)*~~

04. **Physician Review Of Treatment Plan**. Each individualized treatment plan must be reviewed and be completely rewritten and signed by a physician at least annually. Changes in the types or amount of services that are determined during treatment plan reviews must be reviewed and signed by a physician. Projected dates for the participant's reevaluation and the rewrite of the individualized treatment plan must be recorded on the treatment plan. (8-1-04)T

05. **Authorization For Services**. Authorization for services after the first year must be based on documentation of the following: (8-1-04)T

a. Description of the ways the participant has specifically benefited from clinic services, and why he continues to need additional clinical services; and (8-1-04)T

b. The participant's progress toward the achievement of therapeutic goals that would eliminate the need for the service to continue. (8-1-04)T

Section 467 (Entire Section)

467. CARE AND SERVICES IN MENTAL HEALTH CLINICS NOT REIMBURSED.

01. **Inpatient Medical Facilities**. The MA Program will not pay for mental health clinic services rendered to MA recipients residing in inpatient medical facilities including~~, *but not limited to*~~, nursing homes, hospitals, or ~~*correctional facilities*~~ public institutions as defined in 42 CFR 435.1009; or ~~*(12-1-03)T*~~(8-1-04)T

02. **Scope**. Any service or supplies not included as part of the allowable scope of the MA Program; or (3-30-01)

03. **Non-Qualified Persons**. Services provided within the mental health clinic framework by persons other than those qualified to ~~*render*~~ deliver services as specified in Subsection 46~~6~~5.0~~3~~6 of these rules. ~~*(12-1-03)T*~~(8-1-04)T

Subsections 468.02, 468.04 through 468.08, 468.10, and 468.11

468. EVALUATION AND DIAGNOSTIC SERVICES IN MENTAL HEALTH CLINICS.

01. **Medical Psychosocial Histories**. Medical psychosocial intake histories must be contained in all case files. (3-30-01)

02. **Diagnosis And Individualized Treatment Plan**. Information gathered will be used for establishing a participant data base used in part to formulate the diagnosis and individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

04. **Intake Assessment**. If an individual who is not eligible for MA receives intake services from any staff not having the required degree(s) as provided in Subsection 468.03 of these rules, and later becomes eligible for MA, a new intake assessment and individualized treatment plan will be required which must be developed by a qualified staff person and authorized prior to any reimbursement. ~~*(3-15-02)*~~(8-1-04)T

05. **Non-Qualified ~~*Providers*~~ Staff**. Any ~~*provider*~~ delivery of evaluation, diagnostic service, or treatment designed by any person other than an agency staff person designated as qualified ~~*by*~~ under Section 468 or Sections 466 or 469 of these rules, is not eligible for reimbursement under the MA Program. ~~*(3-30-01)*~~(8-1-04)T

06. **Psychological Testing**. Psychological testing ~~*may be provided in conjunction with the medical psychosocial intake history as a reimbursable service when provided by those persons with qualifications listed in Subsections 469.06.a. through 469.06.c. and 469.06.j.*~~ refers to any measurement procedure for assessing psychological characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. This does not refer to assessments that are otherwise conducted by a professional within the scope of his license for the purposes of determining a participant's mental status, diagnoses or functional impairments. ~~*(12-1-03)T*~~(8-1-04)T

a. Psychological testing may be provided as a reimbursable service when provided in direct response

to a specific evaluation question. (8-1-04)T

b. The psychological report must contain the reason for the performance of this service. (8-1-04)T

c. Agency staff may deliver this service if they meet one (1) of the following qualifications: (8-1-04)T

i. Licensed Psychologist; (8-1-04)T

ii. Psychologist extenders as described in IDAPA 24.12.01, "Rules of the Idaho State Board of Psychologist Examiners"; or (8-1-04)T

iii. A qualified therapist listed in Subsection 469.06 of these rules who has documented evidence of education or training qualifying him to administer, score, interpret, and report findings for the psychological test he will be performing. (8-1-04)T

07. Psychiatric ~~*Evaluation*~~ Diagnostic Interview Exam. A ~~*P*~~psychiatric ~~*evaluation*~~ diagnostic interview exam may be provided ~~*in conjunction with the medical psychosocial intake history*~~ as a reimbursable service when ~~*provided by those persons with qualifications listed in Subsections 469.06.a. and 469.06.b.*~~ delivered by qualified agency staff identified in Subsections 469.06.a. through 469.06.e. of these rules. ~~*(12-1-03)T*~~(8-1-04)T

08. Evaluations Performed By Occupational Therapists. Evaluations performed by qualified registered occupational therapists, O.T.R., performed in conjunction with the development of an individualized treatment plan are reimbursable. ~~*(12-1-03)T*~~(8-1-04)T

10. Data. All data gathered must be directed towards formulation of a written diagnosis, problem list, and individualized treatment plan which specifies the type, frequency, and anticipated duration of treatment. ~~*(3-30-01)*~~(8-1-04)T

11. Limitations. A total of twelve (12) hours is the maximum time allowed for a combination of any evaluative or diagnostic services and individualized treatment plan development provided to an eligible participant in a calendar year. ~~*(12-1-03)T*~~(8-1-04)T

Section 469 (Entire Section)

469. TREATMENT SERVICES IN MENTAL HEALTH CLINICS.

01. Psychotherapy. Individual and group psychotherapy must be provided in accordance with the goals specified in the individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

02. Family ~~*Centered Services*~~ Psychotherapy. Family~~*-centered*~~ psycho~~*social*~~therapy services must include at least two (2) family members and must be delivered in accordance with the goals of treatment as specified in the individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

03. Emergency Services. Individual emergency psychotherapy services can be provided by qualified clinic staff at any time. (3-30-01)

a. Emergency services provided to an eligible participant prior to intake and evaluation is a reimbursable service but must be fully documented in the participant's record; and (12-1-03)T

b. Each emergency service will be counted as a unit of service and part of the allowable limit per participant unless the contact results in hospitalization. Provider agencies may submit claims for the provision of psychotherapy in emergency situations in accordance with Subsections 469.06 and 469.07 of these rules even when contact does not result in the hospitalization of the participant. ~~*(12-1-03)T*~~(8-1-04)T

04. **Collateral/Contact Consultation**. Collateral contact ~~*may*~~ will be ~~*provided*~~ covered by Medicaid if it is conducted face to face by agency staff qualified to deliver clinical services, and if it is included on the individualized treatment plan and is necessary to gather and exchange information ~~*from an*~~ with individuals having a primary relationship to the participant. ~~*(12-1-03)T*~~(8-1-04)T

05. **Nursing Facility**. Psychotherapy services may be provided to participants residing in a nursing facility if the following criteria are met: (12-1-03)T

a. The participant has been identified through the PASARR Level II screening process as requiring psychotherapy as a specialized service; and (12-1-03)T

b. The service is provided outside the nursing facility at a clinic location; and (3-30-01)

c. Services provided are: (11-29-91)

i. Supported by the independent evaluations completed and approved by the Department or its designee; and (12-1-03)T

ii. Incorporated into the participant's medical care plan; and (12-1-03)T

iii. Directed toward the achievement of specific measurable objectives which include target dates for completion. (11-29-91)

06. ~~***Provider***~~ **Staff Qualifications For Psychotherapy Services**. Licensed, qualified professionals providing psychotherapy services as set forth in Subsections 469.01 through 469.03 of these rules must have, at a minimum, one (1) or more of the following degrees: ~~*(12-1-03)T*~~(8-1-04)T

a. Licensed Psychiatrist; or (12-1-03)T

b. Licensed Physician; or (12-1-03)T

c. Licensed Psychologist; or (7-1-99)

d. Licensed Clinical Social Worker; or (12-1-03)T

e. Licensed Clinical Professional Counselor; or (12-1-03)T

f. Licensed Marriage and Family Therapist; or (12-1-03)T

g. Certified Psychiatric Nurse (RN), as described in Subsection 45~~5~~6.02 of these rules; or ~~*(12-1-03)T*~~(8-1-04)T

h. Licensed Professional Counselor whose provision of psychotherapy is supervised by persons qualified under Subsections 469.06.a. through 469.06.g. of this rule; or (12-1-03)T

i. Licensed Masters Social Worker whose provision of psychotherapy is supervised as described in IDAPA 24.14.01, "Rules of the State Board of Social Work Examiners"; or (12-1-03)T

j. A ~~*Registered Nurse, R.N., who was employed by the clinic prior to February 27, 1998*~~ Psychologist Extender, registered with the Bureau of Occupational Licenses. ~~*(12-1-03)T*~~(8-1-04)T

07. **Psychotherapy Limitations**. Psychotherapy services as set forth in Subsections 469.01 through 469.03 of these rules are limited to forty-five (45) hours per calendar year. (3-15-02)

08. ~~***Chemotherapy***~~ **Pharmacological Management**. ~~*Chemotherapy*~~ Pharmacological management consultations must be provided by a physician or other practitioner of the healing arts within the scope of practice

defined in their license in direct contact with the participant. ~~*(12-1-03)T*~~(8-1-04)T

a. Consultation must be for the purpose of prescribing, monitoring, and/or administering medication as part of the individualized treatment plan; and ~~*(11-10-81)*~~(8-1-04)T

b. ~~*Chemotherapy treatment can*~~ Pharmacological management, if provided, must be part of the individualized treatment plan and frequency and duration of the treatment must be specified. ~~*(12-1-03)T*~~(8-1-04)T

09. Nursing Services. Nursing services, when physician ordered and supervised, can be part of the participant's individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

a. Licensed and qualified nursing personnel can supervise, monitor, and~~*/or*~~ administer medication within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code; and ~~*(11-10-81)*~~(8-1-04)T

b. ~~*Such treatment can be part of the participant's treatment plan.*~~ The ~~*F*~~frequency and duration of the treatment must be specified on the participant's individualized treatment plan. ~~*(12-1-03)T*~~(8-1-04)T

10. Partial Care. Partial Care is ~~*intensive*~~ treatment for those whose functioning is sufficiently disrupted so as to ~~*seriously*~~ interfere with their productive involvement in daily living. Partial Care services are a structured program of therapeutic interventions that assist program participants in the stabilization of their behavior and conduct through the application of principles of behavior modification for behavior change and structured, goal-oriented group socialization for skill acquisition. The goal of Partial Care services is to decrease the severity and acuity of presenting symptoms so that the program participant may be maintained in ~~*home and school*~~ the least restrictive setting~~*s*~~ and to increase the program participants' interpersonal skills in order to obtain the optimal level of interpersonal adjustment. ~~*(12-1-03)T*~~(8-1-04)T

a. Qualifications of Partial Care Services. In order to be considered a Partial Care service, the service must: (12-1-03)T

i. Be provided in a structured environment within the MHC setting; (12-1-03)T

ii. Be a needed service as indicated on the individualized treatment plan with documented, concrete, and measurable goals and outcomes; and ~~*(12-1-03)T*~~(8-1-04)T

iii. Provide interventions for relieving symptoms and acquiring specific skills. ~~*Every intervention must have a therapeutic intent as identified on the treatment plan. No other interventions are sanctioned nor are they reimbursable.*~~ These interventions must include the specific medical services, therapies, and activities that are used to meet the treatment objectives. ~~*(12-1-03)T*~~(8-1-04)T

b. Limit on Treatment Hours. Treatment will be limited to ~~*fifty*~~ thirty-six (~~*5*~~36) hours per week per eligible participant. ~~*(12-1-03)T*~~(8-1-04)T

c. Criteria for Partial Care Service Program Participants. In order for a MHC program participant to be eligible for Partial Care Services the following criteria must be met and documented: (12-1-03)T

i. Assessments completed within the previous twelve (12) months have documented that the participant has any combination of emotional, behavioral, neurobiological or substance abuse problems that significantly impair social and occupational functioning. The intake assessment must document that the participant is presently at risk for an out-of-home placement, further clinical deterioration that would lead to an out-of-home placement, or further clinical deterioration which would interfere with the participant's ability to maintain current level of functioning. (12-1-03)T

ii. Other ~~*less intensive*~~ services have failed or are not appropriate for the clinical needs of the participant. ~~*For purposes of this rule, intensive services are interventions designed to be provided in an on-going or iterative process.*~~ ~~*(12-1-03)T*~~(8-1-04)T

iii. For each participant, the services can reasonably be expected to improve the participant's condition

or prevent further regression so that the current level of care is no longer necessary or may be reduced. ~~*(12-1-03)T*~~(8-1-04)T

d. Partial care service is not appropriate for certain people. Persons identified in the list below are disqualified from participating in Partial Care services: (12-1-03)T

i. Persons at immediate risk of self-harm or harm to others; (12-1-03)T

ii. Persons needing more restrictive care or inpatient care; and (12-1-03)T

iii. Persons who have not fulfilled the requirements of Subsection 469.10.c. of this rule. (12-1-03)T

e. Partial Care Services Must Be on the Individualized Treatment Plan. Partial care services must be part of the participant's individualized treatment plan which must identify the specific objective to be addressed through the service and specify the amount, frequency, and expected duration of treatment. ~~*(12-1-03)T*~~(8-1-04)T

f. ~~*Provider*~~ Staff Qualifications for Partial Care Services. Licensed, qualified professionals providing partial care services must have, at a minimum, one (1) or more of the qualifications listed in Subsection 46~~6~~5.0~~3~~6 of these rules. ~~*(12-1-03)T*~~(8-1-04)T

g. Excluded Services. Services that focus on ~~*socialization,*~~ vocation, recreation or education are not reimbursable under Medicaid Partial Care. Services that are provided outside the clinic facility are not reimbursable. ~~*(12-1-03)T*~~(8-1-04)T

Subsections 470.02, 470.03.c., and 470.05

470. RECORD KEEPING REQUIREMENTS FOR MENTAL HEALTH CLINICS.

02. Record Contents. The records must contain ~~*a*~~ the current individualized treatment plan ordered by a physician and must meet the requirements as set forth in S~~*ubs*~~ection 466~~*.01*~~. ~~*(12-1-03)T*~~(8-1-04)T

03. Requirements. The records must: (3-30-01)

c. Specify the duration of the treatment and the time of day delivered; and ~~*(11-10-81)*~~(8-1-04)T

05. Non-Eligible ~~*Providers*~~ Staff. Any treatment or contact provided as a result of an individualized treatment plan that is performed by any staff other than ~~*as set forth herein will*~~ those qualified to deliver services under Subsection 465.06 of these rules is not be eligible for reimbursement by the Department. ~~*(3-30-01)*~~(8-1-04)T

Subsection 472.03

472. BUILDING STANDARDS FOR MENTAL HEALTH CLINICS.

03. Capacity. Clinics must provide qualified staff as listed in Subsection 46~~6~~5.0~~3~~6 of these rules to meet a staff to participant ratio that ensures safe, effective and clinically appropriate interventions. ~~*(12-1-03)T*~~(8-1-04)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.18 - CHIP B AND CHILDREN'S ACCESS CARD RULES

DOCKET NO. 16-0318-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-239 and 56-240, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

Date:	**Wednesday, July 14, 2004**	**Wednesday, July 14, 2004**	**Thursday, July 15, 2003**
Time:	**7:00 - 9:00 p.m.**	**7:00 - 9:00 p.m.**	**7:00 - 9:00 p.m.**
Place:	**Dept. of Health & Welfare** **1120 Ironwood Dr., Suite 102** **Coeur d'Alene, ID**	**Dept. of Health & Welfare** **1720 Westgate Dr., Suite D** **Boise, ID**	**Dept. of Health & Welfare** **2nd Floor Conf. Room** **150 Shoup Ave** **Idaho Falls, ID**

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rule making:

This new chapter of rule supports the implementation of the Idaho Health Insurance Access Card Act passed during the 2003 Idaho Legislative session. It describes the payment of services and covered services for eligible children under the Children's Health Insurance Program B (CHIP B) and provides guidelines for the insurance premium subsidy program for eligible children under the Children's Access Card.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code, and are necessary in order to comply with deadlines in governing law and confer a benefit to Idahoans.

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted. The Department, through the formation of the "CHIP B Access Card Project" team, conducted many meetings within the Department reviewing options for the implementation of the CHIP B program and researched other similar programs to design a workable program for Idahoans.

The Department also met with and discussed options for the Children's Access Card program with the "Access Card Insurer Group" made up of several major insurance companies and a broker representative. Also, the Idaho High Risk Reinsurance Pool Board reviewed the rules and made recommendations to the Department.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rules, contact Robin Pewtress, Idaho SCHIP Director, at 208-364-1892.

Anyone can submit written comments regarding this proposed rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before July 28, 2004.

DATED this 29th day of June, 2004.

Sherri Kovach, Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16
TITLE 03
CHAPTER 18

16.03.18 - CHIP B AND CHILDREN'S ACCESS CARD RULES

000. LEGAL AUTHORITY.
Under Section 56-202(b), Idaho Code, the Legislature has delegated to the Department of Health and Welfare the responsibility to establish and enforce such rules as may be necessary or proper to administer public assistance programs within the state of Idaho. Under Sections 56-239 and 56-240, Idaho Code, the Idaho Legislature has authorized the Department of Health and Welfare to define program requirements and eligibility conditions for federal financial assistance in payments for the CHIP B and Children's Access Card program. Furthermore, the Idaho Department of Health and Welfare is the designated agency to administer programs under Title XXI of the Social Security Act. (7-1-04)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 16.03.18, "CHIP B and Children's Access Card Rules". (7-1-04)T

02. Scope. Under Sections 56-239 and 56-240, Idaho Code, these rules describe the general provisions regarding the administration of the Idaho CHIP B (Children's Health Insurance Program B) and Children's Access Card programs. These rules identify the amount, duration, and scope of care and services to be purchased on behalf of eligible individuals. All goods and services not specifically included in this chapter are excluded from coverage. (7-1-04)T

03. Policy. It is the policy of the Department, under Section 56-209(b), Idaho Code, that CHIP B and the Children's Access Card Programs are available to individuals who are eligible as set forth in IDAPA 16.03.01, "Eligibility For Health Care Assistance for Families and Children". (7-1-04)T

002. WRITTEN INTERPRETATIONS.
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of this chapter. These documents are available for public inspection as described in Sections 005 and 006 of these rules. (7-1-04)T

003. ADMINISTRATIVE APPEALS.
All administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings". (7-1-04)T

004. INCORPORATION BY REFERENCE.
No documents have been incorporated by reference into these rules. (7-1-04)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-04)T

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-04)T

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (7-1-04)T

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (7-1-04)T

05. Internet Website. The Department's internet website is found at "http://www2.state.id.us/dhw/". (7-1-04)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.
Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records". (7-1-04)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Children's Access Card. The insurance premium assistance program for children in families who qualify for CHIP A or CHIP B. (7-1-04)T

02. CHIP A (Children's Health Insurance Program A). The health insurance program for children whose income exceeds the Title XIX Medicaid threshold, but is less than or equal to one hundred fifty percent (150%) of the Federal Poverty Guidelines (FPG). (7-1-04)T

03. CHIP B (Children's Health Insurance Program B). A limited health insurance program for children in families whose income is greater than one hundred fifty percent (150%), but is less than or equal to one hundred and eighty-five percent (185%) of the current FPG. (7-1-04)T

04. Co-Payment (Co-pay). The amount a participant is required to pay for specified services. (7-1-04)T

05. Cost-Sharing. A payment the participant is required to make toward the cost of his health care. (7-1-04)T

06. Department. The Idaho Department of Health and Welfare. (7-1-04)T

07. Director. The Director of the Department of Health and Welfare. (7-1-04)T

08. Family. One (1) or two (2) natural or adoptive parents and their child(ren) who live in the same dwelling. (7-1-04)T

09. Field Office. An office of the Idaho Department of Health and Welfare authorized to accept and process applications for benefits. (7-1-04)T

10. Insurance Vendor. An insurance company regulated by the Idaho Department of Insurance. (7-1-04)T

11. Medically Necessary. A service is medically necessary if it can reasonably prevent, diagnose or treat a condition that endangers life, causes pain or causes functionally significant deformity or malfunction. In addition, no other effective treatment is available or suitable for the participant that is more conservative or

substantially less costly. (7-1-04)T

12. **Mid-Level Practitioner**. A certified registered nurse anesthetist (CRNA), nurse practitioner (NP), nurse midwife (NM), or physician assistant (PA). (7-1-04)T

13. **Participant**. A person who is applying for or receiving CHIP B or Children's Access Card benefits. (7-1-04)T

14. **Premium**. A regular and periodic charge or payment for health coverage. (7-1-04)T

15. **Premium Assistance**. The partial or total premium paid to an insurance company or employer by the State to supplement the cost of enrolling an eligible individual in a health insurance plan. (7-1-04)T

16. **Provider**. Any individual, organization or business entity furnishing medical goods or services. (7-1-04)T

17. **Social Security Act**. 42 U.S.C. 101 et seq., authorizing, in part, federal grants to the states for CHIP B assistance to eligible low-income individuals. (7-1-04)T

18. **State**. The state of Idaho. (7-1-04)T

19. **Third Party**. A person, institution, corporation, or public or private agency that is liable to pay all or part of a participant's medical cost for his injury, disease or disability. (7-1-04)T

011. -- 099. (RESERVED).

CHIP B Payment Of Services
(Sections 100 through 170)

100. CHOICE OF PROVIDERS.

01. **Service Selection**. Each participant may obtain any CHIP B services available from any participating institution, agency, pharmacy, or practitioner of his choice, unless enrolled in a coordinated care plan. (7-1-04)T

02. **Medical Care Provided Outside The State Of Idaho**. Medical service that is not provided in Idaho or bordering counties is considered out-of-state. Out-of-state medical care is covered if the participant has a medical emergency or if the service is included in the scope of CHIP B but not available from an Idaho provider. Out-of-state medical care is subject to the same utilization review and other medical care coverage requirements and restrictions as medical care received within the state of Idaho. (7-1-04)T

101. -- 019. (RESERVED).

120. PROVIDER AGREEMENT.
Payment for services to CHIP B participants will be made only to providers that have an effective Medicaid provider agreement. All Medicaid provider agreement terms and conditions apply to CHIP B services. Where the Department purchases CHIP B services through an insurance vendor, the vendor must execute an agreement with each CHIP B provider that contains the minimum requirements of Medicaid providers. Vendors must also take steps to assure that no provider suspended or barred from providing Medicaid or Medicare services will be paid for providing services to CHIP B participants. (7-1-04)T

121. -- 129. (RESERVED).

130. CONDITIONS FOR PAYMENT.

01. Participant Eligibility. The Department will provide for reimbursement to providers of medical care and services, regardless of the current eligibility status of the participant in the month of billing, if each of the following conditions is met: (7-1-04)T

a. The participant was found eligible for CHIP B for the month, day, and year the medical care and services were provided; (7-1-04)T

b. Not more than twelve (12) months have elapsed since the month the latest participant services were billed; and (7-1-04)T

c. A Children's Access Card program payment is not made for the same month as a CHIP B reimbursement request. (7-1-04)T

02. Payment In Full. By participating in the CHIP B program, providers agree to accept the Department's payment for services to eligible participants as payment in full. Providers also agree to provide all materials and services without unlawfully discriminating on the grounds of race, age, sex, creed, color, national origin, or physical or mental handicap. (7-1-04)T

131. -- 139. (RESERVED).

140. THIRD PARTY LIABILITY.
Third party liability and recovery will apply in accordance with IDAPA 16.03.09, "Rules Governing the Medical Assistance Program," Section 030. CHIP B reimbursement is considered the payment of last resort. (7-1-04)T

141. -- 149. (RESERVED).

150. IDENTIFICATION (ID) CARD.
The Department or its designee will issue an identification (ID) card to an individual eligible for CHIP B or the Children's Access Card. The service provider or insurance vendor is responsible to request the ID card before providing services. (7-1-04)T

151. -- 154. (RESERVED).

155. INFORMATION AVAILABLE FOR PARTICIPANTS.
The following information will be available at each Department Field Office for use by participants: (7-1-04)T

01. Scope. The amount, duration, and scope of the available care and services. (7-1-04)T

02. Obtaining Services. The manner in which the care and services may be secured. (7-1-04)T

03. ID Card. How to use the ID card to obtain services. (7-1-04)T

156. -- 159. (RESERVED).

160. REVIEW OF RECORDS.
The Department or its designee, and the U.S. Department of Health and Human Services have the right to review pertinent records of providers and insurance vendors receiving CHIP B or Children's Access Card payments in accordance with IDAPA 16.03.09, "Rules Governing the Medical Assistance Program". (7-1-04)T

161. -- 169. (RESERVED).

170. FEES AND UPPER LIMITS.
Reimbursement to providers will be as provided in IDAPA 16.03.09, "Rules Governing the Medical Assistance Program" or IDAPA 16.03.10, "Rules Governing Medicaid Provider Reimbursement in Idaho," or as stated in the agreement between the provider and the Department's designated insurance vendor, as appropriate. (7-1-04)T

171. -- 199. (RESERVED).

CHIP B Covered Services
(Sections 200 through 310)

200. INPATIENT SERVICES.
Inpatient services are limited to a semi-private room, intensive and coronary care unit, general nursing, rehabilitation, drugs, oxygen, blood transfusions, laboratory, imaging service, physical, speech, occupational, heat and inhalation therapy, operating, recovery, birthing and delivery room, routine and intensive care for newborns, and other medically necessary benefits and prescribed supplies for treatment of injury or illness. (7-1-04)T

201. -- 224. (RESERVED).

225. PHYSICIAN SERVICES.
Office, clinic, outpatient surgery center and hospital treatment by a physician, mid-level practitioner for a medical condition, injury or illness are covered. (7-1-04)T

01. Wellness Services. Well child, well baby and immunization services to the extent recommended by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices are covered. Examinations for school activities are covered. (7-1-04)T

02. Anesthesia. Anesthesia services rendered by a anesthesiologist who is a physician, other than the attending physician or assistant, or by a certified nurse anesthetist are covered, provided that the related surgical and hospital services are also covered. (7-1-04)T

03. Second Opinion. Medically appropriate second opinions are covered. (7-1-04)T

226. -- 229. (RESERVED).

230. OUTPATIENT HOSPITAL.
All benefits described in these rules provided on an outpatient basis in a hospital are covered including: (7-1-04)T

01. An Observation Bed And Partial Hospitalization Benefits; (7-1-04)T

02. Ambulatory Surgical Center; (7-1-04)T

03. Chemotherapy; (7-1-04)T

04. Emergency Room Benefits For Surgery; (7-1-04)T

05. Injury Or Medical Emergency; and (7-1-04)T

06. Diagnostic Or Outpatient Treatment Of A Medical Condition, Injury Or Illness. (7-1-04)T

231. -- 234. (RESERVED).

235. DRUGS.
Drugs prescribed by a practitioner acting within the scope of his practice, chemotherapy drugs approved for use in humans by the U.S. Food and Drug Administration, vaccines and prenatal vitamins are covered. The provisions of IDAPA 16.03.09, "Rules Governing the Medical Assistance Program," Sections 805 through 813 apply. (7-1-04)T

236. -- 244. (RESERVED).

245. OUTPATIENT MENTAL HEALTH.
Outpatient mental health clinic and rehabilitative services are covered. Inpatient mental health services are not covered. (7-1-04)T

246. -- 249. (RESERVED).

250. LABORATORY AND RADIOLOGY SERVICES.
Imaging and laboratory services are covered for diagnostic and therapeutic purposes as a result of accident, illness or medical conditions. X-ray, radium, or radioactive isotope therapy are covered. (7-1-04)T

251. -- 254. (RESERVED).

255. TRANSPORTATION.
Medically necessary ground and air ambulance emergency transportation is covered. (7-1-04)T

256. -- 259. (RESERVED).

260. PRENATAL CARE.
Prenatal care is covered. (7-1-04)T

261. -- 264. (RESERVED).

265. FAMILY PLANNING.
Pre-pregnancy family planning services and prescribed supplies, including birth control contraceptives are covered. (7-1-04)T

266. -- 269. (RESERVED).

270. SURGICAL SERVICES.
Surgical services are covered as described in Sections 200, 225, and 230 of these rules. Professional services rendered by a physician, surgeon or doctor of dental surgery for treatment of a fractured jaw or other injury to sound natural teeth and gums are covered. (7-1-04)T

271. -- 279. (RESERVED).

280. VISION SERVICES.

01. Medical Treatment. Medical treatment of diseases or injury to the eye is included in vision services. Medical treatment must be provided by a licensed physician or optometrist working within the scope of his license. Tonometry services are not covered unless the participant is receiving continuing treatment for glaucoma. (7-1-04)T

02. Vision Examination. One (1) vision examination is covered per year. (7-1-04)T

03. Eyeglasses. One (1) pair of lenses and one set of frames every twelve (12) months are covered. (7-1-04)T

281. -- 284. (RESERVED).

285. ABORTION SERVICES.
Abortions are not covered under CHIP B unless the abortion is necessary to save the life of the woman, or to terminate a pregnancy in cases of rape or incest as determined by the courts or, where no court determination has been made, if reported to a law enforcement agency. (7-1-04)T

286. -- 299. (RESERVED).

300. HEARING EXAMS AND HEARING AIDS.
Hearing exams, including newborn hearing screening in a hospital or outpatient setting are covered. Coverage includes assessment and diagnosis. Hearing aids are covered when billed by the audiologist. (7-1-04)T

301. -- 309. (RESERVED).

