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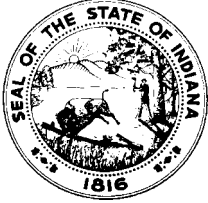
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January 9, 2004

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# INDIANA REGISTER

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## RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

## RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) 2003 Indiana Administrative Code (CD-ROM version).
- (2) Volumes 26 and 27 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at [www.in.gov/legislative/ic\\_iac/](http://www.in.gov/legislative/ic_iac/).

The 2001 Edition of the Indiana Administrative Code, the 2002 Supplement, and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

## JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

## PRINTING CODE

**This style type** is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

## REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

## FILING AND PUBLISHING SCHEDULE

**NOTICE AND PUBLICATION SCHEDULE.** The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

## PUBLICATION SCHEDULE

<b>Closing Dates:</b>	<b>Publication Dates:</b>	<b>Closing Dates:</b>	<b>Publication Dates:</b>
January 9, 2004	February 1, 2004	August 10, 2004	September 1, 2004
February 10, 2004	March 1, 2004	September 10, 2004	October 1, 2004
March 10, 2004	April 1, 2004	October 12, 2004	November 1, 2004
April 8, 2004	May 1, 2004	November 10, 2004	December 1, 2004
May 10, 2004	June 1, 2004	December 10, 2004	January 1, 2005
June 10, 2004	July 1, 2004	January 10, 2005	February 1, 2005
July 9, 2004	August 1, 2004	February 10, 2005	March 1, 2005

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

**AROC NOTICES:** Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

**CORRECTIONS:** IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

**EFFECTIVE DATE:** IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

**EMERGENCY RULES:** IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

**INCORPORATION BY REFERENCE:** IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

**NONRULE POLICY DOCUMENTS:** IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

**NOTICE OF INTENT TO ADOPT A RULE:** IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

**PROMULGATION PERIOD:** In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

**PUBLIC HEARINGS:** IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

**RULES READoption:** IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

# State Agencies

ALPHABETICAL LIST		TITLE NUMBER	
AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	Human Service Programs, Interdepartmental Board for the Coordination of	490
Accounts, State Board of	20	†Industrial Board of Indiana	630
Adjutant General	270	Insurance, Department of	760
Administration, Indiana Department of	25	Labor, Department of	610
†Administrative Building Council of Indiana	660	Land Surveyors, State Board of Registration for	865
†Aeronautics Commission of Indiana	110	Law Enforcement Training Board	250
†Aging and Community Services, Department on	450	Library and Historical Board, Indiana	590
Agricultural Development Corporation, Indiana	770	Library Certification Board	595
Agricultural Experiment Station	350	Local Government Finance, Department of	50
†Agriculture, Commissioner of	340	Lottery Commission, State	65
Agriculture, Commissioner of	375	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
†Air Pollution Control Board	325.1	Medical Licensing Board of Indiana	844
Air Pollution Control Board	326	Mental Health and Addiction, Division of	440
†Air Pollution Control Board of the State of Indiana	325	Meridian Street Preservation Commission	925
Alcohol and Tobacco Commission	905	Motor Vehicles, Bureau of	140
Amusement Device Safety Board, Regulated	685	Natural Resources, Department of	310
Animal Health, Indiana State Board of	345	Natural Resources Commission	312
Architects and Landscape Architects, Board of Registration for	804	Nursing, Indiana State Board of	848
Athletic Trainers Board, Indiana	898	Occupational Safety Standards Commission	620
Attorney General for the State, Office of	10	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Auctioneer Commission, Indiana	812	Optometry Board, Indiana	852
Barber Examiners, Board of	816	Parole Board	220
Boiler and Pressure Vessel Rules Board	680	†Personnel Board, State	30
Boxing Commission, State	808	Personnel Department, State	31
Budget Agency	85	Pesticide Review Board, Indiana	357
Chemist of the State of Indiana, State	355	Pharmacy, Indiana Board of	856
Children's Health Insurance Program, Office of the	407	Plumbing Commission, Indiana	860
Chiropractic Examiners, Board of	846	Podiatric Medicine, Board of	845
Civil Rights Commission	910	Police Department, State	240
†Clemency Commission, Indiana	230	Political Subdivision Risk Management Commission, Indiana	762
Commerce, Department of	55	Port Commission, Indiana	130
Community Residential Facilities Council	431	Private Detectives Licensing Board	862
Consumer Protection Division of the Office of the Attorney General	11	Professional Standards Board	515
Controlled Substances Advisory Committee	858	Proprietary Education, Indiana Commission on	570
Coroners Training Board	207	Psychology Board, State	868
Correction, Department of	210	Public Access Counselor, Office of the	62
Cosmetology Examiners, State Board of	820	Public Employees' Retirement Fund, Board of Trustees of the	35
Creamery Examining Board	365	Public Records, Oversight Committee on	60
Criminal Justice Institute, Indiana	205	Public Safety Training Institute	280
Deaf Board, Indiana School for the	514	Real Estate Commission, Indiana	876
Dentistry, State Board of	828	Reciprocity Commission of Indiana	145
Developmental Disabilities Residential Facilities Council	430	Revenue, Department of State	45
Dietitians Certification Board, Indiana	830	Safety Review, Board of	615
Disability, Aging, and Rehabilitative Services, Division of	460	School Bus Committee, State	575
†Education, Commission on General	510	Secretary of State	75
Education, Indiana State Board of	511	Securities Division	710
Education Employment Relations Board, Indiana	560	Seed Commissioner, State	360
Education Savings Authority, Indiana	540	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
Egg Board, State	370	†Soil and Water Conservation Committee, State	311
†Election Board, State	15	Soil Scientists, Indiana Board of Registration for	307
Election Commission, Indiana	18	†Solid Waste Management Board	320.1
†Elevator Safety Board	670	Solid Waste Management Board	329
Emergency Management Agency, State	290	Speech-Language Pathology and Audiology Board	880
Emergency Medical Services Commission, Indiana	836	Standardbred Board of Regulations, Indiana	341
Employees' Appeals Commission, State	33	†Stream Pollution Control Board of the State of Indiana	330
†Employment and Training Services, Department of	645	Student Assistance Commission, State	585
Engineers, State Board of Registration for Professional	864	Tax Review, Indiana Board of	52
Enterprise Zone Board	58	†Teacher Training and Licensing, Commission on	530
Environmental Adjudication, Office of	315	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
Environmental Health Specialists, Board of	896	Television and Radio Service Examiners, Board of	884
†Environmental Management Board, Indiana	320	†Textbook Adoptions, Commission on	520
Ethics Commission, State	40	Toxicology, State Department of	260
Fair Commission, State	80	†Traffic Safety, Office of	150
Family and Children, Division of	470	†Transportation, Department of	100
Family and Social Services, Office of the Secretary of	405	Transportation, Indiana Department of	105
Financial Institutions, Department of	750	Transportation Finance Authority, Indiana	135
Fire Marshal, State	650	Underground Storage Tank Financial Assurance Board	328
Fire Prevention and Building Safety Commission	675	†Unemployment Insurance Board, Indiana	640
Firefighting Personnel Standards and Education, Board of	655	Utility Regulatory Commission, Indiana	170
Forensic Sciences, Commission on	415	†Vehicle Inspection, Department of	160
Funeral and Cemetery Service, State Board of	832	Veterans' Affairs Commission	915
Gaming Commission, Indiana	68	Veterinary Medical Examiners, Indiana Board of	888
Geologists, Indiana Board of Licensure for Professional	305	Violent Crime Compensation Division	480
Grain Buyers and Warehouse Licensing Agency, Indiana	824	†Vocational and Technical Education, Indiana Commission on	572
Grain Indemnity Corporation, Indiana	825	†Wage Adjustment Board	635
Hazardous Waste Facility Site Approval Authority, Indiana	323	War Memorials Commission, Indiana	920
Health, Indiana State Department of	410	†Watch Repairing, Indiana State Board of Examiners in	892
Health Facilities Council, Indiana	412	Water Pollution Control Board	327
Health Facility Administrators, Indiana State Board of	840	†Water Pollution Control Board	330.1
†Highways, Department of	120	Worker's Compensation Board of Indiana	631
†Horse Racing Commission, Indiana	70	Workforce Development, Department of	646
Horse Racing Commission, Indiana	71		
Hospital Council	414		
Housing Finance Authority, Indiana	930		

†Agency's rules are repealed, transferred, or otherwise voided.

# State Agencies

## NUMERICAL LIST

### TITLE NUMBER

#### GENERAL GOVERNMENT

10	Office of Attorney General for the State
11	Consumer Protection Division of the Office of the Attorney General
†15	State Election Board
18	Indiana Election Commission
20	State Board of Accounts
25	Indiana Department of Administration
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Department of Commerce
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency

#### TRANSPORTATION AND PUBLIC UTILITIES

†100	Department of Transportation
105	Indiana Department of Transportation
†110	Aeronautics Commission of Indiana
†120	Department of Highways
130	Indiana Port Commission
135	Indiana Transportation Finance Authority
140	Bureau of Motor Vehicles
145	Reciprocity Commission of Indiana
†150	Office of Traffic Safety
†160	Department of Vehicle Inspection
170	Indiana Utility Regulatory Commission

#### CORRECTIONS, POLICE, AND MILITARY

205	Indiana Criminal Justice Institute
207	Coroners' Training Board
210	Department of Correction
220	Parole Board
†230	Indiana Clemency Commission
240	State Police Department
250	Law Enforcement Training Board
260	State Department of Toxicology
270	Adjutant General
280	Public Safety Training Institute
290	State Emergency Management Agency

#### NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE

305	Indiana Board of Licensure for Professional Geologists
307	Indiana Board of Registration for Soil Scientists
310	Department of Natural Resources
†311	State Soil and Water Conservation Committee
312	Natural Resources Commission
315	Office of Environmental Adjudication
†320	Indiana Environmental Management Board
†320.1	Solid Waste Management Board
323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
326	Air Pollution Control Board
327	Water Pollution Control Board
328	Underground Storage Tank Financial Assurance Board
329	Solid Waste Management Board
†330	Stream Pollution Control Board of the State of Indiana
†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
341	Indiana Standardbred Board of Regulations
345	Indiana State Board of Animal Health
350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
357	Indiana Pesticide Review Board
360	State Seed Commissioner
365	Creamery Examining Board
370	State Egg Board
375	Commissioner of Agriculture

#### HUMAN SERVICES

405	Office of the Secretary of Family and Social Services
407	Office of the Children's Health Insurance Program
410	Indiana State Department of Health
412	Indiana Health Facilities Council
414	Hospital Council
415	Commission on Forensic Sciences
430	Developmental Disabilities Residential Facilities Council
431	Community Residential Facilities Council
440	Division of Mental Health and Addiction
†450	Department on Aging and Community Services
460	Division of Disability, Aging, and Rehabilitative Services
470	Division of Family and Children
480	Violent Crime Compensation Division
490	Interdepartmental Board for the Coordination of Human Service Programs

### TITLE NUMBER

#### EDUCATION AND LIBRARIES

†510	Commission on General Education
511	Indiana State Board of Education
514	Indiana School for the Deaf Board
515	Professional Standards Board
†520	Commission on Textbook Adoptions
†530	Commission on Teacher Training and Licensing
540	Indiana Education Savings Authority
550	Board of Trustees of the Indiana State Teachers' Retirement Fund
560	Indiana Education Employment Relations Board
570	Indiana Commission on Proprietary Education
†572	Indiana Commission on Vocational and Technical Education
575	State School Bus Committee
580	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585	State Student Assistance Commission
590	Indiana Library and Historical Board
595	Library Certification Board

#### LABOR AND INDUSTRIAL SAFETY

610	Department of Labor
615	Board of Safety Review
620	Occupational Safety Standards Commission
†630	Industrial Board of Indiana
631	Worker's Compensation Board of Indiana
†635	Wage Adjustment Board
†640	Indiana Unemployment Insurance Board
†645	Department of Employment and Training Services
646	Department of Workforce Development
650	State Fire Marshal
655	Board of Firefighting Personnel Standards and Education
†660	Administrative Building Council of Indiana
†670	Elevator Safety Board
675	Fire Prevention and Building Safety Commission
680	Boiler and Pressure Vessel Rules Board
685	Regulated Amusement Device Safety Board

#### BUSINESS, FINANCE, AND INSURANCE

710	Securities Division
750	Department of Financial Institutions
760	Department of Insurance
762	Indiana Political Subdivision Risk Management Commission
770	Indiana Agricultural Development Corporation

#### OCCUPATIONS AND PROFESSIONS

804	Board of Registration for Architects and Landscape Architects
808	State Boxing Commission
812	Indiana Auctioneer Commission
816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
824	Indiana Grain Buyers and Warehouse Licensing Agency
825	Indiana Grain Indemnity Corporation
828	State Board of Dentistry
830	Indiana Dietitians Certification Board
832	State Board of Funeral and Cemetery Service
836	Indiana Emergency Medical Services Commission
839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840	Indiana State Board of Health Facility Administrators
844	Medical Licensing Board of Indiana
845	Board of Podiatric Medicine
846	Board of Chiropractic Examiners
848	Indiana State Board of Nursing
852	Indiana Optometry Board
856	Indiana Board of Pharmacy
857	Indiana Optometric Legend Drug Prescription Advisory Committee
858	Controlled Substances Advisory Committee
860	Indiana Plumbing Commission
862	Private Detectives Licensing Board
864	State Board of Registration for Professional Engineers
865	State Board of Registration for Land Surveyors
868	State Psychology Board
872	Indiana Board of Accountancy
876	Indiana Real Estate Commission
880	Speech-Language Pathology and Audiology Board
884	Board of Television and Radio Service Examiners
888	Indiana Board of Veterinary Medical Examiners
†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board

#### MISCELLANEOUS

905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing Finance Authority

†Agency's rules are repealed, transferred, or otherwise voided.

**TITLE 250 LAW ENFORCEMENT TRAINING BOARD**

LSA Document #02-339(F)

**DIGEST**

Adds 250 IAC 2 to replace 250 IAC 1, which expired under IC 4-22-2.5, effective January 1, 2003. This comprehensive series of new administrative rules regarding the training of law enforcement officers deals with, among other matters: general provisions; definitions; basic training mandated for law enforcement officers; minimum standards regarding acceptance of persons for training; minimum curriculum, attendance, equipment, and facility requirements; police chief executive training; prebasic training course; inservice training; training status report; reserve police officers; minimum qualifications for instructors; and Indiana Law Enforcement Academy police officers. Effective 30 days after filing with the secretary of state.

**250 IAC 2**

SECTION 1. 250 IAC 2 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 2. GENERAL PROVISIONS****Rule 1. Definitions****250 IAC 2-1-1 Applicability**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-11; IC 5-2-1-12; IC 36-8-3-20

**Sec. 1.** The definitions in this rule apply throughout this article. (*Law Enforcement Training Board; 250 IAC 2-1-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-2 “Annual training status report” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-11; IC 36-8-3-20

**Sec. 2.** “Annual training status report” means the report that the chief executive officer of every department or agency in Indiana must submit, to the executive director of the board, detailing the training received by all of that department’s law enforcement officers and reserve police officers during the previous calendar year. (*Law Enforcement Training Board; 250 IAC 2-1-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-3 “Board” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-3

**Sec. 3.** “Board” means the law enforcement training board created by IC 5-2-1-3 to establish, present, and manage basic and inservice training programs for Indiana

law enforcement officers. (*Law Enforcement Training Board; 250 IAC 2-1-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-4 “Chief executive officer” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1

**Sec. 4.** “Chief executive officer” means the head of a law enforcement department or agency, such as a town marshal, chief, sheriff, or superintendent. (*Law Enforcement Training Board; 250 IAC 2-1-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-5 “Critical session” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-9

**Sec. 5.** “Critical session” means any class during which a written or practical examination is administered or any session that requires total class participation as opposed to individual activity. (*Law Enforcement Training Board; 250 IAC 2-1-5; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-6 “Designee” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1

**Sec. 6.** “Designee” means any person designated by the board, through its executive director, to perform specified administrative actions for the board. (*Law Enforcement Training Board; 250 IAC 2-1-6; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-7 “Duty status” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-11

**Sec. 7.** “Duty status” means that an individual is on the department or agency payroll and that any injury or illness that occurs to the individual while at the academy will be covered by the employing department or agency under worker’s compensation. The term also applies to any unpaid reserve police officer, special deputy, or special police officer assigned by a department to attend training presented by the board; it shall be the responsibility of the officer’s department, not the board, to pay for expenses that result from any injury or illness incurred by a reserve police officer, special deputy, or special police officer during assigned training. (*Law Enforcement Training Board; 250 IAC 2-1-7; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-8 “Inservice training” defined**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-11

**Sec. 8.** “Inservice training” means training received by a law enforcement officer or reserve police officer after the calendar year in which the officer successfully completes

the basic training mandated for that officer. (*Law Enforcement Training Board; 250 IAC 2-1-8; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

**250 IAC 2-1-9 “Instructor” defined**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-12

Sec. 9. “Instructor” means any person certified or approved by the board to provide prebasic, basic, or inservice instruction to Indiana law enforcement officers and support personnel. (*Law Enforcement Training Board; 250 IAC 2-1-9; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**250 IAC 2-1-10 “Law enforcement officer” defined**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-2; IC 5-2-1-11

Sec. 10. “Law enforcement officer” means any person hired by and on the payroll of the state or one (1) of its political subdivisions, whether part-time or full-time, to enforce all or some of the penal laws of the state and who has the power to effect arrests of persons who violate those laws. (*Law Enforcement Training Board; 250 IAC 2-1-10; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**250 IAC 2-1-11 “Learning objective” defined**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-11

Sec. 11. “Learning objective” means a precise statement that describes what the learner must know and be able to do following successful completion of a training program. (*Law Enforcement Training Board; 250 IAC 2-1-11; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**250 IAC 2-1-12 “Prebasic course” defined**

Authority: IC 5-2-1-9  
Affected: IC 36-8-3-20

Sec. 12. “Prebasic course” means any course developed or certified by the board under IC 5-2-1-9(f). (*Law Enforcement Training Board; 250 IAC 2-1-12; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**250 IAC 2-1-13 “Reserve police officer” defined**

Authority: IC 5-2-1-9  
Affected: IC 36-8-3-7; IC 36-8-3-20; IC 36-8-10-6; IC 36-8-10-10.6

Sec. 13. “Reserve police officer” means any member of a police reserve unit created under IC 36-8-3-20, whether called reserve police officer, reserve officer, or by another name. Not included in this definition are the following:

- (1) Additional deputies or assistants appointed by a sheriff in an emergency under IC 36-8-10-6.
- (2) Special deputies or legal deputies appointed by a sheriff under IC 36-8-10-10.6.
- (3) Special police officers, who are not regular police

officers, who are appointed by a municipal safety board under IC 36-8-3-7 to do special duty within the city.

(*Law Enforcement Training Board; 250 IAC 2-1-13; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**250 IAC 2-1-14 “Safety hazard” defined**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 14. “Safety hazard” means a risk of injury or death that is greater than the risk of injury or death that an experienced instructor might expect during a routine training exercise. (*Law Enforcement Training Board; 250 IAC 2-1-14; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**Rule 2. Basic Training Mandated for Law Enforcement Officers Appointed on or after July 6, 1972**

**250 IAC 2-2-1 Mandatory basic training; waiver**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-11

Sec. 1. All law enforcement officers appointed by the state or any of its political subdivisions on or after July 6, 1972, whether the appointment is on a probationary, permanent, or other than probationary or permanent basis, shall, within one (1) year of the date of the officer’s first or original appointment, whether on a full-time or part-time basis, successfully complete the appropriate minimum basic training course prescribed by the board and described in 250 IAC 2-4. Provided, however, that any such officer who has had previous law enforcement experience, including basic law enforcement training meeting or exceeding the standards enumerated in 250 IAC 2-4, may, upon proof of such previous experience and training and upon recommendation by the executive director and approval by the board, obtain a waiver of the training mandated herein or be allowed to test out on any or all phases of the basic course; however, this waiver provision is not applicable to persons certified by the board solely upon successful completion of the town marshal basic training program prescribed in 250 IAC 2-4. (*Law Enforcement Training Board; 250 IAC 2-2-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

**250 IAC 2-2-2 Location of training course**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 2. The minimum basic training course shall be taken at the Indiana law enforcement academy operated by the board at Plainfield or at any board-approved school or academy utilizing board-approved instructors, curriculum, attendance requirements, equipment, and facilities. Attendance at schools other than the Indiana law enforcement academy shall, except in exceptional cases recognized by the board, be limited to officers and recruits of the agency conducting the school. (*Law Enforcement Training Board;*