310. OTHER CLINICS.
Services provided by Rural Health Clinics, Federally Qualified Health Centers, and Indian Health Services are covered. (7-1-04)T

311. -- 399. (RESERVED).

400. SERVICES NOT COVERED BY CHIP B.
Services excluded from reimbursement under IDAPA 16.03.09, "Rules Governing the Medical Assistance Program," Section 065 are excluded from reimbursement under CHIP B. (7-1-04)T

401. -- 599. (RESERVED).

Children's Access Card
(Sections 600 Through 620)

600. CHILDREN'S ACCESS CARD.
The Children's Access Card program pays a premium subsidy toward a private health insurance plan for a participant. The rules governing payment and benefits are found in Sections 130, 150, 605, 615, and 620, of these rules. (7-1-04)T

601. -- 604. (RESERVED).

605. INSURANCE PREMIUM SUBSIDY.
The Department or its designee will pay an insurance premium subsidy to an insurance vendor in full or partial payment of a premium for a qualifying health benefit plan selected by an eligible participant and defined in Section 56-238(8), Idaho Code. The Department's payment will not exceed one hundred dollars ($100) each month for each participant. The total payment for eligible children in the same family will not exceed three hundred dollars ($300) each month. (7-1-04)T

606. -- 614. (RESERVED).

615. BENEFITS AND COST-SHARING.
Participating private health insurers must define the covered benefits and amounts of cost-sharing provided by the plan, subject to the minimum requirements set forth in Section 56-238(8), Idaho Code. Cost-sharing may include co-insurance, co-payments, deductibles, and excess premium costs above the Department's premium subsidy. Childhood immunizations are provided by the State if not covered by private insurance coverage. (7-1-04)T

616. -- 619. (RESERVED).

620. VENDOR APPLICATION.
An insurance company that wants to participate in the Children's Access Card Program must apply to the Department and be approved for participation. The Department will confirm the vendor is an insurance company recognized by the Department of Insurance. (7-1-04)T

01. Conforming Benefit Plan. The vendor must certify to the Department that the benefit plan meets the definition of a health benefit plan that includes inpatient and outpatient hospital services and physician medical and surgical services in Section 56-238(8), Idaho Code. (7-1-04)T

02. Vendor Application Denied. The Department will not approve the application of a vendor whose authority to sell insurance plans in the State of Idaho is suspended. (7-1-04)T

621. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.18 - CHIP B AND CHILDREN'S ACCESS CARD RULES

DOCKET NO. 16-0318-0402 - (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-239 and 56-240, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

Date:	**Wednesday, July 14, 2004**	**Wednesday, July 14, 2004**	**Thursday, July 15, 2003**
Time:	**7:00 - 9:00 p.m.**	**7:00 - 9:00 p.m.**	**7:00 - 9:00 p.m.**
Place:	**Dept. of Health & Welfare** **1120 Ironwood Dr., Suite 102** **Coeur d'Alene, ID**	**Dept. of Health & Welfare** **1720 Westgate Dr., Suite D** **Boise, ID**	**Dept. of Health & Welfare** **2nd Floor Conf. Room** **150 Shoup Ave** **Idaho Falls, ID**

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

A new chapter of rule supporting the implementation of the Idaho Health Insurance Access Card Act passed during the 2003 Idaho Legislative session has been promulgated. This rule change adds provisions for a participant premium that meets the legislative intent of HB 376 (2003) to have "some beneficiary cost-sharing". It also indicates that the Department may require a co-payment for some services.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code, and are necessary in order to comply with deadlines in governing law and confer a benefit to Idahoans.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: This rule change adds the requirement for a monthly premium of fifteen dollars ($15) to participate in the CHIP B Program.

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted. The Department, through the formation of the "CHIP B Access Card Project" team, conducted many meetings within the Department reviewing options for the implementation of the CHIP B program and researched other similar programs to design a workable program for Idahoans. The Department also met with and discussed options for the Children's Access Card program with the "Access Card Insurer Group" made up of several major insurance companies and a broker representative. Also, the Idaho High Risk Reinsurance Pool Board reviewed the rules and made recommendations to the Department.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Robin Pewtress, Idaho SCHIP Director, at (208) 364-1892.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 2004

DATED this 29th day of June, 2004.

Sherri Kovach, Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0318-0402

401. -- ~~5~~499. (RESERVED).

500. CHIP B COST-SHARING.
The Department may require cost sharing by CHIP B participants. A family will not be required to pay out of pocket costs exceeding five percent (5%) of their anticipated gross annual income. (7-1-04)T

501. -- 505. (RESERVED).

506. PREMIUMS.
The participant must pay a monthly premium of fifteen dollars ($15) to the Department or its designee to participate in CHIP B. A participant's failure to pay the premium can make the participant ineligible for CHIP B. (7-1-04)T

507. DELINQUENT PREMIUM PAYMENTS.
If the family is sixty (60) or more days past due on its premium payments, the family is offered a new eligibility determination. If the child is eligible for Title XIX Medicaid or CHIP A, the child will be moved to the appropriate coverage group. The change is effective the month after the child becomes eligible for Title XIX Medicaid or CHIP A. The following items apply to delinquent premium payments: (7-1-04)T

01. Premium Debt. Any premium debt assessed, but not paid, after the child became eligible for Title XIX Medicaid or CHIP A will be forgiven. (7-1-04)T

02. Delinquent Payments. A child must not be approved for or renewed for CHIP B if his premium payments are sixty (60) or more days delinquent as of the last working day of his twelve-month (12) continuous eligibility period. (7-1-04)T

03. Reestablishing Eligibility. A family can reestablish a child's eligibility during a new open enrollment period by paying the premium debt in full. (7-1-04)T

04. Delinquent Premiums At Renewal Date. A family, who is determined ineligible at renewal date due to delinquent premiums, is ineligible for the following twelve (12) months. The debt is forgiven after the twelve-month (12) period. (7-1-04)T

508. -- 599. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - RULES GOVERNING FAMILY AND CHILDREN'S SERVICES

DOCKET NO. 16-0601-0401

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is July 1, 2004. This pending rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, 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 Sections 16-1624, 16-2001, 16-2402, 56-202(b), 56-203(b), 56-204(a), 56-204A, 56-1003 and 56-1004, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The 2004 Legislature provided for foster care payment rate increase beginning July 1, 2004. The temporary rule is being amended to show the increase in the rate table.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the January 7, 2004, Idaho Administrative Bulletin, Volume 04-1, pages160 and 161.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chuck Halligan at (208) 334-6559.

DATED this 3rd day of June, 2004.

Sherri Kovach - Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16, TITLE 06, CHAPTER 01

RULES GOVERNING FAMILY AND CHILDREN'S SERVICES

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 04-1, January 7, 2004, pages 160 and 161.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0601-0401

483. PAYMENT TO FAMILY FOSTER CARE PROVIDERS.
Monthly payments for care provided by foster care families are:

Family Foster Care Payments - Table 483			
Ages	0-5	6-12	13-18
Monthly Room and Board	$~~261~~274	$~~286~~300	$~~410~~431

~~(7-1-03)T~~(7-1-04)T

01. Gifts. An additional thirty dollars ($30) for Christmas gifts and twenty dollars ($20) for birthday gifts shall be paid in the appropriate months. (3-18-99)

02. Clothing. Costs for clothing shall be paid, based upon the Department's determination of each child's needs. All clothing purchased for a child in alternate care becomes the property of the child. (3-18-99)

03. School Fees. School fees due upon enrollment shall be paid, based upon the Department's determination of the child's needs. (3-18-99)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - RULES GOVERNING FAMILY AND CHILDREN'S SERVICES

DOCKET NO. 16-0601-0402

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective July 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 16-1624, 16-2001, 16-2402, 56-202(b), 56-203(b), 56-204(a), 56-204A, 56-1003, and 56-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

A court decision based on a lawsuit against federal regulations regarding Title IV-E eligibility requires changes be made to the eligibility requirements in IDAPA 16.06.01, “Rules Governing Family and Children’s Services”.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with court decision on certain federal regulations.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because amendments were made to conform to a court decision.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Chuck Halligan, (208) 334-6559.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 2004.

DATED this 21st day of May, 2004.

Sherri Kovach, Program Supervisor
DHW – Administrative Procedures Section
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0601-0402

425. AFDC-FC ELIGIBILITY.
A child is eligible for AFDC-FC if the child would have been eligible to receive AFDC aid payments except that he was removed, by court order, from the home of a parent(s) or other caretaker relative(s) and placed in foster care. AFDC-FC is also available to eligible children voluntarily placed in foster care by a parent(s). The caretaker relative(s) is the relative(s) who exercises day-to-day physical custody of the child prior to the court action or voluntary placement. ~~*A child is not eligible for AFDC-FC if he is living in the home of a caretaker relative(s) for more than six (6) months and expects to continue that care.*~~ The child may qualify for AFDC payments as a child living with a relative. Eligibility for AFDC-FC is determined by Family and Community Services. ~~*(5-3-03)*~~(7-1-03)T

426. AFDC-FC ELIGIBILITY REQUIREMENTS.
A child is eligible for AFDC-FC if he meets each of the eligibility requirements listed in Table 426.

AFDC-FC ELIGIBILITY REQUIREMENTS - TABLE 426	
CONDITION	**DESCRIPTION**
01. Financial Need.	A child is in financial need if, in the month court action to remove him from his home was initiated, or the month the voluntary out-of-home placement agreement is signed: He was receiving AFDC; He would have been eligible to receive AFDC if an application had been filed on his behalf; or He lived with his parent(s) or other caretaker relative(s) at some time within six (6) prior months and would have qualified for AFDC in the month of court action or voluntary placement if an application had been filed and he lived with a parent(s) or other specified relative(s) in that month.
02. Voluntary Placement in Foster Home or Voluntary Relinquishment.	A foster care placement is voluntary if the parent(s) has a written agreement with the Department to place the child in foster care. The parent retains parental rights and may terminate the agreement at any time. A voluntary relinquishment is not a voluntary placement. A voluntary relinquishment occurs when parent(s) permanently gives up rights to a child. A court order is required for a voluntarily relinquished child to qualify for AFDC-FC.
03. Age, Residence, Citizenship, and Deprivation.	The other AFDC requirements the child must meet are: Age; Residence; Citizenship; Deprivation ~~*of parental support determined in relation to the home from which the child was removed*~~; and The AFDC resource limit.

AFDC-FC ELIGIBILITY REQUIREMENTS - TABLE 426	
CONDITION	**DESCRIPTION**
04. Court Ordered Removal.	A child not voluntarily placed must have been removed from the parent(s) or other caretaker relative(s) by court order. The initial court order must state remaining in the home would be "contrary to the welfare" of the child. For children removed on or after October 1, 1983, the court order must include a determination that reasonable efforts were made to prevent or eliminate the need for removal of the child. This judicial determination must be made within sixty (60) days of removal of the child from his home. The court order must state what reasonable efforts were made considering the family's circumstances and the safety of the child when the child is removed from the home in an emergency. When there is a judicial determination of Aggravated Circumstances, the court order must state that no reasonable efforts to reunify the family are required.
05. Custody and Placement.	The child's placement and care are the Department's responsibility. The child must live in a licensed foster home, licensed institution, licensed group home, or in a licensed relative's home.

~~*(5-3-03)*~~(7-1-03)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.06 - RULES FOR LOANS TO GROUP HOMES FOR RECOVERING ALCOHOL AND DRUG ABUSERS

DOCKET NO. 16-0606-0401 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-303 and 39-311, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rule making:

This entire chapter of rule is being repealed. These rules were promulgated 1989, to provide loans to group homes for recovering alcohol and drug abusers. No loans have been issued and no funds are available for this program. The Department is repealing these rules as they are no longer necessary.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the this chapter is being repealed due to lack of funding for the program.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Pharis Stanger at (208) 334-4944.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before July 28, 2004.

DATED this 21st day of May, 2004.

Sherri Kovach - Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16.06.06 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.09.01 - DAY CARE CENTER HEALTH STANDARDS

DOCKET NO. 16-0901-0401 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-1003 and 56-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rule making:

This entire chapter of rules is being repealed. These rules were promulgated for Public Health Districts in 1988. These adopted standards are no longer current and are redundant because other rules address these issues.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the repeal of this chapter is no longer necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Richard Horne at (208) 522-0310.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before July 28, 2004.

DATED this 21st day of May, 2004.

Sherri Kovach - Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16.09.01 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0406

NOTICE OF FINAL DECISION ON THE BIG LOST RIVER TMDL

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Big Lost River Total Maximum Daily Load (TMDL).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Big Lost River TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Big Lost River TMDL (Hydrologic Unit Code 17040218) addresses four (4) water body segments on Idaho's 1998 Section 303(d) list within the Big Lost River subbasin and contains 23 TMDLs. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at http://www.deq.state.id.us/water/tmdls/big_lost_river/big_lost_river_final.htm or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, mbridges@deq.state.id.us.

Dated this 20th day of May, 2004.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418
Fax No. (208)373-0481
pwilson@deq.state.id.us

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0407

NOTICE OF FINAL DECISION ON THE WILLOW CREEK TMDL

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Willow Creek (Hydrologic Unit Code 17040104) Total Maximum Daily Load (TMDL).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Willow Creek TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Willow Creek TMDL (Hydrologic Unit Code 17040104) addresses twenty (20) water body segments on Idaho's 1998 Section 303(d) list within the Willow Creek watershed and contains 31 TMDLs. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at www.deq.state.id.us/water/tmdls/willow_creek/willow_creek_final.htm or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, mbridges@deq.state.id.us.

Dated this 11th day of June, 2004.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418
Fax No. (208)373-0481
pwilson@deq.state.id.us

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0402

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before July 21, 2004. If no such written request is received, a public hearing will not be held.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: This proposed rule implements the provisions of the Drinking Water and Wastewater Professionals Licensing Act, Senate Bill 1279, wherein the Legislature transferred authority for the licensure of drinking water and wastewater operators from the Department of Environmental Quality to a Governor appointed Drinking Water and Wastewater Professional Board and the Idaho Bureau of Occupational Licenses. This rulemaking will delete Sections 405, 406, 407, 408, 409, 411, 412, 413 and some definitions that include requirements for mandatory wastewater operator certification. Sections 403, 404, 410, and some definitions, which pertain to wastewater treatment and collection system certification and classification, will be retained and modified as necessary.

Wastewater operators, operator trainers, Association of Idaho Cities, Association of Idaho Counties, Pacific Northwest Clean Water Association, water and sewer districts, wastewater treatment system and collection system owners, wastewater permit holders, wastewater permit programs, special interest groups, and the general public may be interested in commenting on this proposed rule.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, the Idaho Department of Environmental Quality (DEQ) intends to present the final proposal to the Board of Environmental Quality in the fall of 2004 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: This rule regulates an activity not regulated by the federal government.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Nancy Bowser at (208) 373-0406 or nbowser@deq.state.id.us.

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before August 4, 2004.

Dated this 2nd day of June, 2004.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-0402

003. DEFINITIONS.
For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," the following definitions apply: (4-5-00)

01. Acute. Involving a stimulus severe enough to rapidly induce a response; in aquatic toxicity tests, a response measuring lethality observed in ninety-six (96) hours or less is typically considered acute. When referring to human health, an acute effect is not always measured in terms of lethality. (3-20-97)

02. Acute Criteria. Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity resulting from exposure to the toxic substance or effluent. Acute criteria will adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms "acute criteria" and "criterion maximum concentration" (CMC) are equivalent. (3-15-02)

03. Acute Toxicity. The existence of mortality or injury to aquatic organisms resulting from a single or short-term (i.e., ninety-six (96) hours or less) exposure to a substance. As applied to toxicity tests, acute toxicity refers to the response of aquatic test organisms to a concentration of a toxic substance or effluent which results in a LC-50. (3-20-97)

0~~6~~4. Aquatic Species. Any plant or animal that lives at least part of its life in the water column or benthic portion of waters of the state. (8-24-94)

05. Available. Based on public wastewater system size, complexity, and variation in raw waste, a ~~*certified*~~ licensed wastewater operator must be on site, on call, or able to be contacted as needed to initiate the appropriate action for normal or emergency conditions in a timely manner. ~~*(4-2-03)*~~( )

0~~7~~6. Background. The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream point of measurement is absent, the department will determine where background conditions should be measured. (8-24-94)

0~~8~~7. Basin Advisory Group. No less than one advisory group named by the Director, in consultation with the designated agencies, for each of the state's six (6) major river basins which shall generally advise the Director on water quality objectives for each basin, work in a cooperative manner with the Director to achieve these objectives, and provide general coordination of the water quality programs of all public agencies pertinent to each basin. Each basin advisory group named by the Director shall reflect a balanced representation of the interests in the basin and shall, where appropriate, include representatives from each of the following: agriculture, mining, nonmunicipal point source discharge permittees, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, and environmental interests. (3-20-97)

0~~4~~8. **Beneficial Use**. Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (8-24-94)

09. **Best Management Practice**. A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. (3-20-97)

10. **Bioaccumulation**. The process by which a compound is taken up by, and accumulated in the tissues of an aquatic organism from the environment, both from water and through food. (8-24-94)

11. **Biochemical Oxygen Demand (BOD)**. The measure of the amount of oxygen necessary to satisfy the biochemical oxidation requirements of organic materials at the time the sample is collected; unless otherwise specified, this term will mean the five (5) day BOD incubated at twenty (20) degrees C. (8-24-94)

12. **Biological Monitoring or Biomonitoring**. The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods. (8-24-94)

13. **Board**. The Idaho Board of Environmental Quality. (7-1-93)

~~***14.*** ***Certificate****. Documentation of competency issued by the Director stating that the person to be certified has met requirements for a specific classification of the public wastewater operator certification program.* *(4-2-03)*~~

1~~5~~4. **Chronic**. Involving a stimulus that lingers or continues for a relatively long period of time, often one-tenth (.01) of the life span or more. Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality. (8-24-94)

1~~6~~5. **Chronic Criteria**. Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity resulting from exposure to the toxic substance or effluent. Chronic criteria will adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms “chronic criteria” and “criterion continuous concentration” (CCC) are equivalent. (3-15-02)

1~~7~~6. **Chronic Toxicity**. The existence of mortality, injury, reduced growth, impaired reproduction, or any other adverse effect on aquatic organisms resulting from a long-term (i.e., one-tenth (0.1) or more of the organism's life span) exposure to a substance. As applied to toxicity tests, chronic toxicity refers to the response of aquatic organisms to a concentration of a toxic substance or effluent which results in an IC-25. (8-24-94)

17. **Collection System**. That portion of the wastewater system in which wastewater is received from the premises of the discharger and conveyed to the point of treatment through a series of lines, pipes, manholes, pumps/lift stations and other appurtences. (____)

18. **Compliance Schedule Or Schedule Of Compliance**. A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (8-24-94)

~~***19.*** ***Continuing Education Unit (CEU)****. An alternate unit (to semester or quarter systems) of formal credit assignment to post-secondary training activities, which is based upon regionally or nationally established and recognized education criteria.* *(4-2-03)*~~

~~20~~19. Criterion Continuous Concentration (CCC). Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity resulting from exposure to the toxic substance or effluent. The CCC will adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms "criterion continuous concentration" and "chronic criteria" are equivalent. (3-15-02)

2~~1~~0. Criterion Maximum Concentration (CMC). Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity resulting from exposure to the toxic substance or effluent. The CMC will adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms "criterion maximum concentration" and "acute criteria" are equivalent. (3-15-02)

2~~2~~1. Daily Mean. The average of at least two (2) appropriately spaced measurements, acceptable to the department, calculated over a period of one (1) day: (3-20-97)

a. Confidence bounds around the point estimate of the mean may be required to determine the sample size necessary to calculate a daily mean; (8-24-94)

b. If any measurement is greater or less than five-tenths (0.5) times the average, additional measurements over the one-day period may be needed to obtain a more representative average; (3-20-97)

c. In calculating the daily mean for dissolved oxygen, values used in the calculation shall not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean. (8-24-94)

2~~3~~2. Deleterious Material. Any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (8-24-94)

2~~4~~3. Department. The Idaho Department of Environmental Quality. (7-1-93)

2~~5~~4. Design Flow. The critical flow used for steady-state wasteload allocation modeling. (8-24-94)

2~~6~~5. Designated Agency. The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the Department's division of environmental quality for all other activities. (3-20-97)

2~~7~~6. Designated Beneficial Use Or Designated Use. Those beneficial uses assigned to identified waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Sections 110 through 160, whether or not the uses are being attained. (4-5-00)

2~~8~~7. Desirable Species. Species indigenous to the area or those introduced species identified as desirable by the Idaho Department of Fish and Game. (3-15-02)

2~~9~~8. Director. The Director of the Idaho Department of Environmental Quality or his authorized agent. (7-1-93)

~~30~~29. Discharge. When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. (8-24-94)

3~~1~~0. Disinfection. A method of reducing the pathogenic or objectionable organisms by means of chemicals or other acceptable means. (7-1-93)

3~~2~~1. Dissolved Oxygen (DO). The measure of the amount of oxygen dissolved in the water, usually expressed in mg/1. (7-1-93)

3~~3~~2. **Dissolved Product**. Petroleum product constituents found in solution with water. (8-24-94)

3~~4~~3. **Dynamic Model**. A computer simulation model that uses real or derived time series data to predict a time series of observed or derived receiving water concentrations. Dynamic modeling methods include continuous simulation, Monte Carlo simulations, lognormal probability modeling, or other similar statistical or deterministic techniques. (8-24-94)

3~~5~~4. **E. coli (Escherichia coli)**. A common fecal and intestinal organism of the coliform group of bacteria found in warm-blooded animals. (4-5-00)

3~~6~~5. **Effluent**. Any wastewater discharged from a treatment facility. (7-1-93)

3~~7~~6. **Effluent Biomonitoring**. The measurement of the biological effects of effluents (e.g., toxicity, biostimulation, bioaccumulation, etc.). (8-24-94)

3~~8~~7. **EPA**. The United States Environmental Protection Agency. (7-1-93)

3~~9~~8. **Ephemeral Waters**. A stream, reach, or water body that flows only in direct response to precipitation in the immediate watershed and whose channel is at all times above the water table. (4-5-00)

~~40~~39. **Existing Beneficial Use Or Existing Use**. Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements". (8-24-94)

4~~1~~0. **Facility**. As used in Section 850 only, any building, structure, installation, equipment, pipe or pipeline, well pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, area, place or property from which an unauthorized release of hazardous materials has occurred. (8-24-94)

4~~2~~1. **Fecal Coliform**. The portion of the coliform group of bacteria present in the gut and feces of warm-blooded animals, usually expressed as number of organisms/one hundred (100) ml of sample. (7-1-93)

4~~3~~2. **Four Day Average**. The mean of the twenty-four (24) hour average values calculated over a period of ninety-six (96) consecutive hours. (3-20-97)

4~~4~~3. **Free Product**. A petroleum product that is present as a nonaqueous phase liquid. Free product includes the presence of petroleum greater than one-tenth (0.1) inch as measured on the water surface for surface water or the water table for ground water. (7-1-93)

4~~5~~4. **Full Protection, Full Support, Or Full Maintenance Of Designated Beneficial Uses Of Water**. Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (3-15-02)

4~~6~~5. **Geometric Mean**. The geometric mean of "n" quantities is the "nth" root of the product of the quantities. (7-1-93)

4~~7~~6. **Ground Water**. Subsurface water comprising the zone of saturation. (8-24-94)

4~~8~~7. **Harmonic Mean Flow**. The number of daily flow measurements divided by the sum of the reciprocals of the flows (i.e., the reciprocal of the mean of reciprocals). (8-24-94)

4~~9~~8. **Hazardous Material**. A material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent

revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated. (7-1-93)

~~50~~49. **Hydrologic Unit Code (HUC)**. A unique eight (8) digit number identifying a subbasin. A subbasin is a United States Geological Survey cataloging unit comprised of water body units. (4-5-00)

5~~1~~0. **Hydrologically-Based Design Flow**. A statistically derived receiving water design flow based on the selection and identification of an extreme value (e.g., 1Q10, 7Q10). The underlying assumption is that the design flow will occur X number of times in Y years, and limits the number of years in which one or more excursions below the design flow can occur. (8-24-94)

5~~2~~1. **Hypolimnion**. The deepest zone in a thermally-stratified body of water. It is fairly uniform in temperature and lies beneath a zone of water which exhibits a rapid temperature drop with depth of at least one (1) degree C per meter. (3-20-97)

5~~3~~2. **Inhibition Concentration-25 (IC-25)**. A point estimate of the toxicant concentration that would cause a twenty-five percent (25%) reduction in a non-lethal biological measurement of the test organisms, such as reproduction or growth. Determined using curve fitting with an assumption of a continuous dose-response relationship. An IC-25 is approximately the analogue of NOEC. (8-24-94)

5~~4~~3. **Instantaneous Concentration**. A concentration of a substance measured at any moment (instant) in time. (8-24-94)

5~~5~~4. **Inter-Departmental Coordination**. Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (7-1-93)

5~~6~~5. **Intermittent Waters**. A stream, reach, or water body which has a period of zero (0) flow for at least one (1) week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based flow of less than one-tenth (0.1) cfs is considered intermittent. Streams with natural perennial pools containing significant aquatic life uses are not intermittent. (4-5-00)

5~~7~~6. **Land Application**. A process or activity involving application of wastewater, surface water, or semi-liquid material to the land surface for the purpose of disposal, pollutant removal, or ground water recharge. (8-24-94)

5~~8~~7. **LC-50**. The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific time of observation (e.g., ninety-six (96) hours). (3-20-97)

58. **License**. A physical document issued by the Idaho Bureau of Occupational Licenses certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code. ( )

59. **Load Allocation (LA)**. The portion of a receiving water's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources. (8-24-94)

60. **Loading Capacity**. The greatest amount of pollutant loading that a water can receive without violating water quality standards. (8-24-94)

61. **Lower Water Quality**. A measurable adverse change in a chemical, physical, or biological parameter of water relevant to a beneficial use, and which can be expressed numerically. Measurable change is determined by a statistically significant difference between sample means using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five percent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices. (3-20-97)

62. **Lowest Observed Effect Concentration (LOEC)**. The lowest concentration of a toxicant or an

effluent that results in observable adverse effects in the aquatic test population. (8-24-94)

63. **Man-Made Waterways**. Canals, flumes, ditches, and similar features, constructed for the purpose of water conveyance. (7-1-93)

64. **Maximum Weekly Maximum Temperature (MWMT)**. The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period. The MWMT is the single highest WMT that occurs during a given year. (3-15-02)

65. **Milligrams Per Liter (mg/l)**. Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (7-1-93)

66. **Mixing Zone**. A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (7-1-93)

67. **National Pollutant Discharge Elimination System (NPDES)**. Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (8-24-94)

68. **Natural Background Conditions**. No measurable change in the physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. (3-15-02)

69. **Nephelometric Turbidity Units (NTU)**. A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

70. **Nonpoint Source Activities**. Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: (3-20-97)

a. Irrigated and nonirrigated lands used for: (7-1-93)

i. Grazing; (7-1-93)

ii. Crop production; (7-1-93)

iii. Silviculture; (7-1-93)

b. Log storage or rafting; (7-1-93)

c. Construction sites; (7-1-93)

d. Recreation sites; (3-20-97)

e. Septic tank disposal fields. (8-24-94)

f. Mining; (3-20-97)

g. Runoff from storms or other weather related events; and (3-20-97)

h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (3-20-97)

71. **No Observed Adverse Effect Level (NOAEL)**. A threshold dose of a toxic substance or an

effluent below which no adverse biological effects are observed, as identified from chronic or subchronic human epidemiology studies or animal exposure studies. (8-24-94)

72. No Observed Effect Concentration (NOEC). The highest concentration of a toxic substance or an effluent at which no adverse effects are observed on the aquatic test organisms. Determined using hypothesis testing with the assumption of a noncontinuous threshold model of the dose-response relationship. (8-24-94)

73. Nuisance. Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)

74. Nutrients. The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (7-1-93)

75. One Day Minimum. The lowest daily instantaneous value measured. (3-20-97)

76. One Hour Average. The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-20-97)

77. Operating ~~*Experience*~~ Personnel. ~~*The number of years spent in performance of duties at a*~~ Any person who is employed, retained, or appointed to make system control or system integrity decisions about water quantity or water quality that may affect public health as part of the tasks conducted with the day-to-day operation and maintenance of a public wastewater system. ~~*(4-2-03)*~~(____)

78. Operator. For purposes of Sections 851 and 852, any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the petroleum storage tank (PST) system. (4-2-03)

~~***79. Operator Certifying Entity****. An organization that contracts with the Department to provide public wastewater operator certification services.* *(4-2-03)*~~

~~*80*~~79. Outstanding Resource Water (ORW). A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (3-20-97)

8~~*1*~~0. Outstanding Resource Water Mixing Zone. An area or volume of an ORW where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)

8~~*2*~~1. Owner. For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage tank (PST) system any time during a release and the current owner of the property where the PST system is or was located. (4-2-03)

8~~*3*~~2. Owner Of Public Wastewater System. For purposes of Sections 403 through 4~~*13*~~05, the person, company, corporation, district, association or other organizational entity which holds legal title to the public wastewater system, and who provides, or intends to provide wastewater service to system users and is ultimately responsible for the public wastewater system operation. ~~*(4-2-03)*~~(____)

8~~*4*~~3. Person. An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal

agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-97)

8~~5~~4. **Petroleum Products**. Products derived from petroleum through various refining processes. (7-1-93)

8~~6~~5. **Petroleum Storage Tank (PST) System**. Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

8~~7~~6. **Point Source**. Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

8~~8~~7. **Pollutant**. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

8~~9~~8. **Potable Water**. A water which is free from impurities in such amounts that it is safe for human consumption without treatment. (7-1-93)

~~90~~89. **Primary Treatment**. Processes or methods that serve as the first stage treatment of wastewater, intended for removal of suspended and settleable solids by gravity sedimentation; provides no changes in dissolved and colloidal matter in the sewage or wastes flow. (7-1-93)

9~~1~~0. **Project Plans**. Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

9~~2~~1. **Public Wastewater System Or Wastewater System**. For purposes of Sections 403 through 4~~13~~05, a public wastewater system means those systems, including collection systems and treatment systems, that are owned by a city, county, state or federal unit of government, a non profit corporation, district, association, political subdivision or other public entity, or that generate or collect two thousand five hundred (2,500) or more gallons a day; or that have been constructed in whole or in part with public funds. This does not include any wastewater treatment system operated and maintained exclusively by a single family residence or any wastewater system consisting solely of a gravity flow, non-mechanical septic tank and subsurface treatment and distribution system, any animal waste system used for agricultural purposes that have been constructed in part or whole by public funds, or industrial wastewater systems under private ownership. ~~(4-2-03)~~(____)

9~~3~~2. **Receiving Waters**. Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

9~~4~~3. **Recharge**. The process of adding water to the zone of saturation. (7-1-93)

9~~5~~4. **Recharge Water**. Water that is specifically utilized for the purpose of adding water to the zone of saturation. (7-1-93)

~~***96.*** ***Reciprocity****. A system by which operator certificates issued by any other operator certification program are recognized as valid and equal to Idaho's Certification Program provision.* ***(4-2-03)***~~

9~~7~~5. **Reference Stream Or Condition**. A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural

conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

9~~8~~6. **Release**. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

9~~9~~7. **Resident Species**. Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

a. Are usually present at the site; (8-24-94)

b. Are present only seasonally due to migration; (8-24-94)

c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)

d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (8-24-94)

e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

~~100~~98. **Responsible Charge (RC)**. For purposes of Sections 403 through 413, responsible charge means, active, daily on-site and/or on-call responsibility for the performance of operations or active, on-going, on-site and/or on-call direction of employees and assistants. (4-2-03)

99. **Responsible Charge Operator**. For purposes of Sections 403 through 405, a responsible charge operator is an operator licensed at a class equal to or greater than the classification of the system and who has been designated by the system owner to have direct supervision of and responsibility for the performance of operations of a specified wastewater treatment system(s) or wastewater collection system(s) and the direction of personnel employed or retained at the same system. The responsible charge operator has an active daily on-site and/or on-call presence at the specified facility. ( )

10~~1~~0. **Responsible Persons In Charge**. Any person who: (8-24-94)

a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)

b. Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (8-24-94)

c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

10~~2~~1. **Saturated Zone**. Zone or layer beneath the earth's surface in which all of the pore spaces of rock or soil are filled with water. (7-1-93)

10~~3~~2. **Secondary Treatment**. Processes or methods for the supplemental treatment of wastewater, usually following primary treatment, to affect additional improvement in the quality of the treated wastes by biological means of various types which are designed to remove or modify organic matter. (7-1-93)

10~~4~~3. **Seven Day Mean**. The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-20-97)

10~~5~~4. **Sewage**. The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

10~~6~~5. **Short-Term Or Temporary Activity**. An activity which is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-20-97)

10~~7~~6. **Silviculture**. Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-20-97)

10~~8~~7. **Sludge**. The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)

10~~9~~8. **Special Resource Water**. Those specific segments or bodies of water which are recognized as needing intensive protection: (7-1-93)

a. To preserve outstanding or unique characteristics; or (7-1-93)

b. To maintain current beneficial use. (7-1-93)

1~~1~~09. **Specialized Best Management Practices**. Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)

11~~1~~0. **State**. The state of Idaho. (7-1-93)

11~~2~~1. **State Water Quality Management Plan**. The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)

11~~3~~2. **Steady-State Model**. A fate and transport model that uses constant values of input variables to predict constant values of receiving water quality concentrations. (8-24-94)

11~~4~~3. **Substitute Responsible Charge Operator**. A public wastewater operator holding a valid ~~*certificate*~~ license at a class equal to or greater than the public wastewater system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ~~*(4-2-03)*~~(____)

11~~5~~4. **Subsurface Disposal**. Disposal of effluent below ground surface, including, but not limited to, drainfields or sewage beds. (7-1-93)

11~~6~~5. **Suspended Sediment**. Organic and inorganic particulate matter which has been removed from its site of origin and measured while suspended in surface water. (7-1-93)

11~~7~~6. **Technology-Based Effluent Limitation**. Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)

11~~8~~7. **Total Maximum Daily Load (TMDL)**. The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)

11~~9~~8. **Toxicity Test**. A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)

1~~20~~19. **Toxic Substance**. Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)

12~~1~~0. **Treatment**. A process or activity conducted for the purpose of removing pollutants from wastewater. (7-1-93)

12~~2~~1. **Treatment System**. Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. A treatment system may also be known as a treatment facility. This definition does not apply to Sections 403 through 413. (4-2-03)

12~~3~~2. **Trihalomethane (THM)**. THM means one of the family of organic compounds named as derivatives of methane, wherein three (3) of the four (4) hydrogen atoms in the molecular structure of methane are substituted by one (1) of the chemical elements chlorine, bromine or iodine. (7-1-93)

12~~4~~3. **Twenty-Four Hour Average**. The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-20-97)

12~~5~~4. **Unique Ecological Significance**. The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (8-24-94)

12~~6~~5. **User**. Any person served by a public wastewater system. (4-2-03)

~~***127.*** ***Validated Examination****. An exam that is independently reviewed by subject matter experts to ensure that the exam is based on an operator job analysis and is relevant and related to the classification of the system or facility.*~~ ~~*(4-2-03)*~~

~~***128.*** ***Waiver****. For purposes of Subsection 409.09 (Professional Growth Requirement), "waiver" means the deferral of the annual continuing education units (CEUs) required for operator certification renewal for any certified operator deployed out of state or country due to active military service, when such deployment makes it impossible for the operator to accrue the required CEUs by the certification renewal date (March 1).*~~ ~~*(4-2-03)*~~

12~~9~~6. **Wasteload Allocation (WLA)**. The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

1~~30~~27. **Wastewater**. Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

~~***131.*** ***Wastewater Land Application Endorsement****. A non-renewable, one-time examination to determine competency of an operator working with a wastewater land application system. This examination may be taken in*~~

~~*conjunction with the certification examination equal to or greater than the classification of the wastewater system or subsequent to having already taken and passed the certification examination equal to or greater than the classification of the wastewater system.* *(4-2-03)*~~

1~~3~~2~~8~~8. **Wastewater Collection System Operator**. The person who is employed, retained, or appointed to conduct the tasks associated with routine day to day operation and maintenance of a public wastewater collection system in order to safeguard the public health and environment. (4-2-03)

1~~33~~29. **Wastewater Treatment Operator**. The person who is employed, retained, or appointed to conduct the tasks associated with routine day to day operation and maintenance of a public wastewater treatment system in order to safeguard the public health and environment. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

403. CLASSIFICATION OF WASTEWATER SYSTEMS.

01. Classification Requirement. All public wastewater systems ~~*will*~~ shall be classified based on indicators of potential health risks. ~~*(4-2-03)*~~( )

a. Classification rating forms developed in accordance with the criteria in Subsection 403.02 must be completed by the public wastewater system owner or designee for every public wastewater treatment system and wastewater collection system no later than July 1, 2008. Public wastewater treatment and wastewater collection system owners or designee shall submit additional classification rating forms at five (5) year intervals detailing existing conditions. ~~*The Department will review the rating forms and classify the systems.* *(4-2-03)*~~( )

b. The Department ~~*will*~~ shall review system classification~~*s*~~ rating forms submitted by the public wastewater treatment and wastewater collection system owners at five (5) year intervals and ~~*make revisions*~~ classify the systems to reflect the condition at the time of the initial classification, or changed conditions, if any, on subsequent submittals. ~~*(4-2-03)*~~( )

02. Classification Criteria. Public wastewater treatment systems and wastewater collection systems shall be classified under a system that uses the following criteria: (4-2-03)

a. Complexity, size, volume and variability in raw waste for treatment systems using guidelines established by the Department. (4-2-03)

b. Complexity or size of collection systems. (4-2-03)

c. Other criteria deemed necessary to completely classify systems. (4-2-03)

404. WASTEWATER SYSTEM OPERATOR ~~*CERTIFICATION*~~ LICENSURE REQUIREMENTS.

01. System Operator ~~*Certification*~~ Licensure Requirement. Owners of all public wastewater systems must place the direct supervision of their wastewater system(s), including each treatment system and each collection system, under the responsible charge of an operator who holds a valid ~~*certification*~~ license equal to or greater than the classification of the wastewater treatment system and collection system. An operator in responsible charge of both a wastewater treatment system and a collection system shall hold two (2) ~~*certificates*~~ licenses, one (1) for wastewater treatment and one (1) for collection. Owners shall notify the Department in writing of any change of responsible charge or substitute responsible charge operator within ten (10) days of such change. ~~*(4-2-03)*~~( )

02. Responsible Charge Operator ~~*Certification*~~ License Requirement. An operator in responsible charge of a public wastewater system in Idaho must hold a valid ~~*certification*~~ license equal to or greater than the classification of the wastewater system(s), including each treatment system, where present, and each collection system as determined by the Department. ~~*(4-2-03)*~~( )

03. Substitute Responsible Charge Operator. At such times as the responsible charge operator is not available, a substitute responsible charge operator shall be designated to replace the responsible charge operator. (4-2-03)

04. Wastewater Operator ~~*Certification*~~ Licensure. All other operating personnel at public wastewater systems including each treatment system and collection system must hold a valid ~~*certificate*~~ license. ~~*(4-2-03)*~~(____)

05. Compliance Deadline. All public wastewater systems addressed in these rules shall be in compliance with these rules by April 15, 2006. (4-2-03)

06. Qualifications For ~~*Certification*~~ Operator Licensure. ~~*To qualify for a certificate an applicant must meet requirements of employment, education, experience, and examination as described in Section 406 or Section 407. Applicants may also receive certification through grandparenting as described in Section 405 or through reciprocity upon evaluation of his or her qualifications and comparison of Idaho certification rules to those of another state on a case-by-case basis.*~~ All wastewater operating personnel, including responsible charge and substitute responsible charge operators, must qualify for and hold a valid license issued by the Idaho Bureau of Occupational Licenses. ~~*(4-2-03)*~~(____)

~~***07. Administration Of The Certification Program***. *Administration of all aspects of the public wastewater system operator certification program in Idaho shall be the responsibility of the Department.* *(4-2-03)*~~

~~***08. Contractor Activities***. *All administrative activities contracted to an operator certifying entity will be carried out in accordance with these rules.* *(4-2-03)*~~

~~***09. Optional Wastewater Operator Certification***. *Any operator of a wastewater system not required to meet this rule may choose to become certified in accordance with the criteria in Sections 405, 406 407 or 408. Upon issuance of a certificate, the operator is subject to certification renewal requirements referenced in Section 409.* *(4-2-03)*~~

~~***405. GRANDPARENTING.***~~

~~***01. Grandparenting Certificate***. *The Department may issue a grandparenting certificate only to a wastewater operator who was in responsible charge of an existing public wastewater system as of April 15, 2003. The grandparenting certificate will be site specific and non-transferable and can only be issued to a wastewater operator of a system that has demonstrated his or her competency to the Director and which, because of state law changes to meet these rules, a system must have a certified wastewater operator for the first time.* *(4-2-03)*~~

~~***02. Application Limitations***. *The owner of the system must submit an application to the Department for grandparenting by April 15, 2006. Applicants shall be subject to an application fee to cover processing costs.* *(4-2-03)*~~

~~***03. Certification Limitations***. *Upon receiving a grandparenting certificate the wastewater operator shall be required to meet renewal requirements including but not limited to continuing education and renewal fee requirements.* *(4-2-03)*~~

~~***04. Wastewater System Classification Limitations***. *If the classification of the wastewater system changes to a higher classification then the grandparenting certification is no longer valid.* *(4-2-03)*~~

~~***05. One System Limitation***. *A wastewater operator who is the wastewater operator in responsible charge of more than one (1) public wastewater system shall not be grandparented.* *(4-2-03)*~~

~~***06. Grandparent Professional Growth Requirement***. *In the first certification renewal cycle, every grandparented operator must complete and show documentation of completion of a one-time training requirement. The one-time training shall include all information covered by the qualifying certification exam for the certification class the operator holds. Following the first renewal cycle, the operator must meet the professional growth*~~

~~requirements described in Subsection 409.09.~~ ~~(4-2-03)~~

~~**406. CERTIFICATION REQUIREMENTS FOR A WASTEWATER TREATMENT OPERATOR.**~~
~~Every operator shall submit an application to the Department and meet the criteria in Section 406 to qualify for a certification classification in lagoons, wastewater treatment and, where applicable, in wastewater land application. See Section 407 for certification requirements for a public wastewater collection system operator. Applicants shall be subject to an application fee to cover examination and processing costs.~~ ~~(4-2-03)~~

~~**01. Employment Requirement**. Except for an Operator-In-Training (OIT) Classification, applicants for certification must be currently employed or working in the wastewater field.~~ ~~(4-2-03)~~

~~**02. Examination Requirement**. Applicants must pass a written validated examination with a score of seventy percent (70%) or better. The examination will reflect different levels of knowledge, ability and judgment required for the established certification classes. Examinations will be administered in accordance with established examination procedures. A wastewater land application operator operating a wastewater land application system is required to take and pass a written wastewater land application endorsement examination.~~ ~~(4-2-03)~~

~~**03. Education And Experience Requirements**.~~ ~~(4-2-03)~~

~~**a.** Basic Education and Experience Certification Requirements.~~ ~~(4-2-03)~~

~~i. To qualify for an Operator-In-Training Certificate, an operator must have a high school diploma or GED and pass an OIT exam. After passing an OIT exam, a "one-time" non-renewable certificate of "Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working one (1) year in the field and with no further testing required, the Operator-In-Training will be issued a Class I Certificate upon proof of twelve (12) months of operating experience in a Class I or higher public wastewater treatment system.~~ ~~(4-2-03)~~

~~ii. To qualify for a Lagoon certificate, an operator must have a high school diploma or GED and twelve (12) months of acceptable experience operating a Lagoon system.~~ ~~(4-2-03)~~

~~iii. To qualify for a Class I certificate, an operator must have a high school diploma or GED and one (1) year of acceptable operating experience of a Class I or higher treatment system.~~ ~~(4-2-03)~~

~~iv. To qualify for a Class II certificate, an operator must have a high school diploma or GED and three (3) years of acceptable operating experience of a Class I or higher treatment system.~~ ~~(4-2-03)~~

~~v. To qualify for a Class III certificate, an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience of a Class II or higher treatment system, including two (2) years active, daily, on-site charge of personnel or a major segment of a system in the same or next lower class.~~ ~~(4-2-03)~~

~~vi. To qualify for a Class IV certificate, an operator must have a high school diploma or GED; four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience of a Class III or higher treatment system, including two (2) years of active, daily, on-site charge of personnel or a major segment of a system in the same or next lower class.~~ ~~(4-2-03)~~

~~vii. To qualify for a Wastewater Land Application Endorsement, an operator must have a high school diploma or GED and the minimum operating experience appropriate to the classification of the wastewater system.~~ ~~(4-2-03)~~

~~**b.** Substituting Education for Experience. Applicants may substitute education for operating and responsible charge experience as specified below:~~ ~~(4-2-03)~~

~~i. For Class I or Lagoon certificate, no substitution for operating experience shall be permitted.~~ ~~(4-2-03)~~

~~ii. For Class II, a maximum of one and one-half (1½) years of post high school education in the~~

~~*environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience.* *(4-2-03)*~~

~~*iii. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience; however, the applicant must still have one (1) year of active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class.* *(4-2-03)*~~

~~*iv. Education substituted for operating experience shall not also be applied to the education requirement.* *(4-2-03)*~~

~~*v. One (1) year of post high school education, other than described in Subsections 406.03.b.ii. and 406.03.b.iii., may be substituted for one (1) year experience, up to maximum of fifty percent (50%) of required operating or active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class.* *(4-2-03)*~~

~~***c.*** *Substituting Experience for Education. Where applicable, operating and responsible charge experience or operating and active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class experience may be substituted for education as specified below:* *(4-2-03)*~~

~~*i. One (1) year of operating experience may be substituted for two (2) years of grade school with no limitation or one (1) year high school with no limitation.* *(4-2-03)*~~

~~*ii. For Class III and IV, additional responsible charge experience (that exceeding the two (2) year class requirements) may be substituted for post high school education on a two (2) for one (1) basis: two (2) years additional responsible charge = one (1) year post high school education.* *(4-2-03)*~~

~~***d.*** *Substituting Experience for Experience. Where applicable, up to one-half (½) of the operating experience requirement for Class II, III and IV may be substituted for experience that includes, but is not limited to, the following:* *(4-2-03)*~~

~~*i. Experience as an environmental or operations consultant;* *(4-2-03)*~~

~~*ii. Experience in an environmental or engineering branch of federal, state, county, or local government;* *(4-2-03)*~~

~~*iii. Experience as a wastewater collection system operator;* *(4-2-03)*~~

~~*iv. Experience as a wastewater treatment plant operator;* *(4-2-03)*~~

~~*v. Experience as a water distribution system operator and/or manager;* *(4-2-03)*~~

~~*vi. Experience as a water treatment plant operator; or* *(4-2-03)*~~

~~*vii. Experience in waste treatment operation and maintenance.* *(4-2-03)*~~

~~***e.*** *Equivalency Policy for Education or Experience Substitutions. Substitutions for education or experience requirements needed to meet minimum requirements for certification will be evaluated upon the following equivalency policies:* *(4-2-03)*~~

~~*i. High School - High School diploma, a GED, or other equivalent.* *(4-2-03)*~~

~~*ii. College - Thirty-five (35) credits equals one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields).* *(4-2-03)*~~

~~*iii. Continuing Education Units (CEU) for relevant operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equals one (1) CEU; forty-five (45) CEUs*~~

~~equals one (1) year of college.~~ ~~(4-2-03)~~

~~**407. CERTIFICATION REQUIREMENTS FOR A WASTEWATER COLLECTION SYSTEM OPERATOR.** Every operator shall submit an application to the Department and shall meet the criteria in this Section to qualify for a certification classification in wastewater collections. Applicants shall be subject to an application fee to cover examination and processing costs.~~ ~~(4-2-03)~~

~~**01. Employment Requirement**. Except for an Operator-In-Training (OIT) Classification, applicants for certification must be currently employed or working in the wastewater field.~~ ~~(4-2-03)~~

~~**02. Examination Requirement**. Applicants must pass a written validated examination with a score of seventy percent (70%) or better. The examination will reflect different levels of knowledge, ability and judgment required for the established certification classes. Examinations will be administered in accordance with established examination procedures.~~ ~~(4-2-03)~~

~~**03. Education And Experience Requirements**.~~ ~~(4-2-03)~~

~~**a.** Basic Education and Experience Certification Requirements.~~ ~~(4-2-03)~~

~~i. To qualify for an Operator-In-Training Certificate, an operator must have a high school diploma or GED and pass an OIT exam. After passing an OIT exam, a "one-time" non-renewable certificate of "Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working one (1) year in the field and with no further testing required, the Operator-In-Training will be issued a Class I Certificate upon proof of twelve (12) months of operating experience in a Class I or higher public wastewater collection system.~~ ~~(4-2-03)~~

~~ii. To qualify for a Class I certificate, an operator must have a high school diploma or GED and one (1) year of acceptable operating experience of a Class I or higher collection system.~~ ~~(4-2-03)~~

~~iii. To qualify for a Class II certificate, an operator must have a high school diploma or GED and three (3) years of acceptable operating experience.~~ ~~(4-2-03)~~

~~iv. To qualify for a Class III certificate, an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience.~~ ~~(4-2-03)~~

~~v. To qualify for a Class IV certificate, an operator must have a high school diploma or GED; four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience.~~ ~~(4-2-03)~~

~~**b.** Substituting Education for Experience. Applicants may substitute education for operating and responsible charge experience as specified below:~~ ~~(4-2-03)~~

~~i. For Class I certificate, no substitution for operating experience shall be permitted.~~ ~~(4-2-03)~~

~~ii. For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience.~~ ~~(4-2-03)~~

~~iii. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience.~~ ~~(4-2-03)~~

~~iv. Education substituted for operating experience shall not also be applied to education requirement.~~ ~~(4-2-03)~~

~~v. One (1) year of post high school education, other than described in Subsections 407.03.b.ii. and 407.03.b.iii., may be substituted for one (1) year experience, up to maximum of fifty percent (50%) of required~~

~~operating or active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class. (4-2-03)~~

~~**c.** Substituting Experience for Education. Where applicable, operating and responsible charge experience or operating and active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class experience may be substituted for education as specified below: (4-2-03)~~

~~i. One (1) year of operating experience may be substituted for two (2) years of grade school with no limitation or one (1) year high school with no limitation. (4-2-03)~~

~~ii. For Class III and IV, responsible charge experience may be substituted for post high school education on a two (2) for one (1) basis: two (2) years responsible charge = one (1) year post high school education. (4-2-03)~~

~~**d.** Substituting Experience for Experience. Where applicable, up to one-half (½) of the operating experience requirement for Class II, III and IV may be substituted for experience that includes, but is not limited to, the following: (4-2-03)~~

~~i. Experience as an environmental or operations consultant; (4-2-03)~~

~~ii. Experience in an environmental or engineering branch of federal, state, county, or local government; (4-2-03)~~

~~iii. Experience as a wastewater collection system operator; (4-2-03)~~

~~iv. Experience as a wastewater treatment plant operator; (4-2-03)~~

~~v. Experience as a water distribution system operator and/or manager; (4-2-03)~~

~~vi. Experience as a water treatment plant operator; or (4-2-03)~~

~~vii. Experience in waste treatment operation and maintenance. (4-2-03)~~

~~**e.** Equivalency Policy for Education or Experience Substitutions. Substitutions for education or experience requirements needed to meet minimum requirements for certification will be evaluated upon the following equivalency policies: (4-2-03)~~

~~i. High School - High School diploma, a GED, or other equivalent. (4-2-03)~~

~~ii. College - Thirty-five (35) credits equals one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields). (4-2-03)~~

~~iii. Continuing Education Units (CEU) for relevant operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equals one (1) CEU; forty-five (45) CEUs equals one (1) year of college. (4-2-03)~~

~~**408. RECIPROCITY.**~~
~~The Director may waive examination requirements for applicants holding certificates or licenses issued by other States which have equivalent certification requirements. Applicants shall be subject to an application fee to cover processing costs. (4-2-03)~~

~~**409. CERTIFICATES AND RENEWALS.**~~

~~**01. Certificate Issuance**. Upon satisfying the requirements of Section 405, 406, 407 or 408, a certificate will be issued to the applicant designating his or her level of operating competency. (4-2-03)~~

~~**02. Certificate Renewal**. Operators shall be subject to payment of fees and professional growth~~

~~*requirements to qualify for certificate renewal. Renewal fees shall be based on processing costs. Certificates shall be valid for two (2) years, beginning on March 1 of the year of issuance.* *(4-2-03)*~~

~~***03. Grandparent Certificate Issuance Limitation**. A grandparent certification shall not be issued within seventy-five (75) days of the certification renewal deadline in Subsection 409.02 to allow the grandparented operator sufficient time to meet the professional growth requirement referenced in Subsection 409.09.* *(4-2-03)*~~

~~***04. Invalidation Of Certificates**. Certificates for which the renewal fees and evidence of completion of approved training, as referenced in Subsection 409.09, are not received within sixty (60) days after the expiration date will be invalid.* *(4-2-03)*~~

~~***05. Renewal Of Invalidated Certificates**. Wastewater system operators whose certificates are invalidated may be renewed for up to two (2) years provided appropriate proof of competency is presented and reinstatement fees are paid.* *(4-2-03)*~~

~~***06. Recertification**. Wastewater system operators who have failed to renew or qualify for renewal of certificate(s) beyond two (2) years must recertify and provide appropriate proof of competency.* *(4-2-03)*~~

~~***07. Certificate Issuance**. Appropriate classification will be issued to wastewater system operators who, on the effective date of a mandatory program, hold valid wastewater certificates attained by examination under the voluntary program.* *(4-2-03)*~~

~~***08. Certificate Signatures**. Certificates shall be signed by the Director or his designee.* *(4-2-03)*~~

~~***09. Professional Growth Requirement**. Renewal of a certificate shall be based on demonstrations of continued professional growth in the field. A wastewater system operator shall submit satisfactory evidence of completion of approved training of a minimum one point two (1.2) CEUs as a condition for renewal of the certificate. The certification renewal period shall be two (2) years from March 1 through February 28 (29). It is the obligation of the wastewater system operator to present proof of CEUs earned along with the renewal fee. A wastewater system operator holding more than one (1) certificate issued under these wastewater rules need only complete the training required to satisfy renewal requirements for one (1) of these wastewater certificates.* *(4-2-03)*~~

~~***10. Temporary Professional Growth Waiver**. The Department may, at its discretion, temporarily waive the CEU requirements outlined in Subsections 405.06 and 409.09 for certified wastewater system operators who present documentation of deployment out of state or country on active military duty for a period of time that makes it impossible for the operator to meet the CEU requirements prior to the renewal deadline. Upon completion of active deployment, the operator shall have twelve (12) calendar months from the date of return to the state to make up the CEUs missed during deployment. This waiver does not alter the CEU requirements in Subsections 405.06 or 409.09 for the certification renewal cycle in progress at the time the operator returns to the state.* *(4-2-03)*~~

4~~10~~5. CONTRACTING FOR SERVICES.
Public wastewater systems ~~*that do not have a certified public wastewater system operator*~~ may contract with a ~~*certified*~~ licensed public wastewater system operator or with a public wastewater system having ~~*certified*~~ licensed operators to provide supervision. The contracted public wastewater system operator or contracted entity shall employ an operator ~~*certified*~~ licensed at the grade equal to or greater than the classification of the system. ~~*(4-2-03)*~~(____)

~~***411. PENALTIES.***~~
~~*The Director may assess penalties in accordance with the following provisions:* *(4-2-03)*~~

~~***01. General Authority**. The Department may enforce these rules and seek those remedies as provided in Title 39, Chapter 1, Idaho Code.* *(4-2-03)*~~

~~***02. Falsification And Forgery**. Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered, or recorded under any law of this state, or of the United States, is guilty of a felony. Section 18-3203, Idaho Code.* *(4-2-03)*~~

~~***03.*** ***Civil Penalties****. Pursuant to Section 39-108, Idaho Code, any person who violates these rules shall be subject to a civil penalty. Each and every violation is a separate and distinct offense and for continuing violations, each day's violation is separate and distinct.* *(4-2-03)*~~

~~***412.*** ***SUSPENSION, REDUCTION OR REVOCATION.***~~

~~***01.*** ***Suspension, Reduction Or Revocation Of An Operator's Certificate****. The Director may suspend, reduce, or revoke a wastewater operator certificate, following notice and an opportunity for a hearing before the Board when the following conditions are found:* *(4-2-03)*~~

~~***a.*** *It is found that the individual holding the wastewater certificate has engaged in misconduct such as fraud, falsification of the application, or falsification of operating records.* *(4-2-03)*~~

~~***b.*** *The individual holding the wastewater certificate has failed to perform his or her duties as described in the definition of "Wastewater Collection System Operator" or the definition of "Wastewater Treatment Operator" found in Section 003 of these rules.* *(4-2-03)*~~

~~***c.*** *It is found that the individual holding the wastewater certificate has failed to use reasonable care and judgment in the performance of his duties as described in the definition of "Wastewater Collection System Operator" or the definition of "Wastewater Treatment Operator" found in Section 003 of these rules, or the application of his knowledge and ability in the performance of his duties is unsatisfactory.* *(4-2-03)*~~

~~***02.*** ***Appeals****. In the event of a decision to suspend, reduce or revoke a certificate under the conditions set forth in Section 412, the holder of that certificate may appeal the decision as provided for in Sections 39-107(6) and 39-107(7), Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".* *(4-2-03)*~~

~~***413.*** ***ADVISORY GROUP.***~~
~~*Stakeholder Involvement. Ongoing stakeholder involvement may be provided through a wastewater advisory committee at the Department.* *(4-2-03)*~~

4~~14~~06. -- 419. (RESERVED).