250 IAC 2-2-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553)

**250 IAC 2-2-3 Failure to timely complete course**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 3. Any law enforcement officer described in section 1 of this rule who fails to successfully complete the required basic training course within one (1) year after the officer's first or original appointment (on or after July 6, 1972) shall not be empowered or authorized to enforce the laws or ordinances of the state or any political subdivision thereof as part of the duties of a law enforcement officer. (*Law Enforcement Training Board; 250 IAC 2-2-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-2-4 Passing score; failure as grounds for discharge; reexaminations**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 4. The executive director of the board shall establish and shall apply uniformly to all persons attending board-approved basic training schools a minimum passing score of seventy-five percent (75%) on all written examinations and a passing score on all practical examinations administered on a percentage or pass/fail basis. Failure to attain a passing score on all written and practical examinations administered during the basic training course shall constitute a failure of the course. A person failing to achieve a passing score may apply to the executive director, or his designee, to retake any examination or examinations previously failed, but a request for a retake of an examination by a person already employed as a law enforcement officer will not be accepted unless endorsed by the chief executive officer of the department or agency employing the officer. Failure to achieve a passing score for the second time shall constitute disqualification unless, in the discretion of the board, a third and final opportunity should be allowed. (*Law Enforcement Training Board; 250 IAC 2-2-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**Rule 3. Minimum Standards Regarding Acceptance of Persons for Training**

**250 IAC 2-3-1 Citizenship requirement; age requirement**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 1. The applicant must be a citizen of the United States and must have reached his or her twenty-first birthday as of the date that the basic training ends. (*Law Enforcement Training Board; 250 IAC 2-3-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-3-2 Strength, agility, vision, and hearing; safety hazard**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 2. The applicant shall possess the strength, agility, vision, and hearing necessary to complete all requirements of the appropriate board-approved basic training program. The applicant shall have no physical or mental impairment that creates a safety hazard for self, other students, or training staff while participating in basic training. (*Law Enforcement Training Board; 250 IAC 2-3-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-3-3 Academic qualifications**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 3. The applicant shall, at a minimum, be a high school graduate as evidenced by a diploma issued by a state accredited high school. An equivalency diploma issued by an accredited high school or proof of an earned degree issued by an accredited college or university is also acceptable. (*Law Enforcement Training Board; 250 IAC 2-3-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-3-4 Valid driver's license**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 4. The applicant shall possess a valid driver's license from the state of residence. (*Law Enforcement Training Board; 250 IAC 2-3-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-3-5 Reputation and character of applicant; investigation; written record**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 5. The applicant shall be of good reputation and character as determined by a police department character and background investigation on the applicant, and the results of that investigation shall be retained in written form by the investigating department for inspection by the board, its executive director, or an authorized representative. (*Law Enforcement Training Board; 250 IAC 2-3-5; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-3-6 Criminal record of applicant; fingerprinting**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 6. The applicant shall not have been convicted of any felony or any other crime or series of crimes which would indicate to a reasonable person that the applicant is potentially dangerous, violent, or has a propensity to break the law. The applicant shall be fingerprinted and a search made of local, state, and national fingerprint files to disclose any



criminal record. The fingerprint cards and any identification records shall be retained for inspection by the board, its executive director, or an authorized representative. (*Law Enforcement Training Board; 250 IAC 2-3-6; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554*)

**250 IAC 2-3-7 Reading comprehension and writing ability**  
 Authority: IC 5-2-1-9  
 Affected: IC 5-2-1-9

Sec. 7. The applicant shall be given an examination to determine reading and writing ability prior to acceptance for law enforcement training. Validation of the examination and determination of a minimum acceptable score that will predict successful completion of the training shall be the responsibility of the chief executive officer of the department or agency conducting the training. (*Law Enforcement Training Board; 250 IAC 2-3-7; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1555*)

**250 IAC 2-3-8 Military discharge; effect on qualification of applicant**  
 Authority: IC 5-2-1-9  
 Affected: IC 5-2-1-9

Sec. 8. A dishonorable discharge from military service shall disqualify the applicant, and a discharge other than honorable may be grounds for rejection in accordance with other standards in this rule. (*Law Enforcement Training Board; 250 IAC 2-3-8; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1555*)

**250 IAC 2-3-9 Physical examination; report to board; time limit**  
 Authority: IC 5-2-1-9  
 Affected: IC 5-2-1-9

Sec. 9. A physician with an unlimited license to practice medicine shall determine that the applicant is physically, emotionally, and mentally fit to participate in law enforcement basic training and is not an active carrier of a communicable disease that is likely to infect other students and staff in an academy environment. The department head or designee making application for basic training for the applicant or, if the applicant is a tuition student, the department head or designee recommending acceptance of the applicant for basic training must swear or attest the applicant passed the physical examination and that a record of the examination is on file at the department for review by an authorized representative of the board. The examination shall have been administered to the applicant within six (6) months prior to acceptance for training. The board, through its executive director, may also require a physical examination by a physician of the board's choice and may reject the applicant if the applicant does not meet the physical requirements of this section. (*Law Enforcement*

*Training Board; 250 IAC 2-3-9; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1555*)

**250 IAC 2-3-10 Trainees not yet hired by a law enforcement agency**  
 Authority: IC 5-2-1-9  
 Affected: IC 5-2-1-12; IC 5-2-1-15

Sec. 10. Preservice tuition trainees who have been investigated and recommended for enrollment in a board-approved basic training course, but have not yet been hired by any law enforcement agency, must meet all of the requirements in this rule before being accepted for law enforcement basic training. In addition, each preservice tuition trainee must do the following:

(1) Obtain a permit from the state that authorizes the trainee to carry a handgun back and forth between home and the Indiana law enforcement academy. The permit must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(2) Provide proof of full coverage automobile insurance and health and accident insurance, the proof to be accompanied by endorsements stating no exclusions are present that would prohibit payment because the insured is participating in law enforcement basic training. All such insurance must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(*Law Enforcement Training Board; 250 IAC 2-3-10; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1555*)

**Rule 4. Minimum Curriculum, Attendance, Equipment, and Facility Requirements**

**250 IAC 2-4-1 Minimum basic training course; town marshal basic training program**  
 Authority: IC 5-2-1-9  
 Affected: IC 5-2-1-11

Sec. 1. Requirements for the minimum basic training course necessary to satisfy the mandate contained in 250 IAC 2-2 shall be as follows:

(1) For all jurisdictions except towns having no more than one (1) town marshal and two (2) deputies, whether employed on a part-time or full-time basis, shall consist of not less than four hundred eighty (480) hours of classroom and practical training, and the subject matter covered shall be approved by the board prior to the beginning date of each basic training course.

(2) The town marshal basic training program shall consist of not less than three hundred twenty (320) hours in residence at the Indiana law enforcement academy to which may be added home study assignments. The subject matter covered shall be approved by the board prior to the beginning date of each town marshal basic

training program.

(3) Persons successfully completing the town marshal program are eligible for employment as a law enforcement officer only in towns employing the town marshal system and having no more than one (1) marshal and two (2) deputies.

(4) Town marshal program graduates who are subsequently hired by a department that is not authorized to enroll officers in the town marshal basic training program shall, within one (1) year of their new appointment date, successfully complete the four hundred eighty (480) hour minimum basic training course described in this section. Town marshal program graduates who fail to successfully complete the minimum basic training course within one (1) year of their new appointment date shall not perform any of the duties of a law enforcement officer or exercise the power of arrest until they have successfully completed the basic training program described in this section.

(5) The minimum hours and subject matter prescribed in subdivisions (1) and (2) may be increased by the board.

*(Law Enforcement Training Board; 250 IAC 2-4-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1555)*

#### **250 IAC 2-4-2 Approval of learning objectives, lecture outlines, examinations, and other instructional material**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-11

Sec. 2. Copies of learning objectives, lecture outlines, examinations, and other course material used to satisfy the basic training requirements in section 1 of this rule shall, upon written request by the executive director, be provided to the board prior to the starting date or during the term of any basic training course. Failure to provide the learning objectives, lecture outlines, examinations, and other course material following a written request by the executive director shall be grounds for refusal by the board to approve the basic course. *(Law Enforcement Training Board; 250 IAC 2-4-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1556)*

#### **250 IAC 2-4-3 Attendance requirements**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-12

Sec. 3. All persons accepted for minimum basic law enforcement training under 250 IAC 2-3 shall attend all sessions of the board-approved basic course, in duty status, unless excused for reasons of illness, injury, or other matters of great urgency. Any person who, while participating in basic training, suffers an injury or illness that results in an absence from any class may be required by the board, through its executive director, to submit to an examination by a physician before that person is allowed to continue in the training program. Absence from any critical session of

the basic course, whether such absence is excused or not, may disqualify a student for certification in the discretion of the executive director. *(Law Enforcement Training Board; 250 IAC 2-4-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1556)*

#### **250 IAC 2-4-4 Equipment and training facilities; inspection and approval**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-12

Sec. 4. Equipment and training facilities, including classrooms, used by towns, cities, counties, or agencies or departments of the state to conduct the law enforcement training required by this article shall be subject to the inspection and approval of the board through its executive director or a designee. *(Law Enforcement Training Board; 250 IAC 2-4-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1556)*

### **Rule 5. Police Chief Executive Training**

#### **250 IAC 2-5-1 Police chief executive training program**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 1. Every person appointed as a police chief of any city or any town having a metropolitan police force must, within six (6) months of initially taking office, successfully complete the police chief executive training program mandated by IC 5-2-1-9 unless:

(1) a course is not offered within the six (6) month period immediately following the date that the police chief initially takes office; or

(2) space in the program is not available at a time that will allow the police chief to complete the program within six (6) months of the date the police chief initially takes office. *(Law Enforcement Training Board; 250 IAC 2-5-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1556)*

#### **250 IAC 2-5-2 Delay in completion of course**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 2. If either of the occurrences in section 1 of this rule prevents successful completion of the course within the six (6) month period after the police chief initially takes office, the police chief must successfully complete the next available executive training program that is presented by the board. *(Law Enforcement Training Board; 250 IAC 2-5-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1556)*

#### **250 IAC 2-5-3 Others may attend**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 3. When a police chief executive training program is not filled by persons mandated to attend, deputy chiefs, management level personnel, and town marshals will be accepted to fill the class. Any person who successfully

completes the program while serving in a capacity other than chief of police will be considered to have complied with the mandate should the person subsequently be appointed as a chief of police. (*Law Enforcement Training Board; 250 IAC 2-5-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1556*)

**250 IAC 2-5-4 Police chief program curriculum**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 4. The police chief executive training program will consist of not less than forty (40) hours of instruction, participation, and examination and shall include, but not be limited to, the following subject areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Firearms policies and other lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(*Law Enforcement Training Board; 250 IAC 2-5-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

**250 IAC 2-5-5 Board to prescribe course tuition**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-15

Sec. 5. Costs for meals, lodging, and course materials will be prescribed by the board through its executive director. (*Law Enforcement Training Board; 250 IAC 2-5-5; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

**250 IAC 2-5-6 Course completion**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 6. Successful completion of the program requires satisfactory completion of a written essay examination at the conclusion of the program. (*Law Enforcement Training Board; 250 IAC 2-5-6; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

**250 IAC 2-5-7 Consequence of failure to complete course**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 7. Any police chief who fails to successfully complete the executive training program as prescribed in this rule may not continue to serve as police chief until the program is successfully completed. (*Law Enforcement Training Board; 250 IAC 2-5-7; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

**Rule 6. Prebasic Training Course**

**250 IAC 2-6-1 Prebasic training course**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-15

Sec. 1. (a) Every law enforcement officer and every reserve police officer appointed after June 30, 1993, who has not successfully completed basic training as prescribed in 250 IAC 2-3 must successfully complete the prebasic training course prescribed in this section before that officer can make an arrest, conduct a search or seizure of persons or property, or carry a firearm as part of the duties of a law enforcement officer or reserve police officer.

(b) The prebasic course:

- (1) shall consist of forty (40) hours of instruction;
- (2) must include the subjects of arrest, search and seizure, use of force, and firearms qualification; and
- (3) must be offered periodically at regional sites throughout the state.

(c) Course materials, instructors, and sites for the prebasic course are to be provided by the board.

(d) In addition, the board may certify prebasic courses that may be conducted by other public or private entities, including colleges and universities. (*Law Enforcement Training Board; 250 IAC 2-6-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

**250 IAC 2-6-2 Successful completion permits temporary exercise of police powers**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 2. Successful completion of the prebasic course authorizes a law enforcement officer to:

- (1) make arrests;
- (2) conduct searches and seizures of persons and property; and
- (3) carry a firearm;

for one (1) year after the date the law enforcement officer is appointed. (*Law Enforcement Training Board; 250 IAC 2-6-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

**Rule 7. Inservice Training**

**250 IAC 2-7-1 Mandatory inservice training**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9

Sec. 1. Any person who has successfully completed basic training and has been appointed to a law enforcement department or agency as a law enforcement officer, whether on a part-time or full-time basis, is not eligible for continued employment unless the officer successfully completes the minimum required inservice training each year. Subject matter for this training must meet the following requirements:

(1) The subject must be included within the minimum basic training curriculum approved by the board or must be approved by the board based upon a need expressed by the law enforcement agency or department employing the officer.

(2) The subject must be presented under one (1) of the following conditions:

(A) By a law enforcement training board-certified instructor.

(B) At a law enforcement training board-certified school or academy.

(C) At a school or academy in another state that has been certified by that state's equivalent to the board, at the federal level, or at an accredited college, university, or vocational school when the subject is determined by the board to be law enforcement related.

(D) By an agency or entity, public or private, that has received written approval by the board, through its executive director, to provide inservice training for Indiana law enforcement officers and has agreed to comply and does comply with the board's rules and guidelines for presenting, evaluating, and reporting the training.

*(Law Enforcement Training Board; 250 IAC 2-7-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557)*

#### **250 IAC 2-7-2 Training credit for college or university courses**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-9

Sec. 2. One (1) college credit hour earned with a grade of C or higher at an accredited college or university in subject matter addressing a need expressed by the law enforcement agency, or as approved by the executive director, may substitute for four (4) hours of inservice training, but college credit hours may not be substituted for more than one-half (½) of the total hours of required inservice training. *(Law Enforcement Training Board; 250 IAC 2-7-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1558)*

#### **250 IAC 2-7-3 Training credit earned through distance education**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-9

Sec. 3. (a) Training that is presented through video or interactive video, computer-assisted instruction, correspondence, or in some other manner that is viewed as nontraditional by the board shall be considered distance education and must be approved by the board through its executive director.

(b) The board shall establish terms and conditions to regulate the providers and recipients of distance education and may develop and publish the forms it deems necessary

for this purpose.

(c) Additionally, the board shall determine the number of hours that it will recognize for each distance education program, using average pretest completion time, viewing or interacting time, and post-test completion time in making its decision. *(Law Enforcement Training Board; 250 IAC 2-7-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1558)*

#### **250 IAC 2-7-4 Failure to complete inservice training; waiver**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-9

Sec. 4. (a) When a law enforcement officer fails to successfully complete the required hours of inservice training in a calendar year, the board, through its executive director, may make inquiry to determine if the failure was caused by an emergency situation, the unavailability of courses, or for some other reason.

(b) If the inquiry reveals that the failure was caused by an emergency situation or the unavailability of courses, the board, through its executive director, may waive the officer's training requirement for the year by making an appropriate entry in the officer's master training file. However, as a condition of the waiver, the board may require the officer to make up the training-hour deficit during the next calendar year.

(c) If the inquiry reveals that the failure was not caused by an emergency situation or the unavailability of courses, the board, through its executive director, shall make an appropriate entry in the officer's master training file. In addition, the board shall notify the officer of the results of its inquiry and send copies of the correspondence to the chief executive officer of the officer's department and the prosecuting attorney of the county in which the officer works.

(d) An officer who fails to complete the required hours of inservice training in a calendar year, for some reason other than the existence of an emergency situation or the unavailability of courses, shall not be eligible for continued employment.

(e) To regain eligibility for employment, an officer in noncompliance must make up the training-hour deficit and submit proof of the training received to the chief executive officer of the employing department, who shall immediately forward it to the board.

(f) If the board finds that the training received meets the requirements established for mandatory inservice training, the officer shall be considered to be in compliance with the training mandate as of the date the officer completed the

last hour of training required by the mandate.

(g) An appropriate entry shall then be made in the officer's master training file, and the board, through its executive director, shall report the compliance date to the following:

- (1) The officer.
- (2) The chief executive officer of the officer's department.
- (3) The prosecuting attorney of the county in which the officer works.

(*Law Enforcement Training Board; 250 IAC 2-7-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1558*)

#### 250 IAC 2-7-5 Grievance procedures

Authority: IC 5-2-1-9  
Affected: IC 4-21.5-5-1

Sec. 5. Any person who feels aggrieved by an action associated with the mandatory inservice training requirement or with the issuance or revocation of diplomas, certificates, or other indicia of compliance with this rule may request, in writing, a hearing before the executive director of the board. If the person still feels aggrieved following a hearing before the executive director, the person may request, in writing, a hearing before the board. Any person who still feels aggrieved after hearings before both the executive director and the board may file a petition for judicial review under IC 4-21.5-5-1. (*Law Enforcement Training Board; 250 IAC 2-7-5; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

### Rule 8. Training Status Report

#### 250 IAC 2-8-1 Annual report

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-1

Sec. 1. Each law enforcement officer in Indiana shall be responsible for the following:

- (1) Successfully completing the inservice training required by 250 IAC 2-7-1 annually.
- (2) Reporting successful completion of the training to the chief executive officer of the department or agency employing the officer.

(*Law Enforcement Training Board; 250 IAC 2-8-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

#### 250 IAC 2-8-2 Responsibility for submitting report

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-1

Sec. 2. The chief executive officer of every law enforcement department or agency in Indiana shall be responsible for submitting an annual report to the executive director of the board detailing the basic and inservice training status of every officer on the payroll of the department or agency. A similar report must be submitted for each reserve police

officer. (*Law Enforcement Training Board; 250 IAC 2-8-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

#### 250 IAC 2-8-3 Report to cover previous calendar year; submission and delinquent dates

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-1

Sec. 3. The annual training status report required by this rule shall be submitted either electronically or on paper between January 1 and March 31 of each year and shall include all training received by every law enforcement officer and reserve police officer of the department during the previous calendar year. (*Law Enforcement Training Board; 250 IAC 2-8-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

#### 250 IAC 2-8-4 Format of report

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-1

Sec. 4. The board, through its executive director, shall develop the content of the annual training report required by this rule in a format that will permit departments to submit the required data either electronically or on paper. (*Law Enforcement Training Board; 250 IAC 2-8-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

#### 250 IAC 2-8-5 Cover letter and opinion required if inservice training not completed

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-1

Sec. 5. When a law enforcement officer or reserve police officer fails to comply with a training mandate, the chief executive officer of the department or agency shall call the deficiency to the attention of the executive director through a cover letter attached to the department's annual training status report. The chief executive officer shall also state his opinion as to the reason the officer failed to complete the required training. (*Law Enforcement Training Board; 250 IAC 2-8-5; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

### Rule 9. Reserve Police Officers

#### 250 IAC 2-9-1 Reserve police officer training

Authority: IC 5-2-1-9  
Affected: IC 36-8-3-20

Sec. 1. (a) All reserve police officers defined in IC 36-8-3-20 appointed after June 30, 1993, whether called reserve police officers or by another title, shall successfully complete the prebasic training course prescribed by the board before the reserve police officer may:

- (1) exercise any power of arrest;
- (2) conduct any search or seizure of a person or property; or
- (3) carry a firearm.

(b) The chief executive officer of a department may not adopt the prescribed prebasic training course as the only curriculum for satisfying the department training requirement prescribed in IC 36-8-3-20.

(c) In addition to the department training program required by IC 36-8-3-20, each reserve police officer is encouraged to do the following:

(1) Complete a board-approved reserve police officer academy program within one (1) year of the date of appointment as a reserve police officer.

(2) Complete, each year thereafter, the same amount of inservice training that paid law enforcement officers are mandated to complete.

(d) Reserve police officers who voluntarily and successfully complete a reserve police officer academy program certified by the board shall be eligible for consideration for a waiver of basic training by the board should the reserve police officer academy program graduate subsequently accept employment with a department that participates in the town marshal basic training program. However, as a condition of the waiver, the board may require the reserve police officer academy program graduate, hired by a small town department, to test out on all or any part of the town marshal basic training program. Further, persons who are granted a waiver of training through this process are limited to service in a department having no more than one (1) marshal and two (2) deputy marshals. (*Law Enforcement Training Board; 250 IAC 2-9-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

#### **250 IAC 2-9-2 Reserve police officer academy certification**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-9

Sec. 2. (a) A department acting alone, or two (2) or more departments acting together, may develop a reserve police officer academy and apply to the board for certification of the academy. An academy certified by the board as a reserve police officer academy must use board-certified instructors and a board-approved curriculum.

(b) Equipment and training facilities, including classrooms used by towns, cities, counties, or agencies or departments of the state to conduct a reserve police officer academy, shall be subject to inspection and approval by the board through its executive director or a designee.

(c) The minimum curriculum, attendance requirements, learning objectives, lecture outlines, examinations, and other instructional materials used for reserve police officer training in the reserve police officer academy are subject to inspection and approval by the board, through its executive director or a designee, prior to the beginning date of each

reserve police officer class. Additionally, the board, through its executive director or a designee, may visit any reserve police officer academy at any time a class is in session to ensure compliance with the board's requirement for curriculum, attendance, learning objectives, lecture outlines, examinations, and other instructional materials and may suspend or revoke, immediately, the certification of any reserve police officer academy operating in violation of this rule.