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule was effective May 21, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality (DEQ) is commencing proposed rulemaking to promulgate a final rule. This action is authorized by Chapters 44 and 58, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before July 21, 2004. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The Rules and Standards for Hazardous Waste, IDAPA 58.01.05, incorporate by reference 40 CFR 124.19, which sets out the procedures for administrative hearings and appeals regarding hazardous waste permits. The Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, exclude Hazardous Waste Management Act (HWMA) permit appeals, which are governed instead by IDAPA 58.01.05.013 and 40 CFR 124.19. In May 2000 the Environmental Protection Agency revised 40 CFR 124.19. Those revisions caused the procedures for hearings and administrative appeals to be inconsistent with the procedures for contested cases set out in the Idaho Administrative Procedure Act (APA) by eliminating the opportunity for an evidentiary hearing and limiting appeals to record review. Recent case law from the Idaho Supreme Court has made it clear that agencies must afford persons the procedural protection of the APA contested case provisions which include the right to present evidence and examine witnesses where appropriate.

This rulemaking is being undertaken to remove the incorporation by reference of 40 CFR 124.19 so that the procedures regarding hazardous waste permits will be consistent with the Idaho APA. This rule change will streamline the procedures of DEQ by eliminating the alternative procedures, making the rules and procedures for all permit appeals consistent within DEQ. Any citizen of the state of Idaho and/or regulated industry appealing a HWMA permit action of DEQ to the Board of Environmental Quality (Board) or having a direct and substantial interest in a proceeding filed with the Board may be interested in commenting on this rulemaking.

With this rule change, it is necessary to revise the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, so that administrative procedures regarding HWMA permits are no longer excluded from the state administrative process.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2004 for adoption of a pending rule. The rule is expected to be final upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: In compliance with Section 39-107D, Idaho Code, the Department states that this proposed rule is not broader in scope, more stringent than federal law or regulations and does not regulate an activity that is not regulated by the federal government. This proposed rule is introduced for the purpose of making the procedures applicable to HWMA permits consistent with the Idaho Administrative Procedures Act and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23. As such, the procedures applicable to HWMA permit appeals will differ from procedures before the Environmental Appeals Board for the United States Environmental Protection Agency as governed by 40 CFR Section 124.19. The major differences are as follows: 1) The right to initiate an appeal will not be limited to persons who have commented on the proposed permit or testified at the public hearing. Instead, any person affected or aggrieved and having legal

standing shall be entitled to initiate a permit appeal pursuant to the contested case rules. Compare 40 CFR 124.19(a) and 40 CFR Section 124.13. 2) The issues raised in HWMA permit appeals may not be limited to issues raised in the public comment period or at the public hearing. Instead, any issues germane and legally relevant to the issuance of the permit may be raised, whether addressed to the agency previously or not. Compare 40 CFR 124.19(a) and 40 CFR Section 124.13. 3) The record for review may not be limited to the administrative record compiled during issuance of the permit, but will instead be available for supplementation including the presentation of testimony and the right of cross-examination. Compare 40 CFR 124.19(c) and 40 CFR Section 124.18. 4) The ability to deny review based upon the contents of the petition alone will not be available. Compare 40 CFR 124.19(c). Instead, the Department will be required to respond to the petition and address the merits of the petition through appropriate motions and evidentiary proceedings under IDAPA 58.01.23. The differences are procedural in nature and do not affect the substantive rights of the permit applicant or of persons seeking to challenge the permit.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is necessary because the rule confers a benefit. This rulemaking will provide greater procedural rights to parties involved in an administrative appeal concerning a HWMA permit action of DEQ by providing an opportunity to present evidence and examine witnesses, as well as other procedural protections.

NEGOTIATED RULEMAKING: The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, April 7, 2004, Volume 04-4, page 27. No members of the public attended the scheduled meeting.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact John Brueck, (208)373-0458 or jbrueck@deq.state.id.us.

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before August 4, 2004.

Dated this 2nd day of June, 2004.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0105-0401

013. PROCEDURES FOR DECISION-MAKING (STATE PROCEDURES FOR RCRA OR HWMA PERMIT APPLICATIONS).
40 CFR Part 124, Subparts A and B are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003, except that 40 CFR 124.19, the fourth sentence of 40 CFR 124.31(a), the third sentence of 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a) are expressly omitted from the incorporation by reference of each of

those subsections. For purposes of 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii) "EPA" and "Administrator" or "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator, respectively. ~~*(3-20-04)*~~(5-21-04)T

(BREAK IN CONTINUITY OF SECTIONS)

996. ADMINISTRATIVE PROVISIONS.
~~*Except as set forth in Section 013 a*~~Administrative appeals of agency actions shall be governed by IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~*(3-15-02)*~~(5-21-04)T

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0402

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before July 21, 2004. If no such written request is received, a public hearing will not be held.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rule making:

This proposed rule implements the provisions of the Drinking Water and Wastewater Professionals Licensing Act, Senate Bill 1279, wherein the Legislature transferred authority for the licensure of drinking water and wastewater operators from the Department of Environmental Quality to a Governor appointed Drinking Water and Wastewater Professional Board and the Idaho Bureau of Occupational Licenses. Sections 003, 005, 550, 553, 554 and 560 have been modified to delete certification requirements. Sections 555, 556, 557, 558, 559, 561 and 562 and some definitions have been deleted. Public water system owners and operators, special interest groups, and the general public may be interested in commenting on this proposed rule.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, the Idaho Department of Environmental Quality (DEQ) intends to present the final proposal to the Board of Environmental Quality in the fall of 2004 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: This rule regulates an activity not regulated by the federal government.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Chris Lavelle at (208) 373-0486 or clavelle@deq.state.id.us.

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before August 4, 2004.

Dated this 2nd day of June, 2004.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0108-0402

003. DEFINITIONS.
The definitions set forth in 40 CFR 141.2, revised as of July 1, 2002, are herein incorporated by reference except for the definition of the terms "action level," "disinfection," "noncommunity water system," and "person". (5-3-03)

~~***01. ABC**. The abbreviation for "Association of Boards of Certification for Operating Personnel," an international organization representing water utility and pollution control certification boards.* *(4-5-00)*~~

0~~2~~1. **Action Level**. The concentration of lead or copper in water that determines, in some cases, whether a water system must install corrosion control treatment, monitor source water, replace lead service lines, or undertake a public education program. (12-10-92)

0~~3~~2. **Administrator**. The Administrator of the United States Environmental Protection Agency. (4-5-00)

0~~4~~3. **Annual Samples**. Samples that are required once per calendar year. (12-10-92)

0~~5~~4. **Aquifer**. A geological formation of permeable saturated material, such as rock, sand, gravel, etc., capable of yielding an economic quantity of water to wells and springs. (5-3-03)

0~~6~~5. **Available**. Based on system size, complexity, and source water quality, a ~~*certified*~~ properly licensed operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner. ~~*(4-5-00)*~~(____)

0~~7~~6. **Average Daily Demand**. The volume of water used by a system on an average day based on a one (1) year period. (12-10-92)

0~~8~~7. **Backflow**. The reverse from normal flow direction in a plumbing system or water system caused by back pressure or back siphonage. (12-10-92)

0~~9~~8. **Board**. The Idaho Board of Environmental Quality. (5-3-03)

~~1~~09. **Capacity**. The capabilities required of a public drinking water system in order to achieve and maintain compliance with these rules and the requirements of the federal Safe Drinking Water Act. It is divided into three (3) main elements: (4-5-00)

a. Technical capacity means the system has the physical infrastructure to consistently meet drinking water quality standards and treatment requirements and is able to meet the requirements of routine and emergency operations. It further means the ability of system personnel to adequately operate and maintain the system and to otherwise implement technical knowledge. ~~*Certification and t*~~Training of ~~*the*~~ operator(s) is required, as appropriate, for the system size and complexity. ~~*(4-5-00)*~~(____)

b. Financial capacity means the financial resources of the water system, including an appropriate budget, rate structure, cash reserves sufficient for future needs and emergency situations, and adequate fiscal controls. (4-5-00)

c. Managerial capacity means that the management structure of the water system embodies the aspects of water treatment operations, including, but not limited to; (4-5-00)

i. Short and long range planning; (4-5-00)

ii. Personnel management; (4-5-00)

iii. Fiduciary responsibility; (4-5-00)

iv. Emergency response; (4-5-00)

v. Customer responsiveness; (4-5-00)

vi. Source water protection; (4-5-00)

vii. Administrative functions such as billing and consumer awareness; and (4-5-00)

viii. Ability to meet the intent of the federal Safe Drinking Water Act. (4-5-00)

~~***11.*** ***Certificate****. Documentation of competency issued by the Director stating that the person (to be certified) has met requirements for a specific classification of the certification program.* *(4-5-00)*~~

1~~2~~0. **Community Water System**. A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. (12-10-92)

1~~3~~1. **Composite Correction Program (CCP)**. A systematic approach to identifying opportunities for improving the performance of water treatment and implementing changes that will capitalize on these opportunities. The CCP consists of two (2) elements: (4-5-00)

a. Comprehensive Performance Evaluation (CPE). A thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report. (4-5-00)

b. Comprehensive Technical Assistance (CTA). The implementation phase that is carried out if the CPE results indicate improved performance potential. During the CTA phase, the system must identify and systematically address plant-specific factors. The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and maintaining long term involvement to systematically train staff and administrators. (4-5-00)

1~~4~~2. **Compositing Of Samples**. The mixing of up to five (5) samples by the laboratory. (4-5-00)

1~~5~~3. **Confining Layer**. A nearly impermeable subsurface stratum which is located adjacent to one (1) or more aquifers and does not yield a significant quantity of water to a well. (5-3-03)

1~~4~~6. **Confirmation Sample**. A sample of water taken from the same point in the system as the original sample and at a time as soon as possible after the original sample was taken. (12-10-92)

1~~7~~5. **Connection**. Each structure, facility, or single family residence which is connected to a water system, and which is or could be used for domestic purposes, is considered a single connection. Multi-family dwellings and apartment, condominium, and office complexes are considered single connections unless individual units are billed separately for water by the water system, in which case each such unit shall be considered a single connection. (10-1-93)

1~~8~~6. **Consumer**. Any person served by a public water system. (12-10-92)

1~~9~~7. **Consumer Confidence Report (CCR)**. An annual report that community water systems must deliver to their customers. The reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. (4-5-00)

~~20~~18. **Contaminant**. Any physical, chemical, biological, or radiological substance or matter in water. (12-10-92)

~~**21.** **Continuing Education Unit (CEU)**. *An alternate unit (to semester or quarter systems) of formal credit assignment to post-secondary training activities, which is based upon regionally or nationally established and recognized education criteria.* (4-5-00)~~

~~22~~19. **Cross Connection**. Any actual or potential connection or piping arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system used water, water from any source other than an approved public water system, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Cross connections include bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices which, or because of which “backflow” can or may occur. (10-1-93)

2~~3~~0. **Department**. The Idaho Department of Environmental Quality. (12-10-92)

2~~4~~1. **Director**. The Director of the Department of Environmental Quality or his designee. (12-10-92)

2~~5~~2. **Disinfection**. Introduction of chlorine or other agent or process approved by the Department, in sufficient concentration and for the time required to kill or inactivate pathogenic and indicator organisms. (5-3-03)

2~~6~~3. **Disinfection Profile**. A summary of daily Giardia lamblia inactivation through the drinking water treatment plant. The procedure for developing a disinfection profile is contained in 40 CFR 141.172 and 40 CFR 141.530-141.536. (5-3-03)

2~~7~~4. **Distribution System**. Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s) and/or treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. (3-16-04)

2~~8~~5. **Drinking Water System**. All mains, pipes, and structures through which water is obtained and distributed, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. (12-10-92)

2~~9~~6. **DWIMS**. Idaho Department of Environmental Quality Drinking Water Information Management System. Replaced by SDWISS April 2001. (3-15-02)

~~30~~27. **Enhanced Coagulation**. The addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment. Conventional filtration treatment is defined in 40 CFR 141.2. (5-3-03)

~~31~~28. **Enhanced Softening**. The improved removal of disinfection byproduct precursors by precipitative softening. (4-5-00)

~~32~~9. **Exemption**. A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only if the system demonstrates to the satisfaction of the Department that the system cannot comply due to compelling factors and the deferment does not cause an unreasonable risk to public health. (12-10-92)

3~~3~~0. **Fee Assessment**. A charge assessed on public drinking water systems based on a rate structure calculated by system size. (10-1-93)

3~~4~~1. **Filter Profile**. A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed. (4-5-00)

3~~5~~2. **GAC10**. Granular activated carbon filter beds with an empty bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days. (4-5-00)

3~~6~~3. **Groundwater System**. A public water system which is supplied exclusively by a groundwater source or sources. (12-10-92)

3~~7~~4. **Groundwater Under The Direct Influence Of Surface Water**. Any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as Giardia lamblia or Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the State. The State determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation. (5-3-03)

3~~8~~5. **Haloacetic Acids (Five) (HAA5)**. The sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) rounded to two (2) significant figures after addition. (4-5-00)

3~~9~~6. **Health Hazards**. Any condition which creates, or may create, a danger to the consumer's health. Health hazards may consist of, but are not limited to, design, construction, operational, structural, collection, storage, distribution, monitoring, treatment or water quality elements of a public water system. See also the definition of Significant Deficiency, which refers to a health hazard identified during a sanitary survey. (5-3-03)

~~40~~37. **Inorganic**. Generally refers to compounds that do not contain carbon and hydrogen. (12-10-92)

~~41~~38. **Laboratory Certification Reciprocity**. Acceptance of a laboratory certification made by another state. Laboratory reciprocity may be granted to laboratories outside of Idaho after application, proof of home state certification, and EPA performance evaluation results are submitted and reviewed. Reciprocity must be renewed after a time specified by the Idaho Laboratory Certification Officer to remain valid. (4-5-00)

39. **License**. A physical document issued by the Idaho Bureau of Occupational Licenses certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code. (____)

4~~2~~0. **Log**. Logarithm to the base ten (10). (12-10-92)

4~~3~~1. **Maximum Daily Consumption Rate**. The average rate of consumption for the twenty-four (24) hour period in which total consumption is the largest on record. (12-10-92)

4~~4~~2. **Maximum Hourly Demand**. The greatest volume of water used in any hour during a one (1) year period. (12-10-92)

4~~5~~3. **Maximum Residual Disinfectant Level (MRDL)**. A level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a public water system is in compliance with the MRDL, when the running

annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a public water system is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two (2) consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in 40 CFR 141.65, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections. (4-5-00)

~~46~~4. Maximum Residual Disinfectant Level Goal (MRDLG). The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants. (4-5-00)

~~47~~5. Method Detection Limit (MDL). The lowest concentration which can be determined to be greater than zero with ninety-nine percent (99%) confidence, for a particular analytical method. (12-10-92)

~~48~~6. New System. Any water system that meets, for the first time, the definition of a public water system provided in Section 1401 of the federal Safe Drinking Water Act (42 U.S.C. Section 300f). This includes systems that are entirely new construction and previously unregulated systems that are expanding. (4-5-00)

~~49~~7. Noncommunity Water System. A public water system that is not a community water system. A non-community water system is either a transient noncommunity water system or a non-transient noncommunity water system. (4-5-00)

~~50~~48. Nontransient Noncommunity Water System. A public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. (12-10-92)

~~51~~49. Nuclear Facility. Factories, processing plants or other installations in which fissionable material is processed, nuclear reactors are operated, or spent (used) fuel material is processed, or stored. (12-10-92)

~~***52. Operator Certifying Entity**. An organization that contracts with the Department to provide public drinking water operator certification services. (4-5-00)***~~

~~***53. Operating Experience**. The number of years spent at a drinking water system in performance of duties. (4-5-00)***~~

5~~4~~0. Operating Shift. That period of time during which water system operator decisions that affect public health are necessary for proper operation of the system. (4-5-00)

5~~5~~1. Operator/Owner/Purveyor Of Water/Supplier Of Water. The person, company, corporation, association, or other organizational entity which holds legal title to the public water system, who provides, or intends to provide, drinking water to the customers and/or is ultimately responsible for the public water system operation. (4-5-00)

~~***56. Operator Reciprocity**. Means on a case by case basis the acceptance of certificates issued by other certification programs, which satisfy the state of Idaho requirements for operator certification. (4-5-00)***~~

5~~7~~2. Peak Hourly Flow. The highest hourly flow during any day. (12-10-92)

5~~8~~3. Person. A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. (12-10-92)

5~~9~~4. **Pesticides**. Substances which meet the criteria for regulation pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and any regulations adopted pursuant to FIFRA. For example, pesticides include, but are not limited to insecticides, fungicides, rodenticides, herbicides, and algaecides. (12-10-92)

~~60~~55. **Public Notice**. The notification of public water system consumers of information pertaining to that water system including information regarding water quality or compliance status of the water system. (12-10-92)

~~61~~56. **Public Drinking Water System**. (4-5-00)

a. In General. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public drinking water system is either a "community water system" or a "noncommunity water system". (4-5-00)

b. Connections. (4-5-00)

i. In General. For purposes of paragraph a. of this Subsection, a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if: (5-3-03)

(1) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses); (4-5-00)

(2) The Director determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or (4-5-00)

(3) The Director determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations. (4-5-00)

ii. Irrigation Districts. An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public drinking water system if the system or the residential or similar users of the system comply with paragraphs b.i.(2) and b.i.(3) of this Subsection. (5-3-03)

c. Transition Period. A supplier of water that would be a public drinking water system only as a result of modifications made to the definition of a public drinking water system by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public drinking water system for purposes of the Safe Drinking Water Act until the date that is two (2) years after the date of enactment of the Safe Drinking Water Act Amendments of 1996. If a supplier of water does not serve fifteen (15) service connections (as set forth in paragraphs a. and b. of this Subsection) or twenty-five (25) people at any time after the conclusion of the two (2) year period, the supplier of water shall not be considered a public drinking water system. (5-3-03)

~~62~~57. **Public Water System/Water System/System**. Means "public drinking water system". (4-5-00)

~~*63.* ***Reciprocity****. A system by which certificates issued by any other certification program are recognized as valid and equal to Idaho's Certification Program provision.* *(4-5-00)*~~

~~64~~58. **Repeat Compliance Period**. Any subsequent compliance period after the initial compliance period. (12-10-92)

~~6~~59. **Responsible Charge (RC)**. Responsible Charge means, active, daily on-site and/or on-call responsibility for the performance of operations or active, on-going, on-site and on-call direction of employees and

assistants. (4-5-00)

6~~6~~0. Responsible Charge Operator. An operator of a public drinking water system, designated by the system owner, who holds a valid ~~*certificate*~~ license at a class equal to or greater than the drinking water system classification, who is in responsible charge of the public drinking water system. ~~*(3-16-04)*~~(____)

6~~7~~1. Sampling Point. The location in a public water system from which a sample is drawn. (12-10-92)

6~~8~~2. Sanitary Defects. Any faulty structural condition which may allow the water supply to become contaminated. (12-10-92)

6~~9~~3. Sanitary Survey. An onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. The sanitary survey will include, but is not limited to the following elements: (4-5-00)

a. Source; (4-5-00)

b. Treatment; (4-5-00)

c. Distribution system; (4-5-00)

d. Finished water storage; (4-5-00)

e. Pumps, pump facilities, and controls; (4-5-00)

f. Monitoring and reporting and data verification; (4-5-00)

g. System management and operation; and (4-5-00)

h. Operator compliance with state requirements. (4-5-00)

~~70~~64. SDWIS-State. An acronym that stands for "Safe Drinking Water Information System-State Version". It is a software package developed under contract to the U.S. Environmental Protection Agency and used by a majority of U.S. states to collect, maintain, and report data about regulated public water systems. See also the definition of DWIMS. (5-3-03)

~~71~~65. Significant Deficiency. As identified during a sanitary survey, any defect in a system's design, operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the Department or its agent determines to cause, or have potential to cause, risk to health or safety, or that could affect the reliable delivery of safe drinking water. See also the definition of Health Hazards. (5-3-03)

~~72~~66. Spring. A source of water which flows from a laterally percolating water table's intersection with the surface or from a geological fault that allows the flow of water from an artesian aquifer. (12-10-92)

~~73~~67. Substitute Responsible Charge Operator. An operator of a public drinking water system who holds a valid ~~*certificate*~~ license at a class equal to or greater than the drinking water system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ~~*(3-16-04)*~~(____)

~~74~~68. Surface Water System. A public water system which is supplied by one (1) or more surface water sources or groundwater sources under the direct influence of surface water. Also called subpart H systems in applicable sections of 40 CFR Part 141. (4-5-00)

~~75~~69. Specific Ultraviolet Absorption (SUVA). SUVA means Specific Ultraviolet Absorption at two hundred fifty-four (254) nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wave length of two hundred fifty-four (254) nm (UV254)

(in $m^{=1}$) by its concentration of dissolved organic carbon (DOC) (in mg/l). (4-5-00)

7~~6~~0. Total Organic Carbon (TOC). Total organic carbon in mg/l measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures. (4-5-00)

7~~7~~1. Transient Noncommunity Water System. A noncommunity water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. (10-1-93)

7~~8~~2. Treatment Facility. Any place(s) where a public drinking water system or nontransient noncommunity water system alters the physical or chemical characteristics of the drinking water. Chlorination may be considered as a function of a distribution system. (4-5-00)

7~~9~~3. Turbidity. A measure of the interference of light passage through water, or visual depth restriction due to the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light scattering and absorbing properties of a water sample. Turbidity is measured by the Nephelometric method. (12-10-92)

***~~80~~*74. Uncovered Finished Water Storage Facility**. An uncovered tank, reservoir, or other facility that is used to store water that will undergo no further treatment except residual disinfection. (5-3-03)

***~~81~~*75. Unregulated Contaminant**. Any substance that may affect the quality of water but for which a maximum contaminant level or treatment technique has not been established. (12-10-92)

~~***82. Validated Examination**. An exam that is independently reviewed by subject matter experts to ensure that the exam is based on an operator job analysis and is relevant and related to the classification of the system or facility.*~~ ~~*(3-16-04)*~~

***~~83~~*76. Variance**. A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only when the system demonstrates to the satisfaction of the Department that the raw water characteristics prevent compliance with the MCL or requirement after installation of the best available technology or treatment technique and the determent does not cause an unreasonable risk to public health. (12-10-92)

***~~84~~*77. Very Small Public Drinking Water System**. A Community or Nontransient Noncommunity Public Water System that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). (4-5-00)

***~~85~~*78. Volatile Organic Chemicals (VOCs)**. VOCs are lightweight organic compounds that vaporize or evaporate easily. (10-1-93)

***~~86~~*79. Vulnerability Assessment**. A determination of the risk of future contamination of a public drinking water supply. (12-10-92)

8~~7~~0. Waiver. (12-10-92)

a. For the purposes of these rules, except Sections 550 through 552, “waiver” means the Department approval of a temporary reduction in sampling requirements for a particular contaminant. (10-1-93)

b. For purposes of Sections 550 through 552, “waiver” means a dismissal of any requirement of compliance. (12-10-92)

c. For the purposes of Section 010, “waiver” means the deferral of a fee assessment for a public drinking water system. (10-1-93)

~~***d.*** *For purposes of Subsection 559.02 (Professional Growth Requirement), "waiver" means the deferral of the continuing education units (CEU) required for operator certification renewal for any certified operator deployed out of state or country due to active military service, when such deployment makes it impossible for the operator to accrue the required units by the certification renewal date (March 1).* *(3-16-04)*~~

8~~8~~1. **Water For Human Consumption**. Water that is used by humans for drinking, bathing for purposes of personal hygiene (including hand-washing), showering, cooking, dishwashing, and maintaining oral hygiene. In common usage, the terms "culinary water", "drinking water," and "potable water" are frequently used as synonyms. (5-3-03)

8~~9~~2. **Water Main**. A pipe within a public water system which is under the control of the system operator and conveys water to two (2) or more service connections. The collection of water mains within a given water supply is called the distribution system. (5-3-03)

~~***90.*** ***Water Distribution Operator****. The person who is employed, retained, or appointed to conduct the tasks associated with routine day to day operation and maintenance of a public drinking water distribution system in order to safeguard the public health and environment.* *(3-16-04)*~~

~~***91.*** ***Water Treatment Operator****. The person who is employed, retained, or appointed to conduct thetasks associated with routine day to day operation and maintenance of a public drinking water treatment facility in order to safeguard the public health and environment.* *(3-16-04)*~~

(BREAK IN CONTINUITY OF SECTIONS)

005. GENERAL PROVISIONS FOR WAIVERS, VARIANCES, AND EXEMPTIONS.
40 CFR 141.4, revised as of July 1, 1999, is herein incorporated by reference. (4-5-00)

01. Waivers. (12-10-92)

a. The Department may waive any requirement of Sections 550 through 552 that is not explicitly imposed by Idaho Statute, if it can be shown to the satisfaction of the Department that the requirement is not necessary for the protection of public health, protection from contamination, and satisfactory operation and maintenance of a public water system. (5-3-03)

b. The Department may at its discretion waive the requirements outlined in Section 010. (10-1-93)

c. Waiver of monitoring requirements is addressed in Subsection 100.07. (5-3-03)

~~***d.*** *The Department may, at its discretion, temporarily waive the CEU requirements outlined in Subsection 558.09 for certified operators who present documentation of deployment out of state or country on active military duty for a period of time that makes it impossible for the operator to meet the CEU requirements prior to the annual renewal date. Upon completion of active deployment, the operator shall have twelve (12) calendar months from the date of return to the state to make up the CEUs missed during deployment. This waiver does not alter the CEU requirements in Subsection 558.09 for the certification renewal cycle in progress at the time the operator returns to the state.* *(5-3-03)*~~

02. Variances. (5-3-03)

a. General Variances. A variance may be granted by the Department if a public water system submits an application and demonstrates to the satisfaction of the Department that the following minimum requirements as required by 42 USC Section 1415(a) (The Safe Drinking Water Act) are met. These include but are not limited to: (5-3-03)

i. The system has installed the best available technology, treatment techniques, or other means to

comply with the maximum contaminant level; and (5-3-03)

ii. Alternative sources of water are not reasonably available to the system. (5-3-03)

iii. For provisions of a national primary drinking water regulation which requires the use of a specific treatment technique with respect to a contaminant, the system must demonstrate that the technique is not necessary to protect the health of the system's customers. (5-3-03)

b. Small System Variances. A small system variance for a maximum contaminant level or treatment technique may be granted by the Department if a public water system submits an application and demonstrates to the satisfaction of the Department that the following minimum requirements as required by 42 USC Section 1415(e) are met. These include, but are not limited to: (5-3-03)

i. The system serves three thousand three hundred (3,300) or fewer persons; (5-3-03)

ii. If the system serves more than three thousand three hundred (3,300) persons but fewer than ten thousand (10,000) persons, the application shall be approved by the U.S. Environmental Protection Agency; (5-3-03)

iii. The U.S. Environmental Protection Agency has identified a variance technology that is applicable to the size and source water quality conditions of the public water system; (5-3-03)

iv. The system installs, operates and maintains such treatment technology, treatment technique, or other means; and (5-3-03)

v. The system cannot afford to comply with a national primary drinking water regulation in accordance with affordability criteria established by the state, including compliance through treatment, alternative source of water supply, restructuring or consolidation. (5-3-03)

03. Exemptions. An exemption may be granted by the Department if a public water system submits an application and demonstrates to the satisfaction of the Department that the following minimum requirements as required by 42 USC Section 1416(a) are met. These include but are not limited to: (5-3-03)

a. The system is unable to comply with a maximum contaminant level or treatment technique due to compelling factors, which may include economic factors; (5-3-03)

b. The system was in operation by the effective date of such contaminant level or treatment technique and no reasonable source of water is available to the system; or (5-3-03)

c. If the system was not in operation by the effective date of such contaminant level or treatment technique, then no reasonable alternative source of water is available to the system; and (5-3-03)

d. The granting of an exemption will not result in an unreasonable risk to health; (5-3-03)

e. Management or restructuring changes cannot reasonably be made to comply with the contaminant level or treatment technique to improve the quality of the drinking water; (5-3-03)

f. The system cannot meet the standard without capital improvements which cannot be completed prior to the date established pursuant to 42 USC Section 1412b(10); (5-3-03)

g. If the system needs financial assistance, the system has entered into an agreement to obtain such financial assistance; or (5-3-03)

h. The system has entered into an enforceable agreement to become a part of a regional public water system and is taking all practical steps to meet the standard. (5-3-03)

04. Conditions. A waiver, exemption or variance may be granted upon any conditions that the Department, in its discretion, determines are appropriate. Failure by the public water system to comply with any

condition voids the waiver, variance or exemption. (12-10-92)

05. Public Hearing. The Department shall provide public notice and an opportunity for public hearing in the area served by the public water system before any exemption or variance under Section 005 is granted by the Department. At the conclusion of the hearing, the Department shall record the findings and issue a decision approving, denying, modifying, or conditioning the application. (5-3-03)

06. Exceptions. Any person aggrieved by the Department's decision on a request for a waiver, variance or exemption may file a petition for a contested case with the Board. Such petitions shall be filed with the Board, as prescribed in, IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (3-15-02)

07. Surface Water Variances. Variances from the requirements of Sections 300 through 303 are not allowed. (4-5-00)

08. Surface Water Exemptions. Exemptions from 40 CFR 141.72(a)(3) and 40 CFR 141.72(b)(2), incorporated by reference herein, are not allowed. (10-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

550. DESIGN STANDARDS FOR PUBLIC DRINKING WATER SYSTEMS.

01. System Design. Unless otherwise specified by the Department, the design of new, or modifications to existing, public drinking water systems shall be in conformance with "Recommended Standards for Water Works, A Report of the Committee of the Great Lakes-Upper Mississippi River Board of Department Sanitary Engineers," as set forth in Subsection 002.02.c. and with recommended changes and additions to this document as found in the "USEPA Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources," as set forth in Subsection 002.02.g. (7-1-97)

02. Materials. Materials which are used to construct public drinking water systems and which have water contact surfaces must comply with applicable AWWA standards and ANSI/NSF standard 61 or NSF standard 53 or 58, unless otherwise approved by the Department on a site specific basis. Corrosion control shall be taken into account during all aspects of public water system design. (5-3-03)

03. Wells. Any supplier of water for a public water system served by one (1) or more wells shall ensure that the following requirements are met: (12-10-92)

a. Prior to drilling, the site of a PWS well must be approved in writing by the Department. The Department shall require the supplier of water to submit a well site evaluation report that takes into account the proposed size, depth, and location of the well. The evaluation may include, but is not limited to the following types of information: (5-3-03)

i. An evaluation of the potability and quality of anticipated groundwater. (5-3-03)

ii. Identification of the known aquifers and the extent of each aquifer, based on the stratigraphy, sedimentation, and geologic structure beneath the proposed well site. (5-3-03)

iii. An estimate of hydrologic and geologic properties of each aquifer and confining layers. (5-3-03)

iv. Prediction of the sources of water to be extracted by the well and the drawdown of existing wells, springs, and surface water bodies that may be caused by pumping the proposed well. This prediction may be based on analytical or numerical models. (5-3-03)

v. Demonstration of the extent of the capture zone of the well, based on the well's design discharge

and on aquifer geology, using estimates of hydraulic conductivity and storativity. (5-3-03)

vi. Description of potential sources of contamination within five hundred (500) feet of the well site. (5-3-03)

b. Each well shall be located a minimum of fifty (50) feet from any potential source of contamination and no closer to specified sources of contamination than set forth in Subsection 900.01; in vulnerable settings, the Department may require engineering or hydrologic analysis to determine if the required setback distance is adequate to prevent contamination; (5-3-03)

c. Each well shall comply with the minimum Well Construction Standards and with the permitting requirements of the Idaho Water Resources Board, as set forth in Subsection 002.02.f.; except that no public water system well shall have less than fifty-eight (58) feet of annular seal of not less than two (2) inches thickness, unless: (5-3-03)

i. It can be demonstrated to the Department's satisfaction that there is a confining layer at lesser depth that is capable of preventing unwanted water from reaching the intake zone of the well; or (5-3-03)

ii. The best and most practical aquifer at a particular site is less than fifty-eight (58) feet deep; or; (5-3-03)

iii. The Department specifies a different annular seal depth based on local hydrologic conditions. (5-3-03)

d. All tools, bits, pipe, and other materials to be inserted in the borehole must be cleaned and disinfected in accordance with the Well Construction Standards and permitting requirements of the Idaho Water Resources Board, as set forth in Subsection 002.02.f. This applies to new well construction and repair of existing wells. (5-3-03)

e. Upon completion of a groundwater source, and prior to its use as drinking water, the following information and data must be submitted by the water system to the Department: (5-3-03)

i. A copy of all well logs; (12-10-92)

ii. Results of test pumping, as specified in Subsection 550.03.f.; (5-3-03)

iii. As constructed plans showing at least the following: (12-10-92)

(1) Annular seal, including depth and sealant material used and method of application; (5-3-03)

(2) Casing that meets the requirements set forth in Section 3.2.5.4 of Recommended Standards for Water Works, including weights and thicknesses specified in Table 1 of that publication; (5-3-03)

(3) Casing perforations, results of sieve analysis used in designing screens installed in sand or gravel aquifers, gravel packs; and (5-3-03)

(4) Pump location; and (12-10-92)

(5) For community water systems, a permanent means for measuring water level. All equipment required for conducting water level measurements shall be purchased and made available to the water system operator at the time well construction is completed. (5-3-03)

iv. Other information as may be specified by the Department. (12-10-92)

v. Sampling results for iron, manganese, corrosively, and other secondary contaminants specified by the Department. Other monitoring requirements are specified in Subsection 551.01. (5-3-03)

f. Test pumping. Upon completion of a groundwater source, test pumping shall be conducted in accordance with the following procedures to meet the specified requirements: (12-10-92)

i. The well shall be test pumped at the desired yield (design capacity) of the well for at least twenty-four (24) consecutive hours after the drawdown has stabilized. Alternatively, the well may be pumped at a rate of one hundred fifty percent (150%) of the desired yield for at least six (6) continuous hours after the drawdown has stabilized. In either case, if the drawdown does not stabilize, the pumping must continue for at least seventy-two (72) consecutive hours. The field pumping equipment must be capable of maintaining a constant rate of discharge during the test. Discharge water must be piped an adequate distance to prevent recharge of the well during the test. If the well fails the test protocol, the well design shall be re-evaluated and submitted to the Department for approval. (5-3-03)

ii. Fifteen (15) minutes after the start of the test pumping, the sand content of a new well shall not be more than five (5) parts per million. Sand production shall be measured by a centrifugal sand sampler or other means acceptable to the Department. If sand production exceeds five (5) ppm, the well shall be screened gravel packed, and re-developed. (5-3-03)

iii. The following data shall be provided: (5-3-03)

(1) Static water level in the well prior to test pumping; (5-3-03)

(2) Well yield in gpm and duration of the pump test, including a discussion of any discrepancy between the desired yield and the yield observed during the test; (5-3-03)

(3) Water level in the well recorded at regular intervals during pumping; (5-3-03)

(4) Profile of water level recovery from the pumping level projected to the original static water level. (5-3-03)

(5) Depth at which the test pump was positioned in the well; (5-3-03)

(6) Test pump capacity and head characteristics; (5-3-03)

(7) Sand production data. (5-3-03)

(8) Any available results of analysis based on the drawdown and recovery test pertaining to aquifer properties, sustained yield, and boundary conditions affecting drawdown. (5-3-03)

iv. The Department may allow the use of other pump test protocols that are generally accepted by engineering firms with specialized experience in well construction, by the well drilling industry, or as described in national standards (such as ANSI/AWWA A100-97), as long as the minimum data specified in Subsection 550.03.d.iii. are provided. The Department welcomes more extensive data about the well, such as step-drawdown evaluations used in determining well capacity for test pumping purposes, zone of influence calculations, and any other information that may be of use in source protection activities or in routine water system operations. (5-3-03)

g. A smooth-nosed sample tap shall be provided on the discharge piping from every well at a point where pressure is maintained but prior to any treatment. Any threaded taps installed in the wellhouse must be equipped with an appropriate backflow prevention device. (5-3-03)

h. The discharge line shall be equipped with the necessary valves and appurtenances to allow a well to be pumped to waste via an approved air gap at a location prior to the first service connection; (5-3-03)

i. A pressure gauge shall be provided at all installations; (12-10-92)

j. A totalizing flow meter shall be installed on the discharge line of each well. An accessible check valve shall be installed above ground in the discharge line of each well; (5-3-03)

k. All wells except flowing artesian wells shall be vented, with the open end of the vent screened and

terminated downward at least eighteen (18) inches above the floor of the pump house. (12-10-92)

l. The following requirements apply to well casings and seals: (12-10-92)

i. Casings shall extend a minimum of twelve (12) inches above the finished ground surface and six (6) inches above the well house floor. (12-10-92)

ii. Wells shall be cased and sealed in such a manner that surface water cannot enter the well. (12-10-92)

iii. A watertight seal shall be provided at the top of the well casing, and shall not allow water to enter the well. (12-10-92)

iv. Wells completed in unconsolidated water bearing formations shall be constructed to prevent caving of the walls of the well and sand pumping. Screens and/or gravel packs shall be provided where fine grained materials such as sands are being developed as the source of water. (12-10-92)

m. The following requirements apply to well houses: (12-10-92)

i. Well houses shall be protected from flooding and be adequately drained. An electrically powered ventilation fan or automated air flow system shall be provided to remove excess heat and moisture during peak summer temperatures. If the well operates year round, a thermostatically regulated heater shall also be installed to prevent moisture buildup during cold weather. In all cases, measures must be taken to minimize corrosion of metallic and electrical components. (5-3-03)

ii. Well houses shall be provided with a locking door or access to prohibit unauthorized entrance. Plans and specifications for well houses must provide enough detail to enable the reviewing engineer to determine that the facility is secure, safe, accessible, and that it conforms to electrical and plumbing codes. (5-3-03)

iii. Well houses shall be kept clean and in good repair and shall not be used to store toxic or hazardous materials. (12-10-92)

iv. Floor drains shall not be connected to sewers, storm drains, chlorination room drains, or any other source of contamination. (12-10-92)

v. Sumps for well house floor drains shall not be closer than thirty (30) feet from the well. (12-10-92)

vi. Pitless adapters or pitless units: (12-10-92)

(1) Shall be of the type marked approved by the National Sanitation Foundation or Pitless Adapter Division of the Water Systems Council. (12-10-92)

(2) Shall be designed, constructed and installed to be watertight including the cap, cover, casing extension and other attachments. (12-10-92)

(3) Shall be field tested for leaks before being put into service. The procedure outlined in “Manual of Individual and Non-Public Water Supply Systems,” as set forth in Subsection 002.02.d., or other procedure approved by the Department shall be followed. (5-3-03)

n. Wells shall not be located in pits. Exceptions to Subsection 550.03.l. will be granted by the Department if the well was constructed prior to November 5, 1964, and the installation is constructed or reconstructed in accordance with the requirements of the Department to provide watertight construction of pit walls and floors, floor drains and acceptable pit covers. (12-10-92)

o. A well lot shall be provided for wells constructed after November 1, 1977. The well lot shall be owned in fee simple by the supplier of water or controlled by lease with a term of not less than the useful life of the well and be large enough to provide a minimum distance of fifty (50) feet between the well and the nearest property

line. (12-10-92)

p. New community water systems served by ground water and constructed after July 1, 1985, or existing community water systems served by ground water that are substantially modified after July, 2002, shall have a minimum of two (2) sources if they are intended to serve more than twenty-five (25) homes or equivalent. The second source shall be capable of producing at least eight hundred (800) gallons per day per service connection. The Department shall consider a system to be "substantially modified" when there is a combined increase of twenty-five percent (25%) or more above the system's existing configuration in the following factors: (5-3-03)

i. Population served or number of service connections; (5-3-03)

ii. Length of water mains; (5-3-03)

iii. Peak or average water demand per connection. (5-3-03)

q. No pesticides, herbicides, or fertilizers shall be applied to a well lot without prior approval from the Department. (12-10-92)

r. No pesticides, herbicides, fertilizers, portable containers of petroleum products, or other toxic or hazardous materials shall be stored on a well lot, except that: (5-3-03)

i. An internal combustion engine to drive either a generator for emergency standby power or a pump to provide fire flows, and an associated fuel tank, may be placed on the well lot. (5-3-03)

ii. A propane or natural gas powered generator is preferable to reduce risk of fuel spillage. (5-3-03)

iii. If a diesel or gasoline-fueled engine is used, the fuel tank and connecting piping must be double-walled. The tank must be above ground and may be contained within the structural base of the generator unit. A certified water system operator shall be present during filling of the tank following a period of usage, or during periodic extraction and replacement of outdated fuel. (5-3-03)

iv. Should the internal combustion engine be located within the well house, the floor of the well house shall be constructed so as to contain all petroleum drips and spills so that they will not be able to reach the floor drain(s). Engine exhaust shall be directly discharged outside the well house. (5-3-03)

v. A spill containment structure shall surround all fuel tanks and be sized to contain one hundred fifty percent (150%) of the fuel tank volume. (5-3-03)

04. Springs. For new spring sources, the Department may require a site evaluation report as set forth for wells in Subsection 550.03.a. Any supplier of water for a public water system served by one (1) or more springs shall ensure that the following requirements are met: (5-3-03)

a. Springs shall be housed in a permanent structure and protected from contamination including the entry of surface water, animals, and dust; (12-10-92)

b. A sample tap shall be provided; (12-10-92)

c. A flow meter or other flow measuring device shall be provided; and (12-10-92)

d. The entire area within a one hundred (100) foot radius of the spring box shall be owned by the supplier of water or controlled by a long term lease, fenced to prevent trespass of livestock and void of buildings, dwellings and sources of contamination. Surface water and drainage ditches shall be diverted from this area. (5-3-03)

05. Surface Sources And Groundwater Sources Under The Direct Influence Of Surface Water. (10-1-93)

a. Design Criteria. (12-1-92)

i. The system shall ensure that filtration and disinfection facilities for surface water or groundwater directly influenced by surface water sources are designed, constructed and operated in accordance with all applicable engineering practices designated by the Department. (12-10-92)

ii. Filtration facilities (excluding disinfection) shall be designed, constructed and operated to achieve at least two (2) log removal of Giardia lamblia cysts and one (1) log removal of viruses, except as allowed under Subsection 550.05.b.iii.; and (10-1-93)

iii. Disinfection facilities shall be designed, constructed and operated so as to achieve at least one half (0.50) log inactivation of Giardia lamblia cysts; and (10-1-93)

(1) Two (2) log inactivation of viruses if using conventional and slow sand filtration technology; or (12-10-92)

(2) Three (3) log inactivation of viruses if using direct and diatomaceous earth filtration technology; or (12-10-92)

(3) Four (4) log inactivation of viruses if using alternate filtration technology. (12-10-92)

(4) Four (4) log inactivation of viruses if filtration treatment is not used. (10-1-93)

iv. Higher levels of disinfection than specified under Subsection 550.05.a.iii. may be required by the Department in order to provide adequate protection against giardia and viruses. (10-1-93)

v. For plants constructed after December 31, 1992, each filter unit must be capable of filter to waste. (12-10-92)

vi. For plants constructed prior to December 31, 1992, each filter unit must be capable of filter to waste unless the system demonstrates through continuous turbidity monitoring or other means acceptable to the Department that water quality is not adversely affected following filter backwashing, cleaning or media replacement. (12-10-92)

vii. For conventional, direct, membrane, and diatomaceous earth filtration technology, equipment must be provided to continuously measure the turbidity of each filter bed. (5-3-03)

viii. Equipment must be provided and operated for continuous measurement of disinfectant residual prior to entry to the distribution system, unless the system serves fewer than three thousand three hundred (3,300) people. (12-10-92)

ix. Diatomaceous earth filtration facilities shall include an alternate power source with automatic startup and alarm, or be designed in a manner to ensure continuous operation. (12-10-92)

b. Filtration technology. (12-10-92)

i. The purveyor shall select a filtration technology acceptable to the Department. (12-10-92)

ii. Conventional, direct, membrane, slow sand and diatomaceous earth filtration technologies are generally acceptable to the Department on a case-by-case basis. (5-3-03)

iii. Alternate filtration technologies may be acceptable if the purveyor demonstrates all of the following to the satisfaction of the Department: (12-10-92)

(1) That the filtration technology: (12-10-92)

(a) Is certified and listed by the National Sanitation Foundation (NSF) under Standard 53, Drinking Water Treatment Units - Health Effects, as achieving the NSF criteria for cyst reduction; or (12-10-92)

(b) Removes or inactivates at least ninety-nine (99%) percent (two (2) logs) of Giardia lamblia cysts or Giardia lamblia cyst surrogate particles in a challenge study acceptable to the Department. (12-10-92)

(2) Using field studies or other means acceptable to the Department, that the filtration technology: (12-10-92)

(a) In combination with disinfection treatment, consistently achieves at least ninety-nine and nine tenths percent (99.9%) (three (3) logs) removal or inactivation of Giardia lamblia cysts and ninety-nine and ninety-nine hundredths percent (99.99%) (four (4) logs) removal or inactivation of viruses; and (5-3-03)

(b) Meets the turbidity performance requirements of 40 CFR 141.73 (b). (12-10-92)

c. Pilot Studies. The system shall conduct pilot studies in accordance with the following requirements for all proposed filtration facilities and structural modifications to existing filtration facilities, unless the Department modifies the requirements in writing: (12-10-92)

i. The system shall obtain the Department's approval of the pilot study plan before the pilot filter is constructed and before the pilot study is undertaken. (12-10-92)

ii. The design and operation of the pilot study shall be overseen by a licensed professional engineer. (12-10-92)

iii. The system's pilot study plan shall identify at a minimum: (12-10-92)

(1) The objectives of the pilot study; (12-10-92)

(2) Pilot filter design; (12-10-92)

(3) Water quality and operational parameters to monitor; (12-10-92)

(4) Amount of data to collect; and (12-10-92)

(5) Qualifications of the pilot plant operator. (10-1-93)

iv. The system shall ensure that the pilot study is: (12-10-92)

(1) Conducted to simulate conditions of the proposed full-scale design; (12-10-92)

(2) Conducted for at least twelve (12) consecutive months or for a shorter period upon approval by the Department; (5-3-03)

(3) Conducted to evaluate the reliability of the treatment system to achieve applicable water quality treatment criteria specified for filtration systems in 40 CFR 141.72 and 40 CFR 141.73; and (12-10-92)

(4) Designed and operated in accordance with good engineering practices documented in references acceptable to the Department. (12-10-92)

d. New systems constructed after July 1, 1985, are required to install redundant disinfection components as required to maintain constant application of disinfectant whenever water is being delivered to the distribution system. (5-3-03)

06. Distribution System. Any supplier of water for a public water system shall ensure that the distribution system complies with all of the following requirements: (12-10-92)

a. The distribution system shall be protected from contamination and be designed to prevent contamination by steam condensate or cooling water from engine jackets or other heat exchange devices. (12-10-92)

b. All pumps connected directly to the distribution system shall be designed in conjunction with a water pressure relief valve of type, size, and material approved by the Department unless the Department approves another method that will prevent excessive pressure development. (5-3-03)

c. All source pumps and booster pumps connected directly to the distribution system shall have instantaneous and totalizing flow meters unless deemed unnecessary by the Department in a particular application. The Department may require larger water systems to provide a means of automatically recording the total water pumped. (5-3-03)

d. Booster pumps must comply with the following: (12-10-92)

i. In-line booster pumps shall maintain an operating pressure that is consistent with the requirements specified in Subsection 552.01, and shall be supplied with an automatic cutoff when intake pressure is less than or equal to five (5) psi. (5-3-03)

ii. Booster pumps located on suction lines directly connected to any storage reservoirs shall be supplied with an automatic cutoff when pressure is equal to or less than two and one-half (2.5) psi. (12-10-92)

iii. Buildings enclosing booster pump stations shall be provided with an electrically powered ventilation fan or automated air flow system to remove heat and moisture during peak summer temperatures. If the facility is operated year round, a thermostatically regulated heater shall be installed to prevent moisture buildup during cold weather. (5-3-03)

e. Pipe materials and standards will comply with the following: (12-10-92)

i. Pipe, packing and jointing materials shall be manufactured, installed and tested in conformance with the current standards of the American Water Works Association, as set forth in Subsection 002.02.j., or other standards approved in writing by the Department. (7-1-97)

ii. Pipe shall be manufactured of materials resistant internally or externally to corrosion, and not imparting tastes, odors, color or any contaminant into the system. (12-10-92)

iii. All distribution system appurtenances shall comply with AWWA Standards, as set forth in Subsection 002.02.j. (5-3-03)

f. Fire hydrants shall not be connected to water mains smaller than six (6) inches in diameter, and fire hydrants shall not be installed unless fireflow volumes are available. If fire flow is not provided, water mains shall be no less than three (3) inches in diameter. Any departure from this minimum standard shall be supported by hydraulic analysis and detailed projections of water use. (5-3-03)

g. Water and non-potable water mains shall be separated by a horizontal distance no less than ten (10) feet. In any instance where such separation is not achievable, the following standards shall be met: (5-3-03)

i. The water and non-potable water mains shall be separated by at least six (6) horizontal feet measured between the outside walls of the pipes, and the sewer main shall be constructed to water main standards; and (5-3-03)

ii. The water main shall be a minimum of eighteen (18) inches above the sewer main. (12-10-92)

h. The requirements for vertical separation of water and sewer mains are as follows: (5-3-03)

i. At any point where the non-potable water and water mains cross, they shall be separated by a vertical distance of no less than eighteen (18) inches. (5-3-03)

ii. At any point where the non-potable water main crosses above the water main, the non-potable water main shall be supported to prevent settling. (5-3-03)

iii. At any point where the non-potable water and water mains cross, the water main shall be centered at the crossing so that the joints will be an equal distance and as far as possible from the non-potable water main. (5-3-03)

iv. If the water main is below the non-potable water main, the non-potable water main shall be constructed of materials conforming to water main standards if the eighteen (18) inch vertical separation cannot be maintained. (5-3-03)

v. In lieu of constructing or reconstructing the non-potable water main either the non-potable water main or water main may be encased with a sleeving material acceptable to the Department for a distance of ten (10) horizontal feet on both sides of the crossing. (5-3-03)

i. All other pipelines which carry nonpotable liquids shall meet the minimum separation requirements of Subsections 550.06.g. and 550.06.h. (5-3-03)

j. A minimum horizontal distance of twenty-five (25) feet shall be maintained between a subsurface sewage disposal system and any water distribution pipe. (12-10-92)

k. All dead end water mains shall be equipped with a means of flushing and shall be flushed at least semiannually at a water velocity of five (5) feet per second. (5-3-03)

l. Leaking water mains shall be repaired or replaced upon discovery and disinfected in accordance with American Water Works Association standards as set forth in Subsection 002.02.j. (7-1-97)

m. Water mains shall be separated by at least five (5) feet from buildings, industrial facilities, and other permanent structures. (5-3-03)

n. All new public water systems shall include a meter vault at each service connection. A lockable shut-off valve shall be installed in the meter vault. (5-3-03)

o. All new public water systems that are constructed where topographical relief may affect water pressure at the customers' premises shall provide the Department with an analysis which demonstrates that the pressure at each designated building site will be at least forty (40) psi, based on dynamic pressure in the main, as set forth in Subsections 552.01.b.i. and ii., plus a static compensation from the elevation of the main to the elevation of each building site. (5-3-03)

i. If forty (40) psi cannot be provided at each designated building site, the Department may require that reasonable effort be made to provide notification to existing and potential customers of the expected pressure. (5-3-03)

ii. The Department will not authorize a service connection at any designated building site where analysis indicates that pressure will be less than twenty (20) psi static pressure (or twenty-six point five (26.5) psi for two (2) story buildings). (5-3-03)

07. Cross Connection. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into a public water system. (5-3-03)

a. All suppliers of water for community water systems shall implement a cross connection control program to prevent the entrance of toxic or hazardous substances to the system. The program will include: (5-3-03)

i. An inspection once a year of all facilities listed in Subsection 900.02 (Table 2) to locate cross connections and determine required suitable protection. For new connections, suitable protection must be installed prior to providing water service. (5-3-03)

ii. Required installation and operation of adequate backflow prevention assemblies. A list of

minimum recommended devices for various facilities is provided in Subsection 900.02 (Table 2). (5-3-03)

iii. Annual inspections and testing of all installed backflow prevention assemblies by a tester ~~*certified by the Department, or*~~ licensed by a ~~*certifying*~~ licensing authority recognized by the Department. ~~*Testers are to be re-certified every two (2) years.*~~ ~~*(5-3-03)*~~(____)

iv. Discontinuance of service to any facility where suitable backflow protection has not been provided for a cross connection. (12-10-92)

v. If double check valves and/or reduced pressure principle backflow prevention assemblies are used, they must pass a performance test conducted by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or meet American Water Works Association C-510 or C-511 standard, or another equal test approved by the Department. (5-3-03)

vi. If atmospheric vacuum breakers and pressure vacuum breakers are used, they shall be marked approved by the International Association of Plumbing and Mechanical Officials (IAPMO) or by the American Society of Sanitation Engineers (ASSE). (10-1-93)

vii. Resilient seated shutoff valves shall be used after the effective date of these rules when double check valves, reduced pressure backflow prevention assemblies, and pressure vacuum breakers are installed. (5-3-03)

b. All suppliers of water for non-community water systems shall ensure that cross-connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies shall be inspected for functionality on a regular basis by a ~~*certified*~~ licensed tester, as specified in Subsection 550.07.a.iii. ~~*(5-3-03)*~~(____)

08. Water Storage. Storage reservoirs shall be constructed and maintained so that the following requirements are met: (12-10-92)

a. All storage reservoirs shall be protected from flooding; (12-10-92)

b. Stored water shall be protected from contamination; (12-10-92)

i. No public water supply storage tank shall be located within five hundred (500) feet of any municipal or industrial wastewater treatment plant or any land which is spray irrigated with wastewater or used for sludge disposal. (5-3-03)

ii. No storage tank or clear well located below ground level is allowed within fifty (50) feet of a sanitary sewer or septic tank. However, if the sanitary sewer is constructed to water main standards, the minimum separation distance is ten (10) feet. (5-3-03)

c. All storage reservoirs shall have watertight roofs or covers and be sloped so that water will drain; (12-10-92)

d. Manholes shall be fitted with an overlapping watertight locked cover and be at least four (4) inches above the surface of the roof. At least two (2) manholes located above the water line shall be provided where space permits. (5-3-03)

e. Overflows and drains shall have free fall discharges which are screened and shall not be connected to a sewer (storm or sanitary); (12-10-92)

f. Any vent shall extend twelve (12) inches above the roof and be constructed and screened to exclude rain, snow, birds, animals, insects, dust and other potential sources of contamination; (12-10-92)

g. The bottom of any reservoir located below the ground surface shall be constructed a minimum of four (4) feet above the high groundwater table; and (12-10-92)

h. There shall be a minimum distance of fifty (50) feet between any buried or partially buried storage reservoir and any sanitary sewers, storm sewers, or any other source of contamination. The area around ground level reservoirs shall be graded in a manner that will prevent standing water within ten (10) feet. (5-3-03)

i. Hydroneumatic (pressure) tanks shall be acceptable for small water systems serving up to one hundred fifty (150) homes. (5-3-03)

j. Removable silt stops shall be provided to prevent sediment from entering the reservoir discharge pipe. (5-3-03)

k. All unused subsurface storage tanks shall be removed and backfilled, or abandoned by extracting residual fluids and filling the structure with sand or fine gravel. (5-3-03)

09. Disinfection. Any supplier of water for a public water system shall ensure that new construction or modifications to an existing system will be flushed and disinfected in accordance with American Water Works Association Standards, as set forth in Subsection 002.02.j., prior to being placed into service. (7-1-97)

10. Violations. Any failure to comply with any provision contained in Section 550 shall be considered a design or construction defect. (12-10-92)

(BREAK IN CONTINUITY OF SECTIONS)

553. CLASSIFICATION OF WATER SYSTEMS.

01. System Classification Require~~ment~~d. ~~*All*~~ The Department shall classify community, ~~*and*~~ nontransient noncommunity, ~~*public drinking*~~ and surface water systems ~~*will be classified*~~ based on indicators of potential health risks. ~~*(4-5-00)*~~( )

a. ~~*The Department shall develop classification criteria rating forms designed to obtain details about criteria in Subsection 553.02.*~~ The owner or designee of every community and nontransient noncommunity public water system shall submit proof of the current conditions related to the classification of the system every five (5) years or more frequently if required by the Department. ~~*(3-16-04)*~~( )

~~*i. The owner or designee of every community and nontransient noncommunity public drinking water system shall complete the classification criteria rating form(s) for the distribution system. (3-16-04)*~~

~~*ii. For any community or nontransient noncommunity public drinking water system utilizing a treatment facility(ies), the owner or designee must also complete the classification criteria rating form(s) provided by the Department for the drinking water treatment system(s). (3-16-04)*~~

b. ~~*The Department shall review the classification criteria rating forms and classify the systems.*~~ The owner or designee of all surface water systems shall submit proof of the current conditions related to the classification of the system every five (5) years or more frequently if required by the Department. ~~*(3-16-04)*~~( )

~~*c. The Department shall review system classifications at least every five (5) years and make revisions to reflect changed conditions, if any. (3-16-04)*~~

02. Classification Criteria. ~~*Community and nontransient noncommunity public drinking water treatment facilities and distribution s*~~Systems shall be classified under a system that uses the following criteria: ~~*(3-16-04)*~~( )

a. Complexity, size, and type of source water for treatment facilities. (3-16-04)

b. Complexity and size of distribution systems. (4-5-00)

c. Other criteria deemed necessary to completely classify systems. (4-5-00)

d. The Department shall develop guidelines for applying the criteria set forth in Section 553. (3-16-04)

554. ~~*CERTIFICATION OF WATER SYSTEM OPERATORS*~~ LICENSE REQUIREMENTS.