(d) As a guideline for departments considering establishing a reserve police officer academy, or seeking certification for an academy already in existence, the board will, uniformly, require that the curriculum, attendance requirements, learning objectives, lecture outlines, examinations, and other instructional materials meet the standards of 250 IAC 2-4. (*Law Enforcement Training Board; 250 IAC 2-9-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1560*)

#### **Rule 10. Minimum Qualifications for Instructors**

##### **250 IAC 2-10-1 Certification of instructors**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-12

Sec. 1. The board, through its executive director, shall certify instructors it deems qualified to teach in prebasic, basic, inservice, and instructor training courses. (*Law Enforcement Training Board; 250 IAC 2-10-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1560*)

##### **250 IAC 2-10-2 Instructor qualifications**

Authority: IC 5-2-1-9

Affected: IC 5-2-1-12

Sec. 2. Instructors will be certified on the basis of minimal qualifications in the areas of education, training, and experience as follows:

(1) Requirements for primary instructors shall be as follows:

(A) Any of the following:

(i) A minimum of three (3) years of law enforcement experience.

(ii) Be a member of the adjunct faculty or faculty of an accredited vocational school, college, or university.

(iii) Be a physician or attorney licensed to practice in Indiana or a contiguous state.

(B) At a minimum, be a high school graduate or have an equivalency diploma issued by an accredited high school.

(C) Educational and experience requirements may be waived by the board, through its executive director, when a special or emergency training need exists.

(D) Persons certified as primary instructors are considered by the board to possess the level of instructor skills needed to provide prebasic, distance education, and

inservice training for law enforcement officers and others in the criminal justice system.

(2) Requirements for psychomotor skills instructors shall be as follows:

(A) At a minimum, be a high school graduate or have an equivalency diploma issued by an accredited high school.

(B) Either have:

(i) a minimum of three (3) years of law enforcement experience; or

(ii) three (3) years of experience working in an area that is directly related to the psychomotor skill that the person will be teaching.

(C) Educational and experience requirements may be waived by the board, through its executive director, when a special or emergency need exists.

(D) Persons certified as psychomotor skills instructors are considered by the board to possess the level of instructor skills needed to teach a specific psychomotor skill to law enforcement officers and others in the criminal justice system. The specific areas in which a psychomotor skills instructor has documented advanced knowledge and skills will appear on the certificate issued by the board, through its executive director, such as psychomotor skills instructor (emergency vehicle operation) or psychomotor skills instructor (firearms-handgun).

(3) Requirements for academy staff instructors shall be as follows:

(A) A minimum of an associate's degree or more than sixty (60) hours of credit toward a bachelor's degree from a state accredited vocational school, college, or university.

(B) A minimum of five (5) years of law enforcement experience.

(C) Educational and experience requirements may be waived by the board, through its executive director, when it is felt that the individual will fill a special void that exists in an academy staff.

(D) Persons certified as academy staff instructors are deemed by the board to have the level of skills necessary to instruct or assist with instruction, in any topic presented in the academy's course curriculum, but only after having been provided research time to prepare a lesson plan or after having been provided with a predeveloped lesson plan and time to review that plan.

(4) Requirements for master instructors shall be as follows:

(A) A minimum of a bachelor's degree from an accredited college or university or a combined background of experience and education that the board, through its executive director, recognizes as equivalent to a bachelor's degree.

(B) A minimum of seven (7) years of law enforcement experience or law enforcement related experience. Two

(2) years or more of this experience must have been spent as an instructor in an educational or training environment.

(C) Persons certified as master instructors must be skilled at the following:

(i) Conducting research.

(ii) Writing learning objectives.

(iii) Preparing lesson plans.

(iv) Developing practical exercises.

(v) Using training aids.

(vi) Evaluating the results of training programs.

(vii) Maintaining training records.

(viii) Using technology effectively.

Master instructors, by virtue of their certification, are qualified to act as the principal instructor in a board-approved instructor course.

(5) Requirements for provisional instructors shall be as follows:

(A) The degree of education, training, and experience needed to qualify for provisional instructor certification shall be determined by the board through its executive director.

(B) Provisional instructor certification is a temporary certification and may be issued by the board, through its executive director, in any subject area, for any period of time from one (1) day to one (1) year.

(C) The board retains the same rights of review and revocation for provisional certification that it does for any other type of instructor certification.

(*Law Enforcement Training Board; 250 IAC 2-10-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1560*)

#### 250 IAC 2-10-3 Revocation of certification

Authority: IC 5-2-1-9

Affected: IC 5-2-1-12

Sec. 3. Instructor certification may be revoked by the board whenever an instructor is deemed to be unqualified to continue teaching. (*Law Enforcement Training Board; 250 IAC 2-10-3; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1561*)

#### 250 IAC 2-10-4 Review of certification

Authority: IC 5-2-1-9

Affected: IC 5-2-1-12

Sec. 4. Review of instructor certification may be initiated by the board, or through its executive director, at any time and may be done even though there are no external requests or complaints. Information gained through the review may be used to:

(1) revoke an instructor's certification;

(2) require an instructor to complete or repeat all or any part of a board-approved instructor training course; or

(3) deny renewal of an instructor's certification.

(*Law Enforcement Training Board; 250 IAC 2-10-4; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1561*)

**250 IAC 2-10-5 Completion of instructor training course**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-12

Sec. 5. All applicants for instructor certification or recertification, other than provisional instructors, are required to complete an instructor training course approved by the board unless the board, through its executive director, determines that the applicant already possesses education and experience that equate with the knowledge and skills taught in a board-approved instructor training course. (*Law Enforcement Training Board; 250 IAC 2-10-5; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1562*)

**250 IAC 2-10-6 Term of certification**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-12

Sec. 6. (a) All instructor certifications, except provisional certifications, shall be valid for three (3) years from the date of certification unless revoked earlier by the board.

(b) Provisional instructor certifications shall expire one (1) year from the date they are issued unless an earlier expiration date is specified.

(c) The board may, at its discretion, through its executive director, shorten or extend an instructor certification period for up to eighteen (18) months when adding to or deleting from the instructor's areas of certification. (*Law Enforcement Training Board; 250 IAC 2-10-6; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1562*)

**Rule 11. Indiana Law Enforcement Academy Police Officers****250 IAC 2-11-1 Police functions and restrictions**

Authority: IC 5-2-1-9  
Affected: IC 5-2-1-9; IC 5-2-1-11

Sec. 1. As a criminal justice agency of the state, with all the duties and privileges of a police agency, the law enforcement training board establishes the following to govern its police functions:

(1) Police powers shall be granted for the following reasons:

(A) Attendance of special academies or schools accepting only sworn police officers.

(B) Field assignment to an outside police agency for purposes of evaluation, research, or consultation in which police officer/violator contact is a practical possibility.

(C) Peacekeeping, investigations, and security on property owned or operated by the board.

(2) The executive director shall specify those members of the Indiana law enforcement academy staff who will serve as police officers and those who will serve as civilian

employees of the agency.

(3) Those persons who are designated to serve as police officers shall meet the following requirements:

(A) Be administered an appropriate oath of office by the executive director.

(B) Serve at the pleasure of the executive director and may be commissioned or decommissioned as police officers without cause or prejudice and without affecting their status as civilian employees of the board if such action is in the best interest of the operation of the academy.

(C) Comply with the mandated basic training requirements established by the board.

(4) Police officers appointed by this authority shall serve under the direction of the board's executive director who is authorized and directed to establish such operating procedures deemed necessary to regulate the activities of those officers. Any violation of any operating procedure shall be a violation of this rule.

(5) In addition to their primary duties as staff instructors, police officers of the Indiana law enforcement academy shall have all necessary law enforcement powers, including all common law and statutory powers, privileges, and immunities of sheriffs except those specifically forbidden through agency operating procedures established by the executive director.

(6) Exercise of these police powers shall be restricted to property owned or operated by the board unless otherwise authorized by its executive director or the board in quorum.

(7) Police officers of the Indiana law enforcement academy are specifically directed to:

(A) preserve the peace, maintain order, and prevent the unlawful use of force or violence or other unlawful conduct on property owned or operated by the board;

(B) protect all persons and property located on property owned or operated by the board from injury, harm, or damage;

(C) assist the executive director in the enforcement of the rules of the board and the Indiana law enforcement academy; and

(D) enforce the state motor vehicle laws and motor vehicle rules established by the board on property owned or operated by the board.

(*Law Enforcement Training Board; 250 IAC 2-11-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1562*)

LSA Document #02-339(F)

Notice of Intent Published: 26 IR 1115

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**TITLE 327 WATER POLLUTION CONTROL BOARD**

LSA Document #02-327(F)

**DIGEST**

Amends 327 IAC 5-1-1.5 and 327 IAC 15-3-2 and adds 327 IAC 15-14 concerning on-site residential sewage discharging disposal systems in Allen County. Effective 30 days after filing with the secretary of state.

**HISTORY**

Second Notice of Comment Period: #02-327(WPCB) December 1, 2002, Indiana Register (26 IR 885).

Notice of First Hearing: February 1, 2003, Indiana Register (26 IR 1593).

Date of First Hearing: March 12, 2003.

Third Notice of Comment Period and Notice of Second Hearing: June 1, 2003, Indiana Register (26 IR 3093).

Notice of Rescheduled Public Hearing: July 1, 2003, Indiana Register (26 IR 3366).

Date of Second Hearing and Final Adoption: August 7, 2003.

**327 IAC 5-1-1.5**

**327 IAC 15-3-2**

**327 IAC 15-14**

SECTION 1. 327 IAC 5-1-1.5 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 5-1-1.5 Prohibitions**

Authority: IC 13-11-2-99; IC 13-13-5-1; IC 13-22-2-3

Affected: IC 13-18-3

Sec. 1.5. **Except as provided in 327 IAC 15-14**, the point source discharge of sewage treated or untreated, from a dwelling or its associated residential sewage disposal system, to the waters of the state is prohibited. (*Water Pollution Control Board; 327 IAC 5-1-1.5; filed Nov 13, 1995, 5:00 p.m.: 19 IR 660; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563*)

SECTION 1. 327 IAC 15-3-2, AS AMENDED AT 27 IR 832, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

**327 IAC 15-3-2 Content requirements of a NOI letter**

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3

Affected: IC 13-11-2; IC 13-18-4

Sec. 2. Except for permittees covered under 327 IAC 15-5 and 327 IAC 15-13 and as provided in 327 IAC 15-14-4, the NOI letter shall include the following:

- (1) Name, mailing address, and location of the facility for which the notification is submitted.
- (2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.
- (3) The person's name, address, telephone number, e-mail

address (if available), ownership status, and status as federal, state, private, public, or other entity.