01. ~~*System*~~ Licensed Operator ~~*Certification*~~ Require~~*ment*~~d. ( )

a. Owners of all community and nontransient noncommunity public drinking water systems must place the direct supervision of their drinking water system, including each treatment facility and/or distribution system, under the responsible charge of a~~*n*~~ properly licensed operator. ~~*(3-16-04)*~~( )

b. Owners of all surface water systems must place the direct supervision of their public drinking water system under the responsible charge of a properly licensed operator. ( )

02. Responsible Charge Operator ~~*Certification*~~ License Requirement. An operator in responsible charge of a ~~*community or a nontransient noncommunity*~~ public drinking water system ~~*in Idaho*~~ must hold a valid ~~*certification*~~ license equal to or greater than the classification of ~~*their*~~ the public water system~~*. including each treatment facility, where present, and distribution system as determined by the Department*~~ where the responsible charge operator is in responsible charge. ~~*(3-16-04)*~~( )

03. Substitute Responsible Charge Operator License Requirement. At such times as the responsible charge operator is not available, a substitute responsible charge operator shall be designated to replace the responsible charge operator. A substitute responsible charge operator of a public water system must hold a valid license equal to or greater than the classification of the public water system where the substitute responsible charge operator is in responsible charge. ~~*(3-16-04)*~~( )

04. Shift Operator Requirement. Any ~~*community or nontransient noncommunity*~~ public drinking water system subject to these requirements with multiple operating shifts must have a designated ~~*certified public drinking water system*~~ properly licensed operator available for each operating shift. An on-duty designated shift operator does not replace the requirements in Subsections 554.01 and 554.03 for responsible charge operator coverage during all operating shifts. ~~*(3-16-04)*~~( )

05. Water Operator ~~*Certification*~~ License Requirement. All operating personnel at ~~*community and nontransient noncommunity*~~ public drinking water systems subject to these requirements making process control/ system integrity decisions about water quality or quantity that affect public health must hold a valid and current ~~*certificate*~~ license. ~~*(3-16-04)*~~( )

~~***06. Compliance Deadline**. All community and nontransient noncommunity public drinking water systems addressed in these rules shall be in compliance with these rules within two (2) years of April 15, 2000. (3-10-00)*~~

~~***07. Qualifications For Certification**. To qualify for a certificate an applicant must meet requirements of employment, education, experience and examination as described in Sections 556 and 557. Applicants may also receive certification through reciprocity as provided in Section 558. (3-16-04)*~~

~~***08. Administration Of The Certification Program**. Administration of all aspects of the drinking water system operator certification program in Idaho shall be the responsibility of the Department. All administrative activities except enforcement may be contracted to an operator certifying entity. (3-10-00)*~~

~~***09. Contractor Activities**. All administrative activities contracted to an operator certifying entity will be carried out in accordance with these rules. (3-10-00)*~~

~~***555. GRANDPARENTING.***~~

~~***01. Grandparenting Certificate**. The Department shall not accept applications for grandparent*~~

~~*certification. Operators holding an existing grandparent certificate must comply with all applicable provisions of these rules in order to maintain their certification. If an operator's grandparent certification lapses, is revoked, or is otherwise not renewed, the operator will be required to meet the current standards for certification set out in these rules.* (3-16-04)~~

~~***02. Grandparent Professional Growth Requirement**. In order to maintain an existing grandparent certification, grandparented operators must:* (3-16-04)~~

~~***a.** In the first certification renewal cycle, complete a one (1) time training that covers all information included by the qualifying certification exam for the certification class the operator holds;* (3-16-04)~~

~~***b.** Submit proof of completion of the required one (1) time training; and* (3-16-04)~~

~~***c.** Following the first renewal cycle, the operator must meet the professional growth requirements in Subsection 559.02.* (3-16-04)~~

~~***556. CERTIFICATION REQUIREMENTS FOR A WATER TREATMENT OPERATOR.***~~
~~*Individuals requesting certification shall submit an application to the Department and meet the criteria in Section 556 to qualify for a certification classification in water treatment. Applicants shall be subject to an application fee not to exceed two hundred dollars ($200) plus the actual cost of testing.* (3-16-04)~~

~~***01. Employment Requirement**. Except for Operator In Training Classification, applicants for certification must be currently employed or working in the drinking water field.* (3-16-04)~~

~~***02. Examination Requirement**. Applicants must pass a written validated examination with a score of seventy percent (70%) or better. The examination will reflect different levels of knowledge, ability and judgement required for the established certification classes. Examinations will be administered in accordance with established examination procedures.* (3-16-04)~~

~~***03. Education And Experience Requirements**.* (3-16-04)~~

~~***a.** Basic Education and Experience Certification Requirements.* (3-16-04)~~

~~*i. To qualify for an Operator-In-Training Water Treatment Certificate, an operator must have a high school diploma or GED and pass an Operator-In-Training exam. After passing an Operator-In-Training exam, a "one (1) time" non-renewable certificate of "Operator In Training" will be issued. This certificate will be valid for three (3) years only. After working one (1) year in the field and with no further testing required, the Operator-In-Training will be issued a Class I Water Treatment Certificate upon written request to the Director with proof of twelve (12) months of operating experience in a Class I or higher water treatment facility.* (3-16-04)~~

~~*ii. To qualify for a Class I certificate an operator must have a high school diploma or GED and one (1) year of acceptable operating experience in a Class I or higher treatment facility.* (3-16-04)~~

~~*iii. To qualify for a Class II certificate an operator must have a high school diploma or GED and three (3) years of acceptable operating experience in a Class I or higher treatment facility.* (3-16-04)~~

~~*iv. To qualify for a Class III certificate an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience in a Class II or higher treatment facility, including two (2) years active, daily, on-site charge of personnel or a major segment of a system in the same or next lower class.* (3-16-04)~~

~~*v. To qualify for a Class IV certificate an operator must have a high school diploma or GED; four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience in a Class III or higher treatment facility, including two (2) years of active, daily, on-site charge of personnel or a major segment of a system in the same or next lower class.* (3-16-04)~~

~~***b.** Substituting Education for Experience. Applicants may substitute education for operating and*~~

~~*responsible charge experience as specified below:* (4-5-00)~~

~~*i. For Class I, no substitution for operating experience shall be permitted.* (3-16-04)~~

~~*ii. For Class II, a maximum of one and one-half (1 ½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1 ½) years of operating experience.* (4-5-00)~~

~~*iii. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience; however the applicant must still have one (1) year of active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class.* (3-16-04)~~

~~*iv. Education substituted for operating experience shall not also be applied to education requirement.* (3-16-04)~~

~~*v. One (1) year of post high school education, other than described in Subsections 556.03.b.ii. and 556.03.b.iii. may be substituted for one (1) year experience, up to a maximum of fifty percent (50%) of the required operating or active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class.* (3-16-04)~~

~~***c.*** *Substituting Experience for Education. Where applicable, operating and responsible charge experience or operating and active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class experience may be substituted for education as specified below:* (3-16-04)~~

~~*i. One (1) year of operating experience may be substituted for two (2) years of grade school with no limitation or one (1) year high school with no limitation.* (4-5-00)~~

~~*ii. For Class III and IV, additional responsible charge experience (that exceeding the two (2) year class requirements) may be substituted for post high school education on a two (2) for one (1) basis: two (2) years additional responsible charge equals one (1) post high school education.* (3-16-04)~~

~~***d.*** *Substituting Experience for Experience. Where applicable, up to one half (½) of the operating experience requirement for Class II, III and IV may be substituted for experience that includes, but is not limited to, the following:* (3-16-04)~~

~~*i. Experience as an environmental or operations consultant;* (4-5-00)~~

~~*ii. Experience in an environmental or engineering branch of federal, state, county, or local government;* (4-5-00)~~

~~*iii. Experience as a wastewater collection system operator;* (4-5-00)~~

~~*iv. Experience as a wastewater treatment plant operator;* (4-5-00)~~

~~*v. Experience as a water distribution system operator and/or manager;* (4-5-00)~~

~~*vi. Experience as a water treatment plant operator; or* (4-5-00)~~

~~*vii. Experience in waste treatment operation and maintenance.* (4-5-00)~~

~~***e.*** *Equivalency Policy for Education or Experience Substitutions. Substitutions for education or experience requirements needed to meet minimum requirements for certification will be evaluated upon the following equivalency policies:* (3-16-04)~~

~~*i. High School – High School diploma, a GED, or other equivalent.* (3-16-04)~~

~~*ii. College – Thirty five (35) credits equals one (1) year (limited to curricula in environmental*~~

~~*engineering, environmental sciences, water/wastewater technology, and/or related fields).* (3-16-04)~~

~~*iii. Continuing Education Units (CEU) for relevant operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equals one (1) CEU; forty five (45) CEUs equals one (1) year of college.* (3-16-04)~~

~~***557. CERTIFICATION REQUIREMENTS FOR A WATER DISTRIBUTION OPERATOR.*** *Individuals requesting certification shall submit an application to the Department and meet the criteria in Section 557 to qualify for a certification classification in water distribution. Applicants shall be subject to an application fee not to exceed two hundred dollars ($200) plus the actual cost of testing.* (3-16-04)~~

~~***01. Employment Requirement****. Except for Operator-In-Training Classification, applicants for certification must be currently employed or working in the drinking water field.* (3-16-04)~~

~~***02. Examination Requirement****. Applicants must pass a written validated examination with a score of seventy percent (70%) or better. The examination will reflect different levels of knowledge, ability and judgment required for the established certification classes. Examinations will be administered in accordance with established examination procedures.* (3-16-04)~~

~~***03. Education And Experience Requirements****.* (3-16-04)~~

~~***a.*** *Basic Education and Experience Certification Requirements.* (3-16-04)~~

~~*i. To qualify for an Operator-In-Training Water Distribution Certificate, an operator must have a high school diploma or GED and pass either a Very Small Water System Operator-In-Training exam or a Class I Operator-In-Training exam.* (3-16-04)~~

~~*(1) After passing a Very Small Water System Operator-In-Training exam, a "one (1) time" non-renewable certificate of "VSWS Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working six (6) months in the field and with no further testing required, the VSWS Operator-In-Training will be issued a VSWS Certificate upon written request to the Director with proof of six (6) months of operating experience in a VSWS or higher water distribution system.* (3-16-04)~~

~~*(2) After passing a Class I Operator-In-Training exam, a "one (1) time" non-renewable certificate of "Class I Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working one (1) year in the field and with no further testing required, the Class I Operator-In-Training will be issued a Class I Certificate upon written request to the Director with proof of twelve (12) months of operating experience in a Class I or higher water distribution system.* (3-16-04)~~

~~*ii. To qualify for a Very Small Public Drinking Water System certificate, an operator must have a high school diploma or GED and six (6) months of acceptable experience operating a very small water system or a higher distribution system.* (3-16-04)~~

~~*iii. To qualify for a Class I certificate, an operator must have a high school diploma or GED and one (1) year of acceptable operating experience in a Class I or higher distribution system.* (3-16-04)~~

~~*iv. To qualify for a Class II certificate, an operator must have a high school diploma or GED and three (3) years of acceptable operating experience.* (3-16-04)~~

~~*v. To qualify for a Class III certificate, an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience.* (3-16-04)~~

~~*vi. To qualify for a Class IV certificate, an operator must have a high school diploma or GED; four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience.* (3-16-04)~~

~~**b.** Substituting Education for Experience. Applicants may substitute education for operating and responsible charge experience as specified below: (3-16-04)~~

~~i. For Very Small Water System and Class I, no substitution for operating experience shall be permitted. (3-16-04)~~

~~ii. For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience. (3-16-04)~~

~~iii. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience. (3-16-04)~~

~~iv. Education substituted for operating experience shall not also be applied to education requirement. (3-16-04)~~

~~v. One (1) year of post high school education, other than described in Subsections 557.3.b.ii. and 557.03.b.iii. may be substituted for one (1) year experience, up to a maximum of fifty percent (50%) of the required operating or active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class. (3-16-04)~~

~~**c.** Substituting Experience for Education. Where applicable, operating and responsible charge experience or operating and active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class experience may be substituted for education as specified below: (3-16-04)~~

~~i. One (1) year of operating experience may be substituted for two (2) years of grade school with no limitation or one (1) year high school with no limitation. (3-16-04)~~

~~ii. For Class III and IV, responsible charge experience may be substituted for post high school education on a two (2) for one (1) basis: two (2) years responsible charge equals one (1) post high school education. (3-16-04)~~

~~**d.** Substituting Experience for Experience. Where applicable, up to one-half (½) of the operating experience requirement for Class II, III and IV may be substituted for experience that includes, but is not limited to, the following: (3-16-04)~~

~~i. Experience as an environmental or operations consultant; (3-16-04)~~

~~ii. Experience in an environmental or engineering branch of federal, state, county, or local government; (3-16-04)~~

~~iii. Experience as a wastewater collection system operator; (3-16-04)~~

~~iv. Experience as a wastewater treatment facility operator; (3-16-04)~~

~~v. Experience as a water distribution system operator and/or manager; (3-16-04)~~

~~vi. Experience as a water treatment plant operator; or (3-16-04)~~

~~vii. Experience in waste treatment operation and maintenance. (3-16-04)~~

~~**e.** Equivalency Policy for Education or Experience Substitutions. Substitutions for education or experience requirements needed to meet minimum requirements for certification will be evaluated upon the following equivalency policies: (3-16-04)~~

~~i. High School - High School diploma, a GED, or other equivalent. (3-16-04)~~

~~ii. College - Thirty-five (35) credits equals one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields). (3-16-04)~~

~~iii. Continuing Education Units (CEU) for relevant operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equals one (1) CEU; forty-five (45) CEUs equals one (1) year of college. (3-16-04)~~

~~**558. RECIPROCITY REQUIREMENTS.**~~
~~Individuals requesting certification by reciprocity shall submit an application to the Department. The Director may waive examination requirements and issue a certificate to applicants holding certificates or licenses issued by other States which have equivalent certification requirements upon presentation of proof of such licensing and credentials consistent with Idaho certification requirements. Applicants shall be subject to an application certification fee to cover processing costs not to exceed two hundred dollars ($200). (3-16-04)~~

~~**559. CERTIFICATE ISSUANCE AND RENEWAL REQUIREMENTS.**~~

~~**01. Certificate Issuance**. A renewal certificate signed by the Director will be issued to the applicant, designating his or her level of operating competency upon satisfaction of the requirements in one (1) or more of the following sections: (3-16-04)~~

~~**a.** Section 555, Grandparenting; (3-16-04)~~

~~**b.** Section 556, Certification Requirements for a Water Treatment Operator; (3-16-04)~~

~~**c.** Section 557, Certification Requirements for a Water Distribution Operator; (3-16-04)~~

~~**d.** Section 558, Reciprocity Requirements; and (3-16-04)~~

~~**e.** Section 559, Certificate Issuance and Renewal Requirements. (3-16-04)~~

~~**02. Certificate Renewal**. Operators shall be subject to payment of fees and professional growth requirements in accordance with the following criteria, to qualify for certificate renewal: (3-16-04)~~

~~**a.** Renewal fees shall not exceed two hundred dollars ($200) for each two (2) year period. (3-16-04)~~

~~**b.** Certificates shall be valid for two (2) years, beginning on March 1 of the year of issuance. (3-16-04)~~

~~**c.** An operator shall submit satisfactory evidence of completion of approved training of a minimum of one point two (1.2) CEUs as a condition for renewal of the certificate. (3-16-04)~~

~~**d.** A Water System Operator holding more than one (1) certificate issued under these rules need only complete the training required to satisfy renewal requirements for one (1) of these water certificates. (3-16-04)~~

~~**03. Invalidation Of Certificates**. Certificates for which the renewal fees and evidence of completion of approved training, as referenced in Subsection 559.02, are not received within sixty (60) days after the expiration date are invalid. (3-16-04)~~

~~**04. Renewal Of Invalidated Certificates**. Water System Operators whose certificates are invalidated may renew the certification by applying for renewal within two (2) years of the date of invalidation. The application shall include appropriate proof of competency and applicable reinstatement fees. Certificates that remain invalidated for two (2) years or more shall not be renewed. (3-16-04)~~

~~**05. Recertification**. Water System Operators who have failed to renew invalidated certificate(s) for two (2) years or more are not eligible for renewal and must recertify. (3-16-04)~~

555. -- 559. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

~~***561. PENALTIES.***~~
~~*The Director may assess penalties in accordance with the following provisions:* *(4-5-00)*~~

~~***01. General Authority****. The Department shall enforce these rules and seek those remedies as provided in Title 39, Chapter 1, Idaho Code.* *(3-16-04)*~~

~~***02. Falsification And Forgery****. Any person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office within this state, which instrument, if genuine, might be filed or registered, or recorded under any law of this state, or of the United States, is guilty of a felony. Section 18-3203, Idaho Code.* *(3-16-04)*~~

~~***03. Civil Penalties****. Pursuant to Section 39-108, Idaho Code, any person who violates these rules shall be subject to a civil penalty. Each and every violation is a separate and distinct offense and for continuing violations, each day's violation is separate and distinct.* *(4-5-00)*~~

~~***562. SUSPENSION OR REVOCATION.***~~

~~***01. Suspend Or Revoke An Operator's Certificate****. The Director may suspend or revoke a water operator's certificate following notice and pending an opportunity for a hearing before the Board when any of the following conditions are found:* *(3-16-04)*~~

~~***a.*** *The individual holding the water certificate has engaged in misconduct in the performance of his or her operator duties such as fraud, falsification of an application, or falsification of operating records.* *(3-16-04)*~~

~~***b.*** *The individual holding the water certificate has been convicted of a crime involving a violation of any drinking water rule or statute.* *(3-16-04)*~~

~~***c.*** *The individual holding the water certificate has failed to use reasonable care and judgement in the performance of his or her duties as described in the definition of "Water Distribution Operator" or the definition of "Water Treatment Operator" found in Section 003 of these rules, or the application of his or her knowledge and ability in the performance of his or her duties is unsatisfactory.* *(3-16-04)*~~

~~***d.*** *Operators receiving revocations as provided in Subsection 562.01.a. are not eligible to reapply for certification for a period of five (5) years from the date of revocation. Operators receiving revocations as provided in Subsection 562.01.b. are not eligible to reapply for certification for a period of three (3) years from the date of revocation.* *(3-16-04)*~~

~~***02. Appeals****. In the event of a decision to suspend or revoke a certificate under the conditions set forth in this section, the holder of that certificate may appeal the decision as provided for in Sections 39-107(6) and 39-107(7), Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".* *(3-16-04)*~~

561. -- 562. (RESERVED).

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0403

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code. In addition, states which have primary enforcement responsibility for the Safe Drinking Water Act are required by 40 CFR 142.10(a) and 40 CFR 142.12(b) through (d) to adopt within two years of promulgation, national primary drinking water regulations that are no less stringent than the federal regulations in effect under 40 CFR Part 141.

PUBLIC HEARING SCHEDULE: Public hearings concerning this proposed rulemaking will be held as follows. The hearings will take place simultaneously and will be connected by telephone.

August 4, 2004, 4:15 p.m. PDT
Department of Environmental Quality, Large Conference Room
2110 Ironwood Parkway, Coeur d'Alene, Idaho

August 4, 2004, 5:15 p.m. MDT
Department of Environmental Quality, Conference Room B
1410 N. Hilton, Boise, Idaho

August 4, 2004, 5:15 p.m. MDT
Department of Environmental Quality, Snake River Room
444 Hospital Way #300, Pocatello, Idaho

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The arsenic rule was promulgated by the U.S. Environmental Protection Agency (EPA) on January 22, 2001. The Department of Environmental Quality (DEQ) requested and was granted a primacy extension from EPA Region X to submit the required primacy package for arsenic. In order for the state of Idaho to maintain primacy for the drinking water program, these rule revisions must be in place by January 22, 2005. The purpose of this rulemaking is to adopt these federal regulations by reference into the state rules.

The arsenic rule is intended to protect public health by reducing the standard for arsenic from 50 parts per billion (ppb) to 10 ppb. According to EPA, reducing the standard to 10 ppb will prevent 21 to 30 bladder and lung cancer deaths and 16 to 26 non-fatal bladder and lung cancer incidents nationally. This proposed rule reduces the arsenic standard from 50 ppb to 10 ppb and affects community and non-community non-transient classes of public water systems. The rule clarifies procedures for determining compliance with other chemical rules and also clarifies monitoring requirements for new drinking water systems and sources.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the fall of 2004 for adoption of a pending rule. The pending rule is expected to be final and effective upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature. In order to meet the January 2005 deadline, DEQ will also request that the Board adopt the rule as temporary with an effective date of January 22, 2005. DEQ also intends to hold public workshops regarding this rulemaking.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Jerri Henry at (208)373-0471 or jhenry@deq.state.id.us.

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before August 11, 2004.

Dated this 2nd day of June, 2004.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO 58-0108-0403

005. GENERAL PROVISIONS FOR WAIVERS, VARIANCES, AND EXEMPTIONS.
40 CFR 141.4, revised as of July 1, ~~*1999*~~ 2004, is herein incorporated by reference. ~~*(4-5-00)*~~(____)

01. Waivers. (12-10-92)

a. The Department may waive any requirement of Sections 550 through 552 that is not explicitly imposed by Idaho Statute, if it can be shown to the satisfaction of the Department that the requirement is not necessary for the protection of public health, protection from contamination, and satisfactory operation and maintenance of a public water system. (5-3-03)

b. The Department may at its discretion waive the requirements outlined in Section 010. (10-1-93)

c. Waiver of monitoring requirements is addressed in Subsection 100.07. (5-3-03)

d. The Department may, at its discretion, temporarily waive the CEU requirements outlined in Subsection 558.09 for certified operators who present documentation of deployment out of state or country on active military duty for a period of time that makes it impossible for the operator to meet the CEU requirements prior to the annual renewal date. Upon completion of active deployment, the operator shall have twelve (12) calendar months from the date of return to the state to make up the CEUs missed during deployment. This waiver does not alter the CEU requirements in Subsection 558.09 for the certification renewal cycle in progress at the time the operator returns to the state. (5-3-03)

02. Variances. (5-3-03)

a. General Variances. A variance may be granted by the Department if a public water system submits an application and demonstrates to the satisfaction of the Department that the following minimum requirements as required by 42 USC Section 1415(a) (The Safe Drinking Water Act) are met. These include but are not limited to:

(5-3-03)

i. The system has installed the best available technology, treatment techniques, or other means to comply with the maximum contaminant level; and (5-3-03)

ii. Alternative sources of water are not reasonably available to the system. (5-3-03)

iii. For provisions of a national primary drinking water regulation which requires the use of a specific treatment technique with respect to a contaminant, the system must demonstrate that the technique is not necessary to protect the health of the system's customers. (5-3-03)

b. Small System Variances. A small system variance for a maximum contaminant level or treatment technique may be granted by the Department if a public water system submits an application and demonstrates to the satisfaction of the Department that the following minimum requirements as required by 42 USC Section 1415(e) are met. These include, but are not limited to: (5-3-03)

i. The system serves three thousand three hundred (3,300) or fewer persons; (5-3-03)

ii. If the system serves more than three thousand three hundred (3,300) persons but fewer than ten thousand (10,000) persons, the application shall be approved by the U.S. Environmental Protection Agency; (5-3-03)

iii. The U.S. Environmental Protection Agency has identified a variance technology that is applicable to the size and source water quality conditions of the public water system; (5-3-03)

iv. The system installs, operates and maintains such treatment technology, treatment technique, or other means; and (5-3-03)

v. The system cannot afford to comply with a national primary drinking water regulation in accordance with affordability criteria established by the state, including compliance through treatment, alternative source of water supply, restructuring or consolidation. (5-3-03)

03. Exemptions. An exemption may be granted by the Department if a public water system submits an application and demonstrates to the satisfaction of the Department that the following minimum requirements as required by 42 USC Section 1416(a) are met. These include but are not limited to: (5-3-03)

a. The system is unable to comply with a maximum contaminant level or treatment technique due to compelling factors, which may include economic factors; (5-3-03)

b. The system was in operation by the effective date of such contaminant level or treatment technique and no reasonable source of water is available to the system; or (5-3-03)

c. If the system was not in operation by the effective date of such contaminant level or treatment technique, then no reasonable alternative source of water is available to the system; and (5-3-03)

d. The granting of an exemption will not result in an unreasonable risk to health; (5-3-03)

e. Management or restructuring changes cannot reasonably be made to comply with the contaminant level or treatment technique to improve the quality of the drinking water; (5-3-03)

f. The system cannot meet the standard without capital improvements which cannot be completed prior to the date established pursuant to 42 USC Section 1412b(10); (5-3-03)

g. If the system needs financial assistance, the system has entered into an agreement to obtain such financial assistance; or (5-3-03)

h. The system has entered into an enforceable agreement to become a part of a regional public water system and is taking all practical steps to meet the standard. (5-3-03)

04. Conditions. A waiver, exemption or variance may be granted upon any conditions that the Department, in its discretion, determines are appropriate. Failure by the public water system to comply with any condition voids the waiver, variance or exemption. (12-10-92)

05. Public Hearing. The Department shall provide public notice and an opportunity for public hearing in the area served by the public water system before any exemption or variance under Section 005 is granted by the Department. At the conclusion of the hearing, the Department shall record the findings and issue a decision approving, denying, modifying, or conditioning the application. (5-3-03)

06. Exceptions. Any person aggrieved by the Department's decision on a request for a waiver, variance or exemption may file a petition for a contested case with the Board. Such petitions shall be filed with the Board, as prescribed in, IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (3-15-02)

07. Surface Water Variances. Variances from the requirements of Sections 300 through 303 are not allowed. (4-5-00)

08. Surface Water Exemptions. Exemptions from 40 CFR 141.72(a)(3) and 40 CFR 141.72(b)(2), incorporated by reference herein, are not allowed. (10-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

050. MAXIMUM CONTAMINANT LEVELS AND MAXIMUM RESIDUAL DISINFECTANT LEVELS.

01. Inorganic Contaminants. (10-1-93)

a. 40 CFR 141.11, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

b. 40 CFR 141.62, revised as of July 1, 2004, is herein incorporated by reference. ~~*(10-1-93)*~~( )

c. The maximum contaminant level for cyanide is two-tenths milligram per liter (0.2 mg/l). (12-10-92)

02. Organic Contaminants. (10-1-93)

a. 40 CFR 141.12, revised as of July 1, 2002, is herein incorporated by reference. (5-3-03)

b. 40 CFR 141.61 is herein incorporated by reference. except that the best available technology (BAT) treatment listed in 40 CFR 141.61(b) shall be changed to reflect that packed tower aeration will not be listed for toxaphene but will be listed for toluene. (10-1-93)

03. Turbidity. 40 CFR 141.13 is herein incorporated by reference. (10-1-93)

04. Radionuclides. 40 CFR 141.66, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

05. Microbiological Contaminants. 40 CFR 141.63, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

06. Maximum Contaminant Levels For Disinfection Byproducts. 40 CFR 141.64, revised as of July 1, 2002, is herein incorporated by reference. (5-3-03)

07. Maximum Residual Disinfectant Levels. 40 CFR 141.65, revised as of July 1, 2002, is herein

incorporated by reference. (5-3-03)

08. Effective Dates. 40 CFR Part 141, revised as of July 1, 2004, is herein incorporated by reference. Effective date information provided in ~~*specified Sections of*~~ 40 CFR ~~*that are incorporated by reference are*~~ 141.6 and 40 CFR 141.60 is applicable. ~~*(12-10-92)*~~( )

(BREAK IN CONTINUITY OF SECTIONS)

100. MONITORING AND ANALYTICAL REQUIREMENTS.

01. Microbiological Contaminant Sampling And Analytical Requirements. (10-1-93)

a. 40 CFR 141.21, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

b. The Department may reduce the total coliform monitoring frequency for community water systems serving twenty-five (25) to one thousand (1000) persons, as specified in 40 CFR 141.21(a)(2) and Subsection 100.01. The Department may allow community water systems serving twenty-five (25) to one thousand (1000) persons to reduce the total coliform monitoring frequency to once per quarter when; (12-10-92)

i. The system submits a written request to the Department in advance of the requirement; and (12-10-92)

ii. There has been no history of total coliform contamination in it's current configuration; and (10-1-93)

iii. The system has been in compliance with the total coliform monitoring requirements for the last three (3) years; and (12-10-92)

iv. A sanitary survey has been conducted within the past five (5) years which indicates to the Department that there are no deficiencies which could affect microbial quality; and (12-10-92)

v. The system uses only a groundwater source that is protected. (12-10-92)

c. The Department may reduce the total coliform monitoring frequency for noncommunity water systems serving less than one thousand (1000) persons as specified in 40 CFR 141.21(a)(3)(i) and Subsection 100.01. The Department may allow noncommunity water systems serving less than one thousand (1000) persons to reduce the total coliform monitoring frequency to once per year when; (12-10-92)

i. The system submits a written request to the Department in advance of the requirement; and (12-10-92)

ii. No coliforms have been detected in the last three (3) years of monitoring; and (12-10-92)

iii. The system has been in compliance with the total coliform monitoring requirements for the last three (3) years; and (12-10-92)

iv. A sanitary survey has been conducted within the past five (5) years which indicates to the Department that there are no deficiencies which could affect microbial quality; and (12-10-92)

v. The system uses only a groundwater source that is protected. (12-10-92)

d. The Department may reduce the total coliform monitoring frequency for noncommunity water systems serving more than one thousand (1000) persons during any month the system serves one thousand (1000) persons or fewer as specified in 40 CFR 141.21(a)(3)(ii) and Subsection 100.01. The Department will allow

noncommunity water systems serving more than one thousand (1000) persons to reduce the total coliform monitoring frequency for any month the system serves one thousand (1000) persons or fewer, down to a minimum of one (1) sample per year, provided; (10-1-93)

i. The system submits a written request to the Department in advance of the requirement; and (12-10-92)

ii. No coliforms have been detected in the last three (3) years of monitoring; and (12-10-92)

iii. The system has been in compliance with the total coliform monitoring requirements for the last three (3) years; and (12-10-92)

iv. A sanitary survey has been conducted within the past five (5) years which indicates that there are no deficiencies which could effect microbial quality; and (12-10-92)

v. The system uses only a groundwater source that is protected. (12-10-92)

e. A system must collect repeat samples within twenty-four (24) hours of notification of positive results as specified in 40 CFR 141.21(b) and Subsection 100.01. The Department may allow a system to delay collection of repeat samples if the system; (12-10-92)

i. Identifies the cause of the contamination; (12-10-92)

ii. Is making progress towards correcting the problem; (12-10-92)

iii. Submits a written request to delay collecting repeat samples and a written statement admitting an acute MCL violation; (12-10-92)

iv. Follows public notification requirements specified under 40 CFR 141.32, revised as of July 1, 2001, for acute MCL violations including notice for consumers to boil their water; (3-15-02)

v. Continues to collect the regularly scheduled number of routine samples; (12-10-92)

vi. Collects all repeat samples immediately following correction of the problem; and (12-10-92)

vii. Collects five (5) routine samples during the month following the end of the violation as required under 40 CFR 141.21 (b)(5), unless waived as allowed under that paragraph. (12-10-92)