(4) The latitude and longitude of the approximate center of the facility to the nearest fifteen (15) seconds, and, if the section, township, and range are provided, the nearest quarter section in which the facility is located.

(5) The name of receiving water, or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.

(6) A description of how the facility complies with the applicability requirements of the general permit rule.

(7) Any additional NOI letter information required by the applicable general permit rule.

(8) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(*Water Pollution Control Board; 327 IAC 15-3-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 832; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563*)

SECTION 3. 327 IAC 15-14 IS ADDED TO READ AS FOLLOWS:

**Rule 14. On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District**

**327 IAC 15-14-1 Purpose**

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4

Sec. 1. The purpose of this rule is to establish requirements for point source discharges of treated sewage from on-site residential sewage discharging disposal systems within the Allen County on-site waste management district so that the public health, existing water uses, and aquatic biota are protected. (*Water Pollution Control Board; 327 IAC 15-14-1; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563*)

**327 IAC 15-14-2 Applicability**

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4; IC 13-18-12-9

Sec. 2. This rule applies to on-site residential sewage discharging disposal systems located within the Allen County on-site waste management district that have been installed to repair or replace a sewage disposal system that fails to meet public health and environmental standards and for which an operating permit has been issued pursuant to IC 13-18-12-9. Such systems shall discharge one thousand (1,000) gallons or less per day of treated sanitary wastewater. (*Water Pollution Control Board; 327 IAC 15-14-2; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563*)

**327 IAC 15-14-3 Definitions**

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-11-2; IC 13-18-4; IC 36-11

Sec. 3. In addition to the definitions contained in IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

- (1) "CBOD<sub>5</sub>" means Five (5)-day Carbonaceous Biochemical Oxygen Demand.
- (2) "Commissioner" means the commissioner of the department of environmental management.
- (3) "Department" means the department of environmental management.
- (4) "District" means the Allen County on-site waste management district established under IC 36-11.
- (5) "E. coli" means *Escherichia coli* bacteria.
- (6) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual National Pollutant Discharge Elimination System (NPDES) permit and includes information as required by 327 IAC 15-3 and the general permit rules.
- (7) "On-site residential sewage discharging disposal system" means a sewage disposal system that:
  - (A) is located on a site with and serves a one (1) or two (2) family residence; and
  - (B) discharges effluent off-site.
- (8) "Permittee" means, for purposes of this rule, the owner of an on-site residential sewage discharging disposal system and the district, as defined in subdivision (3) [*sic.*, subdivision (4)].
- (9) "Sewage disposal system" means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:
  - (A) store;
  - (B) treat;
  - (C) make inoffensive; or
  - (D) dispose of;human excrement or liquid carrying wastes of a domestic nature.
- (10) "TSS" means total suspended solids.

(*Water Pollution Control Board; 327 IAC 15-14-3; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1564*)

**327 IAC 15-14-4 NOI letter requirements**

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4; IC 13-18-12-9; IC 13-18-20-12

Sec. 4. (a) Except as provided in subsection (f), the owner of property upon which an on-site residential sewage discharging disposal system subject to this rule is located

shall submit to the district a request for inclusion into the district and coverage under this rule. The request shall include the following:

- (1) Name and address of the owner and location of the property for which the request is submitted, if different than the mailing address.
- (2) A copy of the operating permit issued by the local health department with jurisdiction over the system as provided in section 7 of this rule, pursuant to IC 13-18-12-9(d).
- (3) A statement that the person named under subdivision (1) wishes to be covered by this rule.
- (4) Signature of the person named under subdivision (1).

(b) If an on-site residential sewage discharging disposal system serves more than one (1) home, each homeowner served by the system shall submit the information required in subsection (a).

(c) If there is a change of ownership of the property upon which an on-site residential sewage discharging disposal system is located, the following must be accomplished in accordance with any applicable district requirements:

- (1) The seller of the property shall submit:
  - (A) a notice to the district reporting the change in property ownership; and
  - (B) a written statement to the buyer of the property explaining the obligations, including the requirements of this rule, of owning an on-site residential sewage discharging disposal system.
- (2) The buyer of the property shall submit to the district a statement requesting to remain subject to coverage under this rule.

(d) The district shall submit a NOI letter to the following address:

Indiana Department of Environmental Management  
Office of Water Quality  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015  
Attention: Permits Section

(e) The NOI letter shall include the following:

- (1) Names and mailing addresses of all persons requesting inclusion in the district.
- (2) Map indicating the following:
  - (A) The location of each on-site residential sewage discharging disposal system within the district.
  - (B) The location of any pond or lake within two (2) miles downstream of any on-site residential sewage discharging disposal system within the district.
- (3) Names of the receiving streams into which the on-site residential sewage discharging disposal systems will discharge.

- (4) A statement that the district and the persons listed under this subsection intend to be covered by this rule.
- (5) The application fee required under IC 13-18-20-12.

(f) For an on-site residential sewage discharging disposal system installed at a residence that was constructed after July 1, 2002, because of failure of the original on-site non-discharging sewage disposal system, the following additional requirements apply:

- (1) The owner of the system shall submit all information required under this section to both the district and IDEM, including a copy of the operating permit issued by the local health department, prior to discharge from the system.
- (2) The owner shall also submit to IDEM a system failure report, on a form provided by the department, that summarizes:
  - (A) the known reasons for failure of the system; and
  - (B) other technologies for repair or options for managing the on-site waste that were considered by the local health department prior to issuing an operating permit.
- (3) The owner may not discharge from the system until receiving approval from the department. If the department does not approve the operation within fifteen (15) days of receipt of the NOI information, the system is approved for purposes of this rule.

(g) The NOI letter must be signed by the head of the governing body of the district. (*Water Pollution Control Board; 327 IAC 15-14-4; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1564*)

#### 327 IAC 15-14-5 Deadline for submission of a NOI letter and update requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
 Affected: IC 13-18-4

Sec. 5. (a) Any person requesting inclusion in the district and coverage under this rule shall submit the request for inclusion to the district within thirty (30) days of receipt of the operating permit issued by the local health department. However, a person described in section 4(f) of this rule shall submit the NOI information required under section 4 of this rule to the district and IDEM at least fifteen (15) days prior to discharging.

(b) The district shall submit the NOI letter to the department within ninety (90) days of the effective date of this rule.

(c) The district shall provide written updates to the department every three (3) months after submission of the initial NOI letter. The updates shall include the following:

- (1) Updated list of names and mailing addresses of district members, including the following:
  - (A) Additional persons included in the district and requesting coverage under this rule since the last update.

(B) Changes in ownership of any systems, including the names of the new and former owners.

(2) Updated map containing the most recent information required under section 4(e)(2) of this rule.

(d) The update required by subsection (c) must be signed by the head of the governing body of the district. (*Water Pollution Control Board; 327 IAC 15-14-5; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565*)

#### 327 IAC 15-14-6 General permit rule boundary

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
 Affected: IC 13-18-4

Sec. 6. On-site residential sewage discharging disposal systems located within the boundaries of the Allen County on-site waste management district are regulated under this rule. (*Water Pollution Control Board; 327 IAC 15-14-6; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565*)

#### 327 IAC 15-14-7 General requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
 Affected: IC 13-18-4; IC 13-18-12-9

Sec. 7. (a) The point source discharge of treated sewage from an on-site residential sewage discharging disposal system is prohibited unless:

- (1) the local health department with jurisdiction over the system has issued an operating permit for the system as provided under IC 13-18-12-9(d); and
- (2) all applicable requirements of this article and 327 IAC 5 have been met.

(b) Coverage commences under this rule according to the following:

- (1) Upon receipt by the department of the initial NOI letter for discharges from an on-site residential sewage discharging disposal system included in the NOI letter.
- (2) Upon receipt by the district of the request for inclusion and coverage under section 4 of this rule for owners of an on-site residential sewage discharging disposal system installed after the district sends the initial NOI letter to the department.
- (3) For a person described in section 4(f) of this rule, coverage commences upon approval by the department or fifteen (15) days after the department receives all information required under section 4 of this rule.

(*Water Pollution Control Board; 327 IAC 15-14-7; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565*)

#### 327 IAC 15-14-8 Discharge limits and monitoring and reporting requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
 Affected: IC 13-18-4

## Final Rules

Sec. 8. (a) The permittee must meet the discharge and monitoring requirements listed in Table 1 and this section as follows:

Table 1

The discharge shall be limited and monitored by the permittee as specified as follows:

Parameter	Daily Maximum	Daily Minimum	Units	Monitoring Frequency	Sample Type
Effluent flow	—	—	GPD	1 X Monthly	24-Hr. Total [1]
Temperature	Report	Report	°C	2 X Annually	Grab
CBOD <sub>5</sub>	15	—	mg/l	2 X Annually	Grab
TSS	18	—	mg/l	2 X Annually	Grab
Ammonia-nitrogen	2	—	mg/l	2 X Annually	Grab
pH	9.0	6.0	s.u.	2 X Annually	Grab
Dissolved Oxygen [2]				2 X Annually	Grab
Winter [3]	—	5.0	mg/l		
Summer [4]	—	[5]	mg/l		
E. coli	235	—	colonies/100ml	1 X Quarterly	Grab
Total residual chlorine [6]					
Final	<0.06	—	mg/l	1 X Quarterly	Grab

[1] Flows may be estimated.

[2] Dissolved oxygen must be monitored once during the winter monitoring period, and once during the summer monitoring period.

[3] Winter limitations apply from December 1 through April 30 of each year.

[4] Summer limitations apply from May 1 through November 30 of each year.

[5] During the summer monitoring period, the dissolved oxygen concentration shall not be less than fifty percent (50%) of saturation as determined by Table 2 as follows:

Table 2

No one (1) sample shall be less than 4.0 mg/l.

Temp. °C	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5	25.0	25.5	26.0
D.O. mg/l	4.703	4.654	4.606	4.559	4.513	4.467	4.422	4.378	4.335	4.293	4.251	4.210	4.169	4.129	4.090	4.051	4.012

[6] If chlorine is used as a disinfectant, the residual prior to dechlorination shall be maintained at a minimum of 0.5 mg/l at all times. Dechlorination is required such that the concentration of residual chlorine does not exceed the limit of quantification of 0.06 mg/l.

(b) Samples and measurements required by this rule shall:

- (1) be representative of the volume and nature of the monitored discharge flow;
- (2) be taken at times that reflect the full range of effluent parameters normally expected to be present;
- (3) be taken at times that represent seasonal variability unless otherwise approved by the commissioner;
- (4) not be taken at times or in a manner to avoid showing elevated levels of any parameter; and
- (5) be analyzed by a laboratory using approved methods.