02. Turbidity Sampling And Analytical Requirements. 40 CFR 141.22, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

03. Inorganic Chemical Sampling And Analytical Requirements. 40 CFR 141.23, revised as of July 1, 200~~1~~4, is herein incorporated by reference. ~~(3-15-02)~~(____)

04. Organic Chemicals Other Than Total Trihalometranes, Sampling And Analytical Requirements. 40 CFR 141.24, revised as of July 1, 200~~1~~4, is herein incorporated by reference. ~~(3-15-02)~~(____)

05. Analytical Methods For Radioactivity. 40 CFR 141.25, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

06. Monitoring Frequency And Compliance Requirements For Radioactivity In Community Water Systems. 40CFR 141.26, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

07. Waivers And Vulnerability Assessments. (10-1-93)

a. Waivers from sampling requirements in Subsections 100.03, 100.04, 200.01, 551.01.h. and 551.01.i. may be available to all systems for all contaminants except nitrate, nitrite, arsenic and trihalomethanes, and

are based upon a vulnerability assessment, use assessment and/or the analytical results of previous sampling. (10-1-93)

b. There are two (2) general types of monitoring waivers: (12-10-92)

i. Waivers based exclusively upon previous analytical data (12-10-92)

ii. Waivers based on a use or vulnerability assessment. (12-10-92)

c. Waivers are to be made by the Department on a contaminant specific basis and must be in writing. (12-10-92)

d. Vulnerability assessments may be conducted by the Department, the water system, or a third party organization. The Department shall approve or disapprove all vulnerability assessments in writing. (12-10-92)

e. Water systems which do not receive waivers shall sample at the required initial and repeat monitoring frequencies. (12-10-92)

f. If a system elects to request a waiver from monitoring, it shall do so in writing at least sixty (60) days prior to the required monitoring deadline date. (10-1-93)

08. Initial Monitoring Schedule. In addition to the requirements specified in 40 CFR 141.23, revised as of July 1, 200~~1~~4, 40 CFR 141.24, revised as of July 1, 200~~1~~4, and 40 CFR 141.40, revised as of July 1, 2001, initial monitoring must be completed according to the following schedule unless otherwise specified by the Department: ~~(3-15-02)~~(____)

a. Public water systems serving more than one hundred (100) people must conduct initial monitoring before January 1, 1995 except that: (10-1-93)

i. Initial monitoring for nitrate and nitrite must be completed before January 1, 1994 for all surface water sources serving transient noncommunity public water systems and for all ground water sources serving any public water system. (10-1-93)

ii. Initial monitoring for nitrate and nitrite must be completed before April 1, 1993 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

iii. Initial monitoring required under 40 CFR 141.23(c) must be completed before January 1, 1994 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

b. Public water systems serving one hundred (100) or less people must conduct initial monitoring before January 1, 1996 except that: (10-1-93)

i. Initial monitoring for nitrate and nitrite must be completed before January 1, 1994 for all surface water sources serving transient noncommunity public water systems and for all ground water sources serving a public water system. (10-1-93)

ii. Initial monitoring for nitrate and nitrite must be completed before April 1, 1993 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

iii. Initial monitoring required under 40 CFR 141.23(c) must be completed before January 1, 1994 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

09. Alternate Analytical Techniques. 40 CFR 141.27 is herein incorporated by reference. (10-1-93)

10. Approved Laboratories. All analyses conducted pursuant to this chapter, except those listed below, shall be performed in laboratories certified or granted reciprocity by the Department. The following analyses shall be conducted by the public water system in accordance with the procedures approved in Idaho Department of

Health and Welfare Rules, IDAPA 16.02.13, Subsection 008.02, "Rules Governing Certification of Idaho Water Quality Laboratories". (10-1-93)

a. pH; (12-10-92)

b. Turbidity (Nephelometric method only); (12-10-92)

c. Daily analysis for fluoride; (12-10-92)

d. Temperature; and (12-10-92)

e. Disinfectant residuals, except ozone, which shall be analyzed using the Indigo Method or an acceptable automated method pursuant to Subsection 300.05.c. (12-10-92)

11. Consecutive Water System. 40 CFR 141.29 is herein incorporated by reference. (10-1-93)

12. Total Trihalomethane Sampling, Analytical And Other Requirements. 40 CFR 141.30, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

250. MAXIMUM CONTAMINANT LEVEL GOALS AND MAXIMUM RESIDUAL DISINFECTION LEVEL GOALS.

01. Organic Contaminants. 40 CFR 141.50 is herein incorporated by reference. (10-1-93)

02. Inorganic Contaminants. 40 CFR 141.51, revised as of July 1, 2004, is herein incorporated by reference. ~~*(10-1-93)*~~( )

03. Microbiological Contaminants. 40 CFR 141.52, revised as of July 1, 1999, is herein incorporated by reference. (4-5-00)

04. Maximum Contaminant Level Goals For Disinfection Byproducts. 40 CFR 141.53, revised as of July 1, 2002, is herein incorporated by reference. (5-3-03)

05. Maximum Residual Disinfectant Level Goals For Disinfectants. 40 CFR 141.54, revised as of July 1, 2002, is herein incorporated by reference. (5-3-03)

06. Radionuclides. 40 CFR 141.55, revised as of July 1, 2001, is herein incorporated by reference. (3-15-02)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0123-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule was effective May 21, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality (DEQ) is commencing proposed rulemaking to promulgate a final rule. This action is authorized by Sections 39-105, 39-107, and 67-5206, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before July 21, 2004. If no such written request is received, a public hearing will not be held.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, exclude Hazardous Waste Management Act (HWMA) permit appeals, which are governed instead by Section 013 of the Rules and Standards for Hazardous Waste, IDAPA 58.01.05, and 40 CFR 124.19. In May 2000 the Environmental Protection Agency revised 40 CFR 124.19. Those revisions caused the procedures for hearings and administrative appeals to be inconsistent with the procedures for contested cases set out in the Idaho Administrative Procedure Act (APA) by eliminating the opportunity for an evidentiary hearing and limiting appeals to record review. Recent case law from the Idaho Supreme Court has made it clear that agencies must afford persons the procedural protection of the APA contested case provisions which include the right to present evidence and examine witnesses where appropriate.

This rulemaking is being undertaken to remove the exclusion of HWMA permit appeals from the definition of "contested case" so that those procedures will be consistent with the Idaho APA. This rule change will streamline the procedures of the Department of Environmental Quality (DEQ) by eliminating the alternative procedures, making the rules and procedures for all permit appeals consistent within DEQ. Any citizen of the state of Idaho and/or regulated industry appealing a HWMA permit action of DEQ to the Board of Environmental Quality (Board) or having a direct and substantial interest in a proceeding filed with the Board may be interested in participating in this rulemaking.

With this rule change, it is necessary to revise the Rules and Standards for Hazardous Waste, IDAPA 58.01.05, to remove the incorporation by reference of 40 CFR 124.19.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2004 for adoption of a pending rule. The rule is expected to be final upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: In compliance with Section 39-107D, Idaho Code, the Department states that this proposed rule is not broader in scope, more stringent than federal law or regulations and does not regulate an activity that is not regulated by the federal government. This proposed rule is introduced for the purpose of making the procedures applicable to HWMA permits consistent with the Idaho Administrative Procedures Act and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23. As such, the procedures applicable to HWMA permit appeals will differ from procedures before the Environmental Appeals Board for the United States Environmental Protection Agency as governed by 40 CFR Section 124.19. The major differences are as follows: 1) The right to initiate an appeal will not be limited to persons who have commented on the proposed permit or testified at the public hearing. Instead, any person affected or aggrieved and having legal

standing shall be entitled to initiate a permit appeal pursuant to the contested case rules. Compare 40 CFR 124.19(a) and 40 CFR Section 124.13. 2) The issues raised in HWMA permit appeals may not be limited to issues raised in the public comment period or at the public hearing. Instead, any issues germane and legally relevant to the issuance of the permit may be raised, whether addressed to the agency previously or not. Compare 40 CFR 124.19(a) and 40 CFR Section 124.13. 3) The record for review may not be limited to the administrative record compiled during issuance of the permit, but will instead be available for supplementation including the presentation of testimony and the right of cross-examination. Compare 40 CFR 124.19(c) and 40 CFR Section 124.18. 4) The ability to deny review based upon the contents of the petition alone will not be available. Compare 40 CFR 124.19(c). Instead, the Department will be required to respond to the petition and address the merits of the petition through appropriate motions and evidentiary proceedings under IDAPA 58.01.23. The differences are procedural in nature and do not affect the substantive rights of the permit applicant or of persons seeking to challenge the permit.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is necessary because the rule confers a benefit. This rulemaking will provide greater procedural rights to parties involved in an administrative appeal concerning a HWMA permit action of DEQ by providing an opportunity to present evidence and examine witnesses, as well as other procedural protections.

NEGOTIATED RULEMAKING: The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, April 7, 2004, Volume 04-4, page 27. No members of the public attended the scheduled meeting.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact the undersigned.

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before August 4, 2004.

Dated this 2nd day of June, 2004.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0123-0401

001. TITLE, SCOPE, AND APPLICABILITY.

01. Title. These rules are shall be cited as IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (3-15-02)

02. **Scope**. These rules establish general standards for contested case proceedings, petitions for rulemaking, and declaratory ruling proceedings, and rulemaking procedures as required by law. (3-15-02)

03. **Applicability Of Contested Case Provisions**. Section 39-107, Idaho Code, provides the opportunity to initiate a contested case proceeding. It provides that any person aggrieved by an action or inaction of the Department shall be afforded an opportunity for a fair hearing upon a request therefore in writing pursuant to Chapter 52, Title 67, Idaho Code. These rules govern such proceedings, except for ~~*the following:*~~ ~~*(3-15-02)*~~

~~***a.*** *Hazardous Waste Permit Program--Procedures for Decision Making. The procedure for decision making regarding all hazardous waste permits, including all hearings and administrative appeals, shall be governed by Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.05, Section 013, "Rules and Standards for Hazardous Waste".* ~~*(3-15-02)*~~

~~***b.*** *Personnel Grievances and Employment Related Actions. P*~~personnel grievances and employment related actions. These are governed by IDAPA 15.04.01, "Rules of the Division of Human Resources and Personnel Commission," and the DEQ Personnel Policies and Procedures Manual. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS AND ABBREVIATIONS.

01. **Aggrieved Person Or Person Aggrieved**. Any person or entity with legal standing to challenge an action or inaction of the Department, including but not limited to permit holders and applicants for permits challenging Department permitting actions. (3-15-02)

02. **Board**. The Idaho Board of Environmental Quality. (3-15-02)

03. **Contested Case**. A proceeding resulting in an order, in which the legal rights, duties, licenses, privileges, immunities, or other legal interests of one (1) or more specific persons are required by law to be determined by the Board after an opportunity for a hearing. Contested case does not include rulemaking or Personnel grievances and employment related actions~~*, or proceedings pursuant to the hazardous waste permit program governed by the Rules of the Department of Environmental Quality, IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"*~~. ~~*(3-15-02)*~~(5-21-04)T

04. **Declaratory Ruling**. An interpretation by the Board, rendered pursuant to Section 67- 5232, Idaho Code, as to the applicability of any statute, order, or rule of the Board to a person's circumstances. (3-15-02)

05. **Department Or DEQ**. The Idaho Department of Environmental Quality. (3-15-02)

06. **Director**. The Director of the Department of Environmental Quality. (3-15-02)

07. **Hearing Coordinator**. The Person who coordinates, schedules, issues notices, and administers actions governed by these rules on behalf of the presiding officer. The hearing coordinator assigns a permanent docket number to each action for purposes of identification and acts as custodian of records for all information and documentation involving actions governed by these rules. The hearing coordinator's mailing address and phone number is: Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0418, FAX (208)373-0481. (3-15-02)

08. **Hearing Officer**. A Person appointed or designated by the Board, who presides over actions governed by these rules and who may act as the presiding officer. The hearing officer cannot be an employee of the Department. (3-15-02)

09. **Idaho Administrative Bulletin**. The Idaho Administrative Bulletin established in Chapter 52, Title 67, Idaho Code. (3-15-02)

10. **Order**. An agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons. (3-15-02)

11. **Party**. Each person or agency named or admitted as a party. A party to a contested case shall be one (1) of the following: (3-15-02)

a. Petitioner. Any person aggrieved by an action or inaction of the Department who files, in accordance with these rules and Section 39-107, Idaho Code, a written petition for a determination of or appeal of his rights, duties, licenses or interests and any person who files a petition for a declaratory ruling or petition to initiate rulemaking. (3-15-02)

b. Respondent. Any person who responds to a petition filed in accordance with these rules. (3-15-02)

c. Intervenor. Any person, other than the petitioner or respondent, who is permitted to participate as a party pursuant to Sections 350 through 354. (3-15-02)

12. **Person**. Any individual, partnership, corporation, association, governmental subdivision, department, agency or instrumentality, or public and private organization or entity of any character. (3-15-02)

13. **Petition**. Pleadings initiating a contested case, rulemaking, or declaratory ruling, or to intervene filed in accordance with these rules. (3-15-02)

14. **Pleadings**. All documents filed by any party in a contested case proceeding. (3-15-02)

15. **Presiding Officer(s)**. One (1) or more members of the Board or a duly appointed hearing officer. When more than one (1) officer sits at hearing, they may all jointly be presiding officers or may designate one (1) of them to be the presiding officer. (3-15-02)

Subjects Affected Index

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

Docket No. 07-0701-0401

011. Certificates Of Competency -- Issuance, Renewal, Expiration-Revival. 14
012. -- 019. (Reserved). 14

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.02.10 - Rules of the Eastern Snake Plain Aquifer Mitigation Grant Program

Docket No. 09-0210-0401

000. Legal Authority. 16
001. Title And Scope. 16
002. Written Interpretations. 16
003. Administrative Appeals. 16
004. Office -- Office Hours -- Address And Contact Information. 16
005. Incorporation By Reference. 16
006. Public Records Act Compliance. 16
007. -- 012. (Reserved). 16
013. Grant Application. 16
014. Grant Eligibility Criteria. 17
015. Grant Selection Criteria. 18
016. Grant Review, Selection And Award Process. 18
017. Standby Applications. 18
018. -- 999. (Reserved). 18

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.03 - Rules Governing Emergency Medical Services

Docket No. 16-0203-0401

324. Standards For Agencies Utilizing EMT-Intermediate Personnel. 20

16.02.10 - Idaho Reportable Diseases

Docket No. 16-0210-0402

010. Reportable Diseases And Conditions. 23
020. Specific Control Measures For Reportable Diseases. 24

16.03.01 - Rules Governing Eligibility for Medicaid for Families and Children

Docket No. 16-0301-0401

000. Legal Authority. 29
001. Title And Scope. 29
003. Administrative Appeals. 29
004. Incorporation By Reference. 29
005. Office -- Office Hours -- Mailing Address -- Street Address -- Telephone Number -- Internet Website. 30
006. Confidentiality Of Records And Public Records. 30
007. Federal Laws. 30
008. -- 009. (Reserved). 31
010. Definitions (A Through L). 31
011. -- 012. (Reserved). 33
013. Definitions (M Through Z). 33
014. -- 015. (Reserved). 33
016. Abbreviations. 33
017. -- 099. (ReserveD). 35

100. Participant Rights. 35
101. Application For Health Care Assistance. 35
104. Eligibility Effective Dates. 36
105. Bridge Coverage. 36
106. Retroactive Medical Assistance Eligibility. 36
107. -- 199. (Reserved). 36
200. Nonfinancial Criteria For Determining Eligibility. 36
205. Individuals Not Meeting The Citizenship Or Qualified Non-Citizen Requirements. 36
207. Sponsor Responsibility. 36
214. Social Security Number (SSN) Requirement. 37
215. Group Health Plan Enrollment. 37
216. Assignment Of Rights To Medical Support And Third Party Liability. 37
217. Medical Support Cooperation. 37
300. Financial Eligibility. 38
301. Financial Responsibility. 38
307. -- 308. (Reserved). 39
309. Determining Resource Eligibility. 39
310. Resource Limits. 39
331. -- 344. (Reserved). 39
345. Determining Eligibility For Retroactive Medical Assistance. 39
346. Determining Income Eligibility For The Month Of Application. 39
347. Determining Available Income. 39
348. Determining Income Eligibility. 39
349. Calculating A Full Month's Income Using Actual And Projected Income. 40
370. Unearned Income. 40
371. Support Income. 40
372. Rental Income From Real Property. 41
374. Interest And Dividend Income. 41
377. Contributions. 41
378. Disability Insurance Payments. 41
382. Educational Income. 41
384. Lump Sum Income. 42
388. -- 399. (Reserved). 42
400. Determining Coverage Groups Eligibility. 42
401. AFDC Related Coverage Groups Income Standards. 42
402. -- 409. (Reserved). 43
410. Title XIX Medicaid Coverage Groups Related To AFDC Standards. 43
411. (Reserved). 43
412. Qualified Pregnant Woman. 43
413. Low Income Families With Children. 43
414. (Reserved). 44
415. Extended Medicaid For Spousal Support Increase. 44
416. Transitional Medicaid (TM). 44
500. Health Care Assistance Coverage Groups Related To The FPG Standards. 44
502. Low Income Pregnant Woman. 44
503. Pregnant Woman Ineligible Because Of Excess Income. 45
504. Presumptive Eligibility For Pregnant Women. 45
505. CHIP A. 45
506. CHIP B. 46
507. Children's Access Card. 47
508. -- 599. (Reserved). 48
600. Individuals Who May Qualify For Health Care Assistance Through Special Circumstances. 48

601. Newborn Child. 48
602. Emergency Medical Condition. 48
604. Resident Of Eligible Institution. 48
749. Continuous Health Care Assistance Eligibility For Children Under Age Nineteen. 48
750. Annual Renewal. 48
751. Exceptions To Annual Renewal. 48
752. Reporting Requirements. 49
753. Types Of Changes That Must Be Reported. 49
754. Participant Fails To Report Earned Income. 50
755. -- 759. (Reserved). 50
760. Notice Of Changes In Eligibility. 50
761. Advance Notice Responsibility. 50
762. Advance Notice Not Required. 50
763. -- 799. (Reserved). 50
800. Overpayments. 50
801. Recovery Of Overpayments. 50

16.03.09 - Rules Governing the Medical Assistance Program
Docket No. 16-0309-0311
449. Definitions For Psychosocial Rehabilitative Services (PSR). 52
450. Psychosocial Rehabilitative Services (PSR). 52
451. Responsibilities Of The Department Regarding PSR Services. 53
452. Responsibilities Of PSR Providers. 55
453. PSR Service Descriptions. 55
454. Excluded Services Not Reimbursable Under Medicaid PSR. 61
455. PSR Provider Agency Requirements. 61
456. PSR Agency Staff Qualifications. 62
457. Record Requirements For PSR Providers. 62
458. Payment For PSR Services. 63
459. PSR Service Limitations. 63
465. Mental Health Clinic Provider Agency Requirements. 64
466. Individualized Treatment Plan For Mental Health Clinic Services. 66
467. Care And Services In Mental Health Clinics Not Reimbursed. 68
468. Evaluation And Diagnostic Services In Mental Health Clinics. 68
469. Treatment Services In Mental Health Clinics. 69
470. Record Keeping Requirements For Mental Health Clinics. 72
472. Building Standards For Mental Health Clinics. 72

16.03.18 - Chip B and Children's Access Card Rules
Docket No. 16-0318-0401
000. Legal Authority. 74
001. Title And Scope. 74
002. Written Interpretations. 74
003. Administrative Appeals. 74
004. Incorporation By Reference. 74
005. Office -- Office Hours -- Mailing Address -- Street Address -- Telephone Number -- Internet Website. 74
006. Confidentiality Of Records And Public Records Requests. 75
007. -- 009. (Reserved). 75
010. Definitions. 75
011. -- 099. (Reserved). 76
100. Choice Of Providers. 76
101. -- 019. (Reserved). 76

120. Provider Agreement. 76
121. -- 129. (Reserved). 76
130. Conditions For Payment. 76
131. -- 139. (Reserved). 77
140. Third Party Liability. 77
141. -- 149. (Reserved). 77
150. Identification (ID) Card. 77
151. -- 154. (Reserved). 77
155. Information Available For Participants. 77
156. -- 159. (ReserveD). 77
160. Review Of Records. 77
161. -- 169. (Reserved). 77
170. Fees And Upper Limits. 77
171. -- 199. (Reserved). 77
200. Inpatient Services. 78
201. -- 224. (Reserved). 78
225. Physician Services. 78
226. -- 229. (Reserved). 78
230. Outpatient Hospital. 78
231. -- 234. (Reserved). 78
235. Drugs. 78
236. -- 244. (Reserved). 78
245. Outpatient Mental Health. 78
246. -- 249. (Reserved). 79
250. Laboratory And Radiology Services. 79
251. -- 254. (Reserved). 79
255. Transportation. 79
256. -- 259. (Reserved). 79
260. Prenatal Care. 79
261. -- 264. (Reserved). 79
265. Family Planning. 79
266. -- 269. (Reserved). 79
270. Surgical Services. 79
271. -- 279. (Reserved). 79
280. Vision Services. 79
281. -- 284. (Reserved). 79
285. Abortion Services. 79
286. -- 299. (Reserved). 79
300. Hearing Exams And Hearing Aids. 79
301. -- 309. (Reserved). 80
310. Other Clinics. 80
311. -- 399. (Reserved). 80
400. Services Not Covered By Chip B. 80
401. -- 599. (Reserved). 80
600. Children's Access Card. 80
601. -- 604. (Reserved). 80
605. Insurance Premium Subsidy. 80
606. -- 614. (Reserved). 80
615. Benefits And Cost-Sharing. 80
616. -- 619. (Reserved). 80
620. Vendor Application. 80
621. -- 999. (Reserved). 80

16.03.18 - Chip B and Children's Access Card Rules
Docket No. 16-0318-0402 - (Fee Rule)
401. -- 499. (Reserved). ... 82
500. CHIP B Cost-Sharing. ... 82
501. -- 504. (Reserved). ... 82
505. Premiums. ... 82
506. Delinquent Premium Payments. ... 82
507 -- 509. (Reserved). ... 82
510. Co-Payments. ... 82
509. -- 599. (Reserved). ... 82

16.06.01 - Rules Governing Family and Children's Services
Docket No. 16-0601-0401
483. Payment To Family Foster Care Providers. ... 84

Docket No. 16-0601-0402
425. AFDC-FC Eligibility. ... 86
426. AFDC-FC Eligibility Requirements. ... 86

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - Water Quality Standards and Wastewater Treatment Requirements
Docket No. 58-0102-0402
003. Definitions. ... 93
403. Classification Of Wastewater Systems. ... 104
404. Wastewater System Operator Licensure Requirements. ... 104
405. Contracting For Services. ... 110
406. -- 419. (Reserved). ... 111

58.01.05 - Rules and Standards for Hazardous Waste
Docket No. 58-0105-0401
013. Procedures For Decision-Making (State Procedures For RCRA Or HWMA Permit Applications). ... 113
996. Administrative Provisions. ... 114

58.01.08 - Idaho Rules for Public Drinking Water Systems
Docket No. 58-0108-0402
003. Definitions. ... 116
005. General Provisions For Waivers, Variances, And Exemptions. ... 124
550. Design Standards For Public Drinking Water Systems. ... 126
553. Classification Of Water Systems. ... 136
554. License Requirements. ... 136
555. -- 559. (Reserved). ... 142
561. -- 562. (Reserved). ... 143

Docket No. 58-0108-0403
005. General Provisions For Waivers, Variances, And Exemptions. ... 145
050. Maximum Contaminant Levels And Maximum Residual Disinfectant Levels. ... 147
100. Monitoring And Analytical Requirements. ... 148
250. Maximum Contaminant Level Goals And Maximum Residual Disinfection Level Goals. ... 151

58.01.23 - Rules of Administrative Procedure Before the Board of Environmental Quality
Docket No. 58-0123-0401
001. Title, Scope, And Applicability. ... 153
010. Definitions And Abbreviations. ... 154

LEGAL NOTICE

Summary of Proposed Rulemakings

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.

IDAPA 07 - DIVISION OF BUILDING SAFETY
1090 E. Watertower St., Meridian, ID 83642

07-0304-0401, Rules Governing the Use of the Uniform Mechanical Code. Repeal of chapter. Comment by: 7/28/04.

07-0701-0401, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems. Implements the issuance of certificates of competency for no less than 1 year and no more than 3 years with a renewal date that coincides with the birth month of the qualified applicant. Comment by: 7/28/04.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036

16-0210-0402, Idaho Reportable Diseases. Adds the reportable disease/condition "Transmissible Spongiform Encephalopathies" (TSEs), including Creutzfelt-Jakob disease and variant Creutzfelt-Jakob (vCJD) disease. Comment by: 7/28/04.

****16-0301-0401**, Rules Governing Eligibility for Medicaid for Families and Children. Implements the Idaho Health Insurance Access Card Act passed during the 2003 Legislative session and revises eligibility requirements and guidelines for the Children's Health Insurance Program (CHIP B) and the Children's Access Card Program. Comment by: 7/28/04.

****16-0318-0401**, Chip B and Children's Access Card Rules. New chapter implements the Idaho Health Insurance Access Card Act and describes the payment of services and covered services for eligible children under the Children's Health Insurance Program B (CHIP B) and provides guidelines for the insurance premium subsidy program for eligible children under the Children's Access Card. Comment by: 7/28/04.

****16-0318-0402**, Chip B and Children's Access Card Rules. New chapter implements the Idaho Health Insurance Access Card Act and adds provisions for a participant premium that meets the legislative intent of HB 376 to have "some beneficiary cost-sharing" and indicates that a co-payment for some services may be required. Comment by: 7/28/04.

16-0601-0402, Rules Governing Family and Children's Services. Changes eligibility requirements resulting from a court decision challenging federal regulations in Title IV-E. Comment by: 7/28/04.

16-0606-0401, Rules Governing Loans to Groups Homes for Recovering Alcohol and Drug Abusers. Repeal of chapter. Comment by: 7/28/04.

16-0901-0401, Rules Governing Day Care Center Health Standards. Repeal of chapter. Comment by: 7/28/04.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N. Hilton, Boise, ID 83706-1255

58-0102-0402, Water Quality Standards and Wastewater Treatment Requirements. Implements the provisions of the Drinking Water and Wastewater Professionals Licensing Act, Senate Bill 1279, which transfers authority for the licensure of drinking water and wastewater operators from DEQ to a Governor appointed Drinking Water and Wastewater Professional Board and the Idaho Bureau of Occupational Licenses. Comment by: 8/4/04.

58-0105-0401, Rules and Standards for Hazardous Waste. Removes the incorporation by reference of 40 CFR 124.19 so that the procedures regarding hazardous waste permits will be consistent with the Idaho Administrative Procedure Act. Comment by: 8/4/04.

58-0108-0402, Rules for Public Drinking Water Systems. Implements the provisions of the Drinking Water and Wastewater Professionals Licensing Act, Senate Bill 1279, which transfers authority for the licensure of drinking water and wastewater operators from DEQ to a Governor appointed Drinking Water and Wastewater Professional Board and the Idaho Bureau of Occupational Licenses. Comment by: 8/4/04.

58-0108-0403, Rules for Public Drinking Water Systems. Adopts and incorporates by reference federal regulations that reduce the arsenic levels in drinking water. Comment by:

58-0123-0401, Rules of Administrative Procedure Before the Board of Environmental Quality. Removes the exclusion of Hazardous Waste Management Act permit appeals from the definition of "contested case" so that those procedures will be consistent with the Idaho Administrative Procedure Act. Comment by: 8/4/04.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, July 7, 2004, Volume 04-7 for notices and text of all rulemakings, public hearing schedules, Governor's executive 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 see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: **http://www2.state.id.us/adm/adminrules/**

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

FOR THE ABOVE LINK TO WORK YOU HAVE TO BE CONNECTED TO THE INTERNET

This index tracks the history of all agency rulemakings from 1993 to the present. It includes all rulemaking activities on each chapter of rules and includes negotiatied, temporary, proposed, pending and final rules, public hearing notices and vacated rulemaking notices.