(c) The owner of an on-site residential sewage discharging disposal system shall visually inspect the system at least one (1) time each month and complete a visual inspection form provided by the department. Completed visual inspection forms shall be maintained by the owner of the system and made available for inspection by the district or IDEM. If

the person inspecting the system discovers any problem in the operation or maintenance of the system, the person shall contact the district immediately.

(d) Except as provided in subsection (h), the analytical results of monitoring required by this rule shall be reported as follows:

- (1) The homeowner shall submit to the district the required analytical results on or before the twenty-eighth day of the month following the month in which the samples were collected.
- (2) The district shall submit to the department on a semiannual basis the sampling results for all of the on-site residential sewage discharging disposal systems that are regulated under this rule.
- (3) Monitoring results shall be submitted to the department on forms provided by the department.

(e) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters, including the mixing zone, to contain substances (for example, foam), materials, floating debris, oil, scum, or other pollutants that:

- (1) will settle to form putrescent or otherwise objectionable deposits;
- (2) are in amounts sufficient to be unsightly or deleterious;
- (3) produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- (4) are in amounts sufficient to be acutely toxic to or otherwise severely injure or kill aquatic life, other animals, plants, or humans; or
- (5) are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

(f) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters outside the mixing zone to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

(g) The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit. The commissioner may require accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

(h) If the results of any compliance monitoring show an exceedance of an effluent limitation under this section, a confirmation test must be conducted for each exceeded limitation no later than thirty (30) days from the date that the original sample was taken. Results of the confirmation sampling must be submitted to the district as soon as received but in no case later than seven (7) days after receipt of the sampling results. A confirmation test must be conducted every thirty (30) days until the effluent limitation is met.

(i) If two (2) consecutive sampling results, including the confirmation samples required under subsection (h), exceed an effluent limitation, the district must submit a corrective action plan to the department within thirty (30) days of receipt of results of the second sample. The plan shall include information on corrective action taken to ensure compliance with each exceeded limitation and a plan to ensure future compliance with the limitation. (*Water Pollution Control Board; 327 IAC 15-14-8; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565*)

### 327 IAC 15-14-9 Standard conditions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
Affected: IC 13-18-4

Sec. 9. (a) In addition to the conditions set forth in this rule, the standard conditions for a NPDES permit under 327 IAC 5 and the standard conditions for a NPDES general permit under this article apply to this rule.

(b) The district shall maintain the following records within the district office and make them available for inspection pursuant to section 10 of this rule:

- (1) Monitoring reports required under section 8 of this rule for each system within the district.
- (2) A copy of the operating permit issued by the local health department for each system within the district.
- (3) Signed requests for inclusion in the district and coverage under this rule for each system within the district.

(*Water Pollution Control Board; 327 IAC 15-14-9; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1567*)

### 327 IAC 15-14-10 Inspection and enforcement

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
Affected: IC 13-14-10; IC 13-15-7; IC 13-18-3; IC 13-18-4; IC 13-30; IC 36-11-2-1; IC 36-11-5

Sec. 10. (a) The owner of an on-site residential sewage discharging disposal system shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter upon the premises where an on-site residential sewage discharging disposal system is located to determine compliance with this rule and state water quality standards.

(b) The district shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter the district office and have access to and copy any records that must be kept under the conditions of this rule, in accordance with 327 IAC 15-4-1(l).

(c) The conditions of this rule are subject to enforcement pursuant to 327 IAC 15-4-1 and IC 13-30. (*Water Pollution Control Board; 327 IAC 15-14-10; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1567*)

### 327 IAC 15-14-11 Duration and renewal of coverage

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2  
Affected: IC 13-18-4

Sec. 11. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences according to section 7(b) of this rule.

(b) To obtain renewal of coverage under this general permit rule, the district shall submit the information

**required under section 4 of this rule to the commissioner no later than ninety (90) days prior to the expiration of coverage under this rule unless the commissioner determines that a later date is acceptable.** (*Water Pollution Control Board; 327 IAC 15-14-11; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1567*)

LSA Document #02-327(F)

Proposed Rule Published: June 1, 2003; 26 IR 3093

Hearing Held: August 7, 2003

Approved by Attorney General: November 25, 2003

Approved by Governor: December 9, 2003

Filed with Secretary of State: December 18, 2003, 10:39 a.m.

Incorporated Documents Filed with Secretary of State: None

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## **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

LSA Document #03-19(F)

### **DIGEST**

Amends 410 IAC 3-3-7.1 to increase the newborn screening fee. Effective 30 days after filing with the secretary of state.

#### **410 IAC 3-3-7.1**

SECTION 1. 410 IAC 3-3-7.1 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 3-3-7.1 Newborn screening fund; fees; disposition; reporting requirements**

Authority: IC 16-19-3-4; IC 16-41-17-9; IC 16-41-17-10

Affected: IC 16-41-17

Sec. 7.1. (a) The program involving the ~~board~~ **Indiana state department of health** and MCH as described in this rule shall be ~~funded~~ **furnished** by a collection of a newborn screening fee for each newborn screened by a designated laboratory. The designated laboratory shall assess and collect the fees from hospitals, birthing centers, physicians, and midwives. The accumulated collections from the newborn screening fees shall be submitted on a monthly basis by the designated laboratory to the division of finance at the ~~board~~ **Indiana state department of health**. Payments shall be postmarked not later than five (5) days after the close of the preceding month. The designated laboratory shall also submit a monthly report on the number of newborns screened. Revenues submitted by the laboratory shall correspond with the number of newborns screened.

(b) The fees shall be deposited in the newborn screening fund. Funds for the program described in this rule shall be disbursed by the ~~board~~ **Indiana state department of health** in accordance with normal procedures prescribed by the state

budget agency and the state board of accounts.

(c) The newborn screening fee shall be ~~seven thirty~~ **(\$30)** dollars (~~(\$7)~~) based on the projected cost of the program described in this rule and the estimated number of newborns per year. The fee shall be reviewed annually by the ~~board~~ **Indiana state department of health**. (*Indiana State Department of Health; 410 IAC 3-3-7.1; filed Feb 25, 1988, 4:30 p.m.: 11 IR 2580; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2223; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Dec 12, 2003, 10:45 a.m.: 27 IR 1568*)

LSA Document #03-19(F)

Notice of Intent Published: 26 IR 1595

Proposed Rule Published: July 1, 2003; 26 IR 3385

Hearing Held: July 29, 2003

Approved by Attorney General: December 1, 2003

Approved by Governor: December 9, 2003

Filed with Secretary of State: December 12, 2003, 10:45 a.m.

Incorporated Documents Filed with Secretary of State: None

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## **TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #03-160(F)

### **DIGEST**

Amends 760 IAC 1-50 regarding continuing education providers to conform with P.L.132-2001. Effective 30 days after filing with the secretary of state.

**760 IAC 1-50-2**

**760 IAC 1-50-7**

**760 IAC 1-50-3**

**760 IAC 1-50-13**

**760 IAC 1-50-4**

**760 IAC 1-50-13.5**

**760 IAC 1-50-5**

SECTION 1. 760 IAC 1-50-2 IS AMENDED TO READ AS FOLLOWS:

#### **760 IAC 1-50-2 Definitions**

Authority: IC 27-1-15.7-7

Affected: IC 27-1-15.6-2; IC 27-1-15.7-2; IC 27-1-15.7-6

Sec. 2. In addition to the definitions in ~~IC 27-1-15.5-2; IC 27-1-15.6-2~~, the following definitions apply throughout this rule:

(1) "Advisory council" means the insurance ~~agent~~ **producer** education and continuing education advisory council created by ~~IC 27-1-15.5-20; IC 27-1-15.7-6~~.

(2) "Agent" means an insurance agent as defined by ~~IC 27-1-15.5-2~~ and shall also include a solicitor licensed under ~~IC 27-1-15.5-18~~.

(3) "Commissioner" means the commissioner of the department of insurance.

(4) (2) "Department" means the department of insurance.

(3) "Producer" means an insurance producer as defined

by IC 27-1-15.6-2(7) and shall also include a solicitor licensed under IC 27-1-15.6-2(7).

~~(5)~~ (4) "Provider" means an individual, insurance company, insurance trade association, accredited college, or insurance education institution that offers an insurance ~~agent~~ **producer** continuing education course that is approved by the commissioner.

*(Department of Insurance; 760 IAC 1-50-2; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 572; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1568)*

SECTION 2. 760 IAC 1-50-3 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-50-3 Continuing education credit hour defined**

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.7-2

Sec. 3. (a) A continuing education credit hour is based on a one (1) hour block of time. Fifty (50) minutes of instruction in a sixty (60) minute period will constitute one ~~(10)~~ (1) continuing education credit hour. Time designated by the provider as break time may not be considered when computing course credit hours.

(b) Continuing education credit hours will be approved in no less than one-half (½) hour increments.

(c) Except as provided in section ~~4(i)~~ **4(h)** of this rule, two (2) continuing education credit hours are the minimum number of hours that will be approved for a continuing education course.

(d) Eight (8) hours of classroom instruction per day are the maximum number of hours that will be approved for a continuing education course. *(Department of Insurance; 760 IAC 1-50-3; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1569)*

SECTION 3. 760 IAC 1-50-4 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-50-4 Application requirements**

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.7-2

Sec. 4. (a) Any individual, insurance company, insurance trade association, insurance ~~agents~~ **producer** association, accredited college, or insurance education institution may submit continuing education courses for approval by the commissioner.

(b) Course information must be submitted on an application form that may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787. The application form is adopted by reference.

(c) A completed application form shall be submitted to the Continuing Education Program, c/o Indiana Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(d) The application form shall be submitted at least sixty (60) days prior to the date of the continuing education course.

(e) A provider may advertise a continuing education course after submission to the department but before its approval; however, the provider must clearly indicate in any advertisement of the course that course approval is pending.

(f) A nonrefundable processing fee in the amount of ~~ten forty~~ dollars ~~(10)~~ (\$40) per application, course, or a yearly fee in the amount of ~~two five hundred fifty~~ dollars ~~(250)~~ (\$500) for all applications, courses, shall be submitted to the department along with a completed application form.

(g) Videotaped, Internet, and satellite broadcast programs may be approved for continuing education credit.

(h) Each educational segment within a convention program or an association annual meeting shall be submitted individually for continuing education credit. Notwithstanding section 3(b) of this rule, the educational segment may be approved for one (1) hour of credit.

(i) Applications for continuing education course approval shall be presented to the advisory council. The advisory council shall review each application and make a recommendation to the commissioner on whether the course should be approved and the number of credit hours to be awarded. The department shall notify the provider in writing when the commissioner approves or disapproves a continuing education course.

(j) Course approval is valid for ~~one (1) year~~ **two (2) years** from the date of the commissioner's approval. Thereafter, the course must be resubmitted for approval under this section. *(Department of Insurance; 760 IAC 1-50-4; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1569)*

SECTION 4. 760 IAC 1-50-5 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-50-5 Requirements for self-study continuing education courses**

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.6-12; IC 27-1-15.7-4

Sec. 5. (a) In addition to the requirements in section 4 of this rule, self-study courses are subject to the following requirements:

(1) ~~Agents~~ **A producer** enrolled in a self-study course, including a computer-based course, shall take a written or computer-based examination at the conclusion of the self-

study course. The written or computer-based examination must comply with the following requirements:

- (A) Examination questions shall be multiple choice.
- (B) Questions shall be selected at random from a bank of questions.
- (C) At least three (3) different versions of the examination shall be used on a random basis.
- (D) The examination for a course approved for eight (8) hours of credit or less shall consist of at least twenty-five (25) questions.
- (E) The examination for a course approved for greater than eight (8) hours of credit shall consist of at least fifty (50) questions.
- (F) The written examination shall be sealed in an opaque envelope. The testing protocol and affidavit requirements of subdivision (4) shall be written on the outside of the envelope.
- (G) The examination shall be graded by the provider.
- (H) A computer-based examination may not include prompts designed to aid the student in answering examination questions.

(2) ~~An agent~~ **A producer** must correctly answer seventy percent (70%) of the examination questions in order to pass the self-study course.

(3) ~~An agent~~ **A producer** must pass a self-study examination to receive any continuing education credit hours for the self-study course.

(4) When taking the self-study examination, the ~~agent~~ **producer** shall sign an affidavit, supplied by the provider, that states the ~~agent~~ **producer** did not use outside help, such as an open textbook or another individual, in taking the examination. A second ~~agent~~ **producer** must sign the affidavit verifying that the second ~~agent~~ **producer** witnessed the first ~~agent's~~ **producer's** examination and no outside help was used. The signed affidavit must be returned to the provider. The provider shall retain the original affidavit for four (4) years.

(5) The provider shall grade the examination and mail the results to the ~~agent~~ **producer** no later than thirteen (13) days after the date upon which the ~~agent~~ **producer** mailed the completed examination to the provider.

(6) A computer-based course that includes a computer-based examination must be designed to prevent the student from skipping the education materials before taking the examination.

(b) Failure to comply with the requirements of this section may result in disciplinary action by the department ~~pursuant to IC 27-1-15.5-8~~. **under IC 27-1-15.6-12.** (*Department of Insurance; 760 IAC 1-50-5; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 574; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1569*)

SECTION 5. 760 IAC 1-50-7 IS AMENDED TO READ AS FOLLOWS:

## **760 IAC 1-50-7 Record keeping requirements**

**Authority:** IC 27-1-15.7-7

**Affected:** IC 27-1-15.7-4

Sec. 7. (a) ~~Providers~~ **A provider** shall take attendance at each continuing education course. The provider shall retain the attendance reports for four (4) years. The attendance report shall contain the following information:

- (1) The ~~agent's~~ **producer's** name.
- (2) The ~~agent's~~ **producer's** license number.
- (3) The ~~agent's~~ **producer's** birth date.
- (4) ~~Agent's~~ **The producer's** signature.
- (5) Any other information requested by the department.

(b) ~~Providers~~ **A provider** shall provide each ~~agent~~ **producer** who attends a continuing education course, or passes a self-study course, with a certificate of completion form no later than ten (10) days following the completion of the course. The certificate of completion form is adopted by reference, and a copy of the form may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(c) For two (2) years following a continuing education course, the provider shall prepare a duplicate certificate of completion upon the request of ~~an agent~~ **a producer** who attended the course. The certificate must be provided within ten (10) days of the request.

(d) No later than ten (10) days after a request from the department, the provider shall deliver to the department a list of the ~~agents~~ **producers** to whom it has delivered a certificate of completion for a specific course or courses.

(e) In the event a provider fails to provide a certificate of completion as required in this section, the commissioner may suspend approval of any or all of a provider's continuing education courses.

(f) ~~Agents~~ **The producer** shall retain the certificate of completion for four (4) years following completion of the course.

(g) ~~Providers~~ **A provider** shall notify the department at least thirty (30) days in advance of an approved continuing education course being offered. (*Department of Insurance; 760 IAC 1-50-7; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 575; errata filed Dec 15, 1999, 9:08 a.m.: 23 IR 1110; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1570*)

SECTION 6. 760 IAC 1-50-13 IS AMENDED TO READ AS FOLLOWS:

## **760 IAC 1-50-13 Retirement exemption**

**Authority:** IC 27-1-15.7-7

**Affected:** IC 27-1-15.6-12



Sec. 13. (a) A retired **agent producer** who is required by an insurer to maintain his or her license in order to collect commissions on business written before retirement may apply for an exemption from continuing education requirements.

(b) To obtain a retirement exemption, **an agent a producer** shall complete and submit to the department the exemption form set forth in section 13.5 of this rule.

(c) The **agent producer** shall notify the department of any changes in his or her retirement status.

(d) A retired **agent producer** who solicits or services a policy is not eligible to apply for or retain an exemption from the continuing education requirements.

(e) **An agent A producer** who fails to notify the department of any change in status under this section will be subject to administrative action under ~~IC 27-1-15.5-8~~ **IC 27-1-15.6-12**. (*Department of Insurance; 760 IAC 1-50-13; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1828; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1570*)

SECTION 7. 760 IAC 1-50-13.5 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-50-13.5 Retirement exemption form**

Authority: IC 27-1-15.7-7

Affected: IC 27-1-15.6-3; IC 27-1-15.7-2

Sec. 13.5. The form referenced in section 13 of this rule is as follows:

**CONTINUING EDUCATION EXEMPTION FORM  
FOR RETIRED INSURANCE AGENTS PRODUCERS  
AND SOLICITORS**

I, \_\_\_\_\_, do hereby attest that effective \_\_\_\_\_ I am retired and am no longer an active insurance **agent producer**. I will not solicit or service any insurance policy or policyholder. I respectfully request that I be exempt from fulfilling the continuing education requirements as prescribed by ~~IC 27-1-15.5-7.1~~ **IC 27-1-15.7-2**.

If my current situation changes and I plan to solicit or service insurance policies or policyholders, I will immediately notify the Indiana Department of Insurance of my change in status. I understand that the Department will rescind any continuing education exemption, and I will thereafter be responsible for all continuing education requirements as prescribed in ~~IC 27-1-15.5-7.1~~ **IC 27-1-15.7-2**.

I further understand that if I fail to notify the Department of Insurance of any change in my retirement status and I engage in the business of insurance, including soliciting or servicing an insurance policy, I will be subject to administrative sanctions.

_____	_____
Date	Signature
_____	_____
License number	Address

\_\_\_\_\_  
License expiration date City/State Zip

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

County of residence: \_\_\_\_\_

(*Department of Insurance; 760 IAC 1-50-13.5; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1571*)

*LSA Document #03-160(F)*

*Notice of Intent Published: 26 IR 3373*

*Proposed Rule Published: October 1, 2003; 27 IR 271*

*Hearing Held: October 28, 2003*

*Approved by Attorney General: December 1, 2003*

*Approved by Governor: December 11, 2003*

*Filed with Secretary of State: December 12, 2003, 10:30 a.m.*

*Incorporated Documents Filed with Secretary of State: None*

**TITLE 848 INDIANA STATE BOARD  
OF NURSING**

LSA Document #03-34(F)

**DIGEST**

Amends 848 IAC 5-1-1 and 848 IAC 5-1-3 concerning prescriptive authority for advanced practice nursing. Effective 30 days after filing with the secretary of state.

**848 IAC 5-1-1**

**848 IAC 5-1-3**

SECTION 1. 848 IAC 5-1-1 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 5-1-1 Initial authority to prescribe legend drugs**

Authority: IC 25-23-1-7

Affected: IC 25-23-1

Sec. 1. (a) An advanced practice nurse may be authorized to prescribe legend drugs, including controlled substances, if the advanced practice nurse does the following:

(1) Submits an application on a form prescribed by the board with the required fee, including, but not limited to, the following information:

(A) Complete name, residence and office addresses with zip codes, and residence and business telephone numbers with area codes.

(B) All names used by the applicant, explaining the reasons for any name change or use.

- (C) Date and place of birth.
- (D) Citizenship and visa status, if applicable.
- (E) A complete statement of all nursing education received, providing **the following**:
- (i) Names and locations of all colleges, schools, or universities attended.
  - (ii) Dates of attendance. ~~and~~
  - (iii) Degrees obtained or received.
- (F) Whether the applicant has ever had any disciplinary action taken against the applicant's nursing license by the board or by the licensing agency of any other state or jurisdiction and the details and dates thereof.
- (G) A complete list of all places of employment, including **the following**:
- (i) The names and addresses of employers.
  - (ii) The dates of each employment. ~~and~~
  - (iii) Employment responsibilities held or performed ~~which that~~ the applicant had since graduation from nursing school.
- (H) Whether the applicant is, or has been, addicted to any narcotic drug, alcohol, or other drugs and, if so, the details thereof.
- (I) Whether the applicant has been convicted of any violation of law relating to drug abuse, controlled substances, narcotic drugs, or any other drugs.
- (J) Whether the applicant has previously been licensed to practice nursing in any other state or jurisdiction and, if so, **the following**:
- (i) The names of such states or jurisdictions ~~which that~~ previously licensed the applicant.
  - (ii) The dates of such licensure.
  - (iii) The license number. ~~and~~
  - (iv) The current status of such licensure.
- (K) Whether the applicant has been denied a license to practice nursing by any state or jurisdiction and, if so, the details thereof, including **the following**:
- (i) The name and location of the state or jurisdiction denying licensure.
  - (ii) The date of denial of such licensure. ~~and~~
  - (iii) The reasons relating thereto.
- (L) A certified statement that the applicant has not been convicted of a criminal offense (excluding minor traffic violations) or a certified statement listing all criminal offenses of which the applicant has been convicted. This listing must include **the following**:
- (i) The offense of which the applicant was convicted.
  - (ii) The court in which the applicant was convicted. ~~and~~
  - (iii) The cause number in which the applicant was convicted.
- (M) All information in the application shall be submitted under oath or affirmation, subject to the penalties for perjury.
- (2) Submits proof of **holding** an active, unrestricted:
- (A) Indiana registered nurse license; **or**
  - (