Subject Index

A

A Budget, Grant Application, ESPA Grant Program 17
ABC, Association Of Boards Of Certification For Operating Personnel 116
AFDC 34
AFDC Related Coverage Groups Income Standards, Eligibility For Health Care Assistance For Families, Children 42
AFDC-FC Eligibility Requirements, Family & Children's Services 86
AFDC-FC Eligibility, Family & Children's Services 86
AG 34
AIM 34
ASVI 34
Abbreviations, IDAPA 16.03.01, Rules Governing Eligibility For Medicaid For Families & Children 33
Abortion Services, CHIP B & Children's Access Card 79
Action Level 116
Acute 93
Acute Criteria 93
Acute Toxicity 93
Adult 31
Advance Notice Not Required, Change Results In Medicaid Closure 50
Advance Notice Responsibility, Change Results In Medicaid Closure 50
Agency Employees & Subcontractors, PSR Provider 62
Agency Employees & Subcontractors, Provider Agency Requirements 65
Agency, PSR Provider 61
Alaska Native Claim Settlement Act 30
Alternate Analytical Techniques, Drinking Water System 150
Alternative Funding Sources, Grant Selection Criteria, ESPA Grant Program 18
Ambulatory Surgical Center, CHIP B & Children's Access Card 78
An Observation Bed & Partial Hospitalization Benefits, CHIP B & Children's Access Card 78
Analytical Methods For Radioactivity, Drinking Water System 149
Annual Redetermination, Medicaid Eligible 48
Annual Samples 116
Application Date 31
Application For Health Care Assistance, Eligibility For Health Care Assistance For Families, Children 35
Application For SSN 37
Approved Laboratories, Drinking Water System 150
Aquatic Species 93
Assessment 64
Assessment & Individualized Treatment Plan Development, PSR Service Limitations 63
Assignment Of Rights To Medical Support & Third Party Liability, Eligibility For Health Care Assistance For Families, Children 37
Attachments, Grant Application, ESPA Grant Program 17
Authorization For Services 68
Availability Of Matching Funds, Grant Selection Criteria, ESPA Grant Program 18
Average Daily Demand 116
Awarding Of Grants, Grant Review, Selection & Award Process, ESPA Grant Program 18

B

BCSS 34
Backflow 116
Background 93
Basin Advisory Group 93
Be An Affected Spring Water User, Grant Eligibility Criteria, ESPA Grant Program 17
Beneficial Use 93
Benefits & Cost-Sharing, CHIP B & Children's Access Card 80
Best Management Practice 94
Bioaccumulation 94
Biochemical Oxygen Demand (BOD) 94
Biological Monitoring Or Biomonitoring 94
Bridge Coverage 36
Budget Unit 32
Building Standards For Mental Health Clinics 72

C

CHIP 34
CHIP A 45
CHIP A (Children's Health Insurance Program A) 32
CHIP B 46
CHIP B (Children's Health Insurance Program B) 32
CHIP B Cost-Sharing, CHIP B Participants 82
CHIP B Covered Services 78
Calculating A Full Month's Income, Eligibility For Health Care Assistance For Families, Children 40
Capacity, Building Standards For MHC 72
Capacity, Public Drinking Water System 116
Care & Services In Mental Health Clinics Not Reimbursed, Clinic Services 68
Carl D. Perkins Vocational & Applied Technology Education Act, Eligibility For Medicaid For Families, Children 41
Certificates Of Competency -- Issuance, Renewal, Expiration-Revival 14
Changes In Individualized Treatment Plan Hours Or Service Type 54
Changes To Individualized Treatment Plan Objectives 54
Changes To Individualized Treatment Plan Objectives, PSR Providers 55
Chemotherapy, CHIP B & Children's Access Card 78
Child Citizenship Act Of 2000 31
Child Nutrition Act Of 1966 31
Children's Access Card 32
Children's Access Card, CHIP B & Children's Access Card 80
Choice Agreement 32
Choice Of Provider, Record Requirements For PSR Providers 63
Choice Of Providers, CHIP B & Children's Access Card 76
Chronic 94
Chronic Criteria 94
Chronic Toxicity 94
Classification Criteria, Classification Of Wastewater Systems 104
Classification Of Wastewater Systems 104
Classification Of Water Systems, Drinking Water System 136
Classification Requirement, Classification Of Wastewater Systems 104
Co-Payments 32, 82
Collateral/Contact Consultation 70
Collection System 94
Community Water System 117
Compliance Deadline, Wastewater System Operator Certification Requirements 105
Compliance Schedule Or Schedule Of Compliance 94

Composite Correction Program (CCP) 117
Composting Of Samples, Public Drinking Water System 117
Comprehensive Assessment & Individualized Treatment Plan Development, PSR Providers 55
Comprehensive Assessment, Service Descriptions, Mental Health 55
Conditions For Payment, CHIP B & Children's Access Card 76
Confirmation Sample, Public Drinking Water System 117
Conforming Benefit Plan, Vendor, CHIP B & Children's Access Card 80
Connection, Public Drinking Water System 117
Consecutive Water System 151
Consumer Confidence Report (CCR) 117
Contaminant, Public Drinking Water System 118
Contested Case, Administrative Procedure Before The Board Of Environmental Quality 154
Continuing Education Unit (CEU) 118
Continuing Education, PSR Provider 62
Continuing Education, Provider Agency Requirements 66
Continuing Eligibility, Low Income Pregnant Woman, Medicaid 45
Continuous Health Care Assistance Eligibility For Children Under Age Nineteen, Found Medicaid Eligible, Initial Determination 48
Contracting For Services, Wastewater Operator Requirements 110
Contributions, Eligibility For Health Care Assistance For Families, Children 41
Cooperation Defined, Medical Support, Eligibility For Medicaid For Families, Children 37
Cost, Grant Selection Criteria, ESPA Grant Program 18
Cost-Sharing 32
Cover Letter, Grant Application, ESPA Grant Program 16
Coverage Group 32
Criminal History Checks 64
Criminal History Checks, PSR Provider Agency 61
Crisis Intervention Service 60
Crisis Service Availability, PSR Provider 62
Criterion Continuous Concentration (CCC) 94
Criterion Maximum Concentration (CMC) 95
Cross Connection Control Program, Drinking Water System 134
Cross Connection, Public Drinking Water System 118

D

DHW 34
DOE 34
DVR 34
DWIMS, Drinking Water Information Management System 118
Daily Mean 95
Declaratory Ruling, Administrative Procedure Before The Board Of Environmental Quality 154
Definitions (A Through L), IDAPA 16.03.01, Eligibility For Health Care Assistance For Families & Children 31
Definitions (M Through Z), IDAPA 16.03.01, Eligibility For Health Care Assistance For Families & Children 33
Definitions, IDAPA 16.03.18, CHIP B & Children's Access Card Rules 75
Definitions, IDAPA 58.01.02, Water Quality Standards & Wastewater Treatment Requirements 93
Definitions, IDAPA 58.01.08, Idaho Rules For Public Drinking Water Systems 116
Definitions, IDAPA 58.01.23, Rules Of Administrative Procedure Before The Board Of Environmental Quality 154
Deleterious Material 95
Delinquent Payments 82
Delinquent Premium Payments, CHIP B Participants 82
Delinquent Premiums At Renewal Date 82
Design Flow 95
Design Standards For Public Drinking Water Systems 126
Designated Agency 95
Designated Beneficial Use Or Designated Use 95
Desirable Species 95
Determination Of Priority, Grant Review, Selection & Award Process, ESPA Grant Program 18
Determining Available Income, Eligibility For Health Care Assistance For Families, Children 39
Determining Coverage Groups Eligibility, Eligibility For Health Care Assistance For Families, Children 42
Determining Eligibility For Retroactive Medical Assistance, Eligibility For Health Care Assistance For Families, Children 39
Determining Income Eligibility 39
Determining Income Eligibility For The Month Of Application, Health Care Assistance program 39
Determining Resource Eligibility, Eligibility For Health Care Assistance For Families, Children 39
Diagnostic Or Outpatient Treatment Of A Medical Condition, Injury Or Illness, CHIP B & Children's Access Card 78
Disability Insurance Payments, Eligibility For Health Care Assistance For Families, Children 41
Discharge 95
Disinfection 95
Disinfection Profile, Public Drinking Water System 118
Disinfection, New Construction & Modifications, Drinking Water System 136
Disinfection, Public Drinking Water System 118
Disregard Expired, TM 44
Dissolved Oxygen (DO) 95
Dissolved Product 95
Distribution System 118
Distribution System, Drinking Water System 132
Domestic Volunteer Service Act Of 1973 31
Drinking Water System 118
Drugs, CHIP B & Children's Access Card 78
Dynamic Model 96

E

E. coli (Escherichia coli) 96
EE 34
EITC 34
EPICS 34
EPSDT 34
ESPAM Assistance Grant Application, Grant Application, ESPA Grant Program 17
Educational Income, Eligibility For Health Care Assistance For Families,

Children 41
Effective Dates, Eligibility For Health Care Assistance For Families, Children 36
Effective Mitigation, Grant Selection Criteria, ESPA Grant Program 18
Effectiveness Of Services, PSR Providers 55
Effluent 96
Effluent Biomonitoring 96
Emergency Medical Condition, Medicaid 48
Emergency Room Benefits For Surgery, CHIP B & Children's Access Card 78
Emergency Services, Psychotherapy 69
Employment Income Increased, TM 44
Enhanced Coagulation, Public Drinking Water System 118
Enhanced Softening 118
Enrollment Cap 32
Ephemeral Waters 96
Evaluation & Diagnostic Services In Mental Health Clinics, Mental Health Clinics 68
Evaluations By Occupational Therapists, Medical Assistance 63
Evaluations Performed By Occupational Therapists 69
Exceptions To Annual Renewal, Medicaid Through A Time-Limited Coverage Group 48
Excluded Services Not Reimbursable Under Medicaid PSR, Mental Health 61
Exhibit A Reduction In Water Availability, Grant Eligibility Criteria, ESPA Grant Program 17
Existing Beneficial Use Or Existing Use 96
Expiration-Revival 14
Extended Medicaid For Spousal Support Increase 32, 44
Extraordinary Occurrence Of Illness, Including Clusters, Control Measures, Reportable Diseases 26
Eyeglasses, CHIP B & Children's Access Card 79

F

FMHA 34
FPG 34
Failure To Apply For SSN 37
Family Planning, CHIP B & Children's Access Card 79
Family Psychotherapy 69
Family Size, Number Of Family Members Living With The Pregnant Woman 45
Fecal Coliform 96
Federal Laws, Eligibility For Health Care Assistance For Families & Children 30
Federal Poverty Guidelines (FPG) 32
Fee Assessment, Public Drinking Water System 118
Fees & Upper Limits, Hospital, Medical Assistance, CHIP B & Children's Access Card 77
Filter Profile, Public Drinking Water System 118
Financial Deprivation, Medicaid Coverage, AFDC Standards 44
Financial Eligibility, Eligibility For Health Care Assistance For Families, Children 38
Financial Responsibility, Eligibility For Health Care Assistance For Families, Children 38
Food Poisoning & Foodborne Illness, Control Measures, Reportable Diseases 26
Four Day Average 96
Free Product 96
Full Protection, Full Support, Or Full Maintenance Of Designated Beneficial Uses Of Water 96

G

GAC10 119
General Provisions For Waivers, Variances, & Exemptions 124, 145
Geometric Mean 96
Good Cause Defined, Medical Support, Eligibility For Medicaid For Families, Children 38
Grant Application, ESPA Grant Program 16
Grant Eligibility Criteria, ESPA Grant Program 17
Grant Review, Selection & Award Process, ESPA Grant Program 18
Grant Selection Criteria, ESPA Grant Program 18
Groundwater System 119
Groundwater Under The Direct Influence Of Surface Water, Public Drinking Water System 119
Group Health Plan Enrollment, Eligibility For Health Care Assistance For Families, Children 37
Group Psychosocial Rehabilitation 59

H

HUD 34
Harmonic Mean Flow 96
Hazardous Material 96
Health Care Assistance (HCA) 32
Health Insurance Premium Program (HIPP) 33
Hearing Exams & Hearing Aids, CHIP B & Children's Access Card 79
Higher Education Amendments Of 1968 31
Hold A Valid Water Right, Grant Eligibility Criteria, ESPA Grant Program 17
Housing & Urban Development Act Of 1965 31
Housing Act Of 1949 31
Hydrologic Unit Code (HUC) 97
Hydrologically-Based Design Flow 97
Hypolimnion 97

I

ICF/MR 34
ICSES 34
ID Card, CHIP B & Children's Access Card 77
IEVS 34
INA 34
IRS 34
Idaho TAFI Income & Income From Employment, TM 44
Identification (ID) Card, CHIP B & Children's Access Card 77
Immigration & Nationality Act 31
Income Disregards, Low Income Pregnant Woman, Eligibility For Medicaid For Families, Children 45
Income Limit, Must Not Exceed Federal Poverty Guideline, Low Income Pregnant Woman 45
Individual Psychosocial Rehabilitation, Service Descriptions, Medical Assistance 58
Individualized Treatment Plan 55
Individualized Treatment Plan Authorization Requirements 53
Individualized Treatment Plan Development 66
Individualized Treatment Plan For Mental Health Clinics Services 66
Individualized Treatment Plan Requirements 66
Individuals Not Meeting The Citizenship Or Qualified Non-Citizen Requirements 36
Individuals Who May Qualify For Health Care Assistance Through

Special Circumstances 48
Ineligibility For CHIP B & Children's Access Card. Health Care Assistance 36
Information Available For Recipients, Available At Each Field Office, CHIP B & Children's Access Card 77
Informed Consent 66
Inhibition Concentration-25 (IC-25) 97
Initial Monitoring Schedule, Drinking Water System 150
Inmate Of A Public Institution 61
Inorganic 119
Inorganic Chemical Sampling & Analytical Requirements, Drinking Water System 149
Inorganic Contaminants, Drinking Water System 147
Inorganic Contaminants, Maximum Contaminant Level 151
Inpatient Services, CHIP B & Children's Access Card 78
Instantaneous Concentration 97
Insurance Premium Subsidy, CHIP B & Children's Access Card 80
Inter-Departmental Coordination 97
Interest & Dividend Income, Eligibility For Health Care Assistance For Families, Children 41
Intermittent Waters 97
Issuance 14
Issuance Of Identification Cards, Medical Assistance 77

L

LC-50 97
Laboratory & Radiology Services, CHIP B & Children's Access Card 79
Laboratory Certification Reciprocity 119
Land Application 97
Lead Poisoning Or Excess Lead Exposure, Control Measures, Reportable Diseases 27
Level Of Support, Grant Selection Criteria, ESPA Grant Program 18
Likely Beneficiaries, Grant Selection Criteria, ESPA Grant Program 18
Limited Eligibility. Health Care Assistance 36
Living With A Relative, Medicaid Coverage, AFDC Standards 43
Load Allocation (LA) 97
Loading Capacity 97
Log, Public Drinking Water System 119
Low Income Child 33
Low Income Families With Children 33
Low Income Families With Children, Health Care Assistance For Families, AFDC Standards 43
Low Income Pregnant Woman 33
Low Income Pregnant Woman, Eligibility For Medicaid For Families, Children 44
Lowest Observed Effect Concentration (LOEC) 97
Lump Sum Income, Eligibility For Health Care Assistance For Families, Children 42

M

MA 34
Man-Made Waterways 98
Manpower Development & Training Act Of 1962 As Amended By The Manpower Act Of 1965 31
Maximum Contaminant Level Goals & Maximum Residual Disinfection Level Goals 151
Maximum Contaminant Level Goals For Disinfection Byproducts, Drinking Water System 151
Maximum Contaminant Levels & Maximum Residual Disinfectant Levels, Drinking Water System 147
Maximum Contaminant Levels For Disinfection Byproducts 147
Maximum Daily Consumption Rate 119
Maximum Hourly Demand, Public Drinking Water System 119
Maximum Residual Disinfectant Level (MRDL) 119
Maximum Residual Disinfectant Level Goal (MRDLG) 119
Maximum Residual Disinfectant Level Goals For Disinfectants, Drinking Water System 151
Maximum Residual Disinfectant Levels, Drinking Water System 147
Medical Care Provided Outside Of Idaho, CHIP B & Children's Access Card 76
Medical Support Cooperation, Eligibility For Health Care Assistance For Families, Children 37
Medical Treatment, Vision, CHIP B & Children's Access Card 79
Mental Health Clinic Provider Agency Requirements 64
Method Detection Limit (MDL) 120
Microbiological Contaminant Sampling & Analytical Requirements, Drinking Water System 148
Microbiological Contaminants, Drinking Water System 147, 151
Milligrams Per Liter (MG/L) 98
Minor Changes To Individualized Treatment Plan Tasks 54
Mixing Zone 98
Monitoring & Analytical Requirements, Drinking Water System 148
Monitoring Frequency & Compliance Requirements For Radioactivity In Community Water Systems 149

N

National Housing Act 31
National Pollutant Discharge Elimination System (NPDES) 98
National School Lunch Act 31
Nephelometric Turbidity Units (NTU) 98
New System, Drinking Water System 120
Newborn Child, Mother Receiving Medicaid 48
No Observed Adverse Effect Level (NOAEL) 98
No Observed Effect Concentration (NOEC) 99
Noncommunity Water System 120
Nonfinancial Criteria For Determining Eligibility, Eligibility For Medicaid For Families, Children 36
Nonpoint Source Activities 98
Nontransient Noncommunity Water System 120
Notice Of Changes In Eligibility, Medicaid 50
Nuclear Facility, Drinking Water System 120
Nuisance 99
Number Of Staff Able To Bill, Payment For PSR Services 63
Nursing Facility, Psychotherapy, Medical Assistance 70
Nursing Service 60
Nutrients 99

O

Obtaining Services, CHIP B & Children's Access Card 77
Occupational Therapy 61
Older Americans Act Of 1965 31
One Day Minimum 99
One Hour Average 99
One Hundred Twenty Day Review, Record Requirements For PSR

Providers 62
Open Enrollment 33
Operating Shift, Drinking Water System 120
Operator/Owner/Purveyor Of Water/ Supplier Of Water, Drinking Water System 120
Organic Chemicals Other Than Total Trihalometranes, Sampling & Analytical Requirements, Drinking Water System 149
Organic Contaminants 151
Organic Contaminants, Drinking Water System 147
Other Clinics, CHIP B & Children's Access Card 80
Outpatient Hospital, CHIP B & Children's Access Card 78
Outpatient Mental Health, CHIP B & Children's Access Card 78
Outstanding Resource Water (ORW) 99
Outstanding Resource Water Mixing Zone 99
Overpayments, Medicaid 50
Owner Of Public Wastewater System 99

P

PRS Eligibility Criteria For Children, Mental Health 53
PRWORA 35
PSR Agency Staff Qualifications 62
PSR Agency Staff Qualifications, PSR Provider 61
PSR Eligibility Following Discharge From Psychiatric Hospitalization 53
PSR Provider Agency Requirements, Medical Assistance 61
PSR Service Descriptions, Mental Health, Medical Assistance 55
PSR Service Limitations, Mental Health, Medical Assistance 63
PWE 35
Participant 33
Participant Eligibility, CHIP B & Children's Access Card 77
Participant Fails To Report Earned Income, Caretaker Who Receives Medicaid 50
Participant Rights, Eligibility For Medicaid For Families, Children 35
Party, Administrative Procedure Before The Board Of Environmental Quality 155
Payment For PSR Services, Mental Health, Medical Assistance 63
Payment In Full, CHIP B & Children's Access Card 77
Payment To Family Foster Care Providers, Providing Care For Children 84
Peak Hourly Flow, Drinking Water System 120
Personal Responsibility & Work Opportunity Reconciliation Act Of 1996 31
Pesticides, Drinking Water System 120
Petition, Administrative Procedure Before The Board Of Environmental Quality 155
Petroleum Products 100
Petroleum Storage Tank (PST) System 100
Pharmacological Management 70
Pharmacological Management, Service Descriptions, Medical Assistance 58
Physician Requirement For Clinic Supervision, Provider Agency Requirements 64
Physician Requirement For Supervision Of A Participant's Care 64
Physician Review Of Treatment Plan 67
Physician Services, CHIP B & Children's Access Card 78
Point Source 100
Pollutant 100
Potable Water 100
Pregnant Woman Ineligible Because Of Excess Income, Eligibility For Medicaid For Families, Children 45
Premium 33
Premium Assistance 33
Premium Debt 82
Premiums, CHIP B Participants 82
Prenatal Care, CHIP B & Children's Access Card 79
Presiding Officer(s), Administrative Procedure Before The Board Of Environmental Quality 155
Presumptive Eligibility For Pregnant Women, Medicaid 45
Primary Treatment 100
Procedures For Decision-Making (State Procedures For RCRA Or HWMA Permit Applications) 113
Project Feasibility, Grant Selection Criteria, ESPA Grant Program 18
Project Plans 100
Propose An Improvement, Grant Eligibility Criteria, ESPA Grant Program 17
Provider Agreement, CHIP B & Children's Access Card 76
Provider Qualifications, Psychotherapy, Medical Assistance 70
Psychiatric Diagnostic Interview Exam 69
Psychosocial Rehabilitation 63
Psychosocial Rehabilitative Services (PSR) 52
Psychosocial Rehabilitative Services (PSR), Definitions 52
Psychotherapy 60
Psychotherapy Limitations 70
Public Drinking Water System 120
Public Notice, Drinking Water System 120
Public Wastewater System/Public Wastewater Treatment System/Public Wastewater Collection System/ Wastewater System 100
Public Water System/Water System/ System 121

Q

Qualifications For Operator Licensure, Wastewater System Operator Licensure Requirements 105
Qualified Pregnant Woman 33
Qualified Pregnant Woman, Health Care Assistance For Families, AFDC Standards 43
Quality Of Services, Responsibilities Of Regions, Mental Health 55

R

RSDI 35
Radionuclides Maximum Contaminant Level Goals & Maximum Residual Disinfection Level Goals 151
Radionuclides, Maximum Contaminant Levels & Maximum Residual Disinfectant Levels, Drinking Water System 147
Receiving Waters 100
Recharge 100
Recharge Water 100
Record Keeping Requirements For Mental Health Clinics 72
Record Requirements For PSR Providers, Mental Health, Medical Assistance 62
Recovery Of Overpayments, Medicaid 50
Reestablishing Eligibility 82
Reference Stream Or Condition 100
Rehabilitation Act Of 1973 31
Relative Of Specified Degree 33
Release 101
Renewal 14

Rental Income From Real Property, Eligibility For Health Care Assistance For Families, Children 41
Repeat Compliance Period 121
Reportable Diseases & Conditions 23
Reporting Requirements, Eligibility For Medicaid For Families, Children 49
Resident Of Eligible Institution, Medicaid 48
Resident Species 101
Resource Limits, Eligibility For Health Care Assistance For Families, Children 39
Responsibilities Of PSR Providers 55
Responsibilities Of The Department Regarding PSR Services, Mental Health, Medical Assistance 53
Responsible Charge (RC) 121
Responsible Charge Operator 121
Responsible Charge Operator License Requirement, Drinking Water System 137
Responsible Charge Operator License Requirement, Wastewater System Operator Licensure Requirements 104
Responsible Persons In Charge 101
Retroactive Medical Assistance Eligibility 36
Review Of Records, Fraud Investigation, CHIP B & Children's Access Card 77

S

SAVE 35
SDWIS-State, Safe Drinking Water Information System-State Version 122
SRS 35
SSA 35
SSI 35
SSN 35
SSN Requirement Waived 37
Sampling Point, Drinking Water System 121
Sanitary Defects, Drinking Water System 121
Sanitary Survey, Drinking Water System 121
Saturated Zone 101
Scope Of Work, Grant Application, ESPA Grant Program 17
Secondary Treatment 101
Self Reliance Specialist 33
Service Selection, CHIP B & Children's Access Card 76
Services Delivered On An Expired Service Plan, Medicaid PSR 61
Services Not Covered By CHIP B 80
Services Not Listed, Medicaid PSR 61
Seven Day Mean 101
Severe Reaction To Any Immunization, Control Measures, Reportable Diseases 26
Shift Operator Requirement, Water System Operator, Drinking Water System 137
Short-Term Or Temporary Activity 102
Signature Of Staff Delivering Service 63
Significant Deficiency 122
Silviculture 102
Sludge 102
Social Security Number Requirement, Eligibility For Health Care Assistance For Families, Children 37
Special Resource Water 102
Specialized Best Management Practices 102
Specific Control Measures For Reportable Diseases 24
Specific Ultraviolet Absorption (SUVA) 122
Sponsor Responsibility, Eligibility For Medicaid For Families, Children 36
Spring, Drinking Water System 122
Springs, Requirements For Use, Drinking Water System 130
Staff Qualifications For Psychotherapy Services 70
Staff Qualifications, Provider Agency Requirements 65
Standby Applications, ESPA Grant Program 18
State Water Quality Management Plan 102
Steady-State Model 102
Submit Grant Application, Grant Eligibility Criteria, ESPA Grant Program 17
Substitute Responsible Charge Operator 102, 122
Substitute Responsible Charge Operator License Requirement 137
Substitute Responsible Charge Operator, Wastewater System Operator Certification Requirements 104
Subsurface Disposal 102
Supervision, PSR Provider 62
Supervision, Provider Agency Requirements 65
Supplemental Services Agreement, PSR Provider 62
Support Income, Eligibility For Health Care Assistance For Families, Children 40
Surface Sources & Groundwater Sources Under The Direct Influence Of Surface Water, Drinking Water System 130
Surface Water Exemptions 126, 147
Surface Water System 122
Surface Water Variances 126, 147
Surgical Services, CHIP B & Children's Access Card 79
Suspended Sediment 102
System Classification Required, Drinking Water System 136
System Design, Drinking Water System 126
System Operator Licensure Requirement, Wastewater System Operator Licensure Requirements 104

T

TAFI 35
TPL 35
Tax Reduction Act Of 1975, As Amended By The Tax Reduction & Simplification Act Of 1977 31
Technical Review, Grant Review, Selection & Award Process, ESPA Grant Program 18
Technology-Based Effluent Limitation 102
Third Party Liability, CHIP B & Children's Access Card 77
Title XIX Medicaid 33
Title XIX Medicaid Coverage Groups Related To AFDC Standards, Eligibility For Health Care Assistance For Families, Children 43
Title XXI State Children's Health Insurance Program (SCHIP) 33
Total Maximum Daily Load (TMDL) 102
Total Organic Carbon (TOC) 122
Total Trihalomethane Sampling, Analytical & Other Requirements, Drinking Water System 151
Toxic Shock Syndrome, Control Measures, Reportable Diseases 25
Toxic Substance 103
Toxicity Test 102
Transient Noncommunity Water System 122
Transitional Medicaid (TM) 44

Transmissible Spongiform Encephalopathies (TSEs), Including Creutzfeldt-Jakob Disease (CJD) & Variant CJD (vCJD) 24
Transportation, CHIP B & Children's Access Card 79
Treatment 103
Treatment Facility, Drinking Water System 122
Treatment Plan Review 67
Treatment Services In Mental Health Clinics, Individual & Group Psychotherapy 69
Treatment System 103
Trichinosis, Control Measures, Reportable Diseases 24
Trihalomethane (THM) 103
Tuberculosis, Control Measures, Reportable Diseases 25
Tularemia, Control Measures, Reportable Diseases 25
Turbidity Sampling & Analytical Requirements, Drinking Water System 149
Turbidity, Contaminant Levels 147
Turbidity, Drinking Water System 123
Twenty-Four Hour Average 103
Types Of Changes That Must Be Reported, Medicaid 49

U

UIB 35
Uncovered Finished Water Storage Facility 123
Unearned Income, Eligibility For Health Care Assistance For Families, Children 40
Uniform Relocation Assistance & Real Property Acquisition Policies Act Of 1970 31
Unique Ecological Significance 103
United States Housing Act Of 1937, As Amended By Public Law 92-213 31
Unregulated Contaminant, Drinking Water System 123

V

VA 35
VRS 35
Validated Examination 123
Variance, Drinking Water System 123
Vendor Application Denied, CHIP B & Children's Access Card 80
Vendor Application, CHIP B & Children's Access Card 80
Very Small Public Drinking Water System 123
Viral Or Aseptic, Encephalitis, & Meningitis, Control Measures, Reportable Diseases 26
Vision Examination, CHIP B & Children's Access Card 79
Vision Services, CHIP B & Children's Access Card 79
Volatile Organic Chemicals (VOCS) 123
Vulnerability Assessment, Drinking Water System 123

W

Waivers & Vulnerability Assessments, Drinking Water System 149
Wasteload Allocation (WLA) 103
Wastewater 103
Wastewater Operator Licensure, Wastewater System Operator Licensure Requirements 105
Wastewater System Operator Certification Requirements 104
Water For Human Consumption 123
Water Main 123
Water Operator License Requirement 137
Water Storage, Drinking Water System 135
Wells, Drinking Water System 126
West Nile Virus (WNV) Infection 26
When To Report, Diseases 23
Written Individualized Treatment Plan, Service Descriptions, Medical Assistance 57

Y

Yersiniosis, Control Measures, Reportable Diseases 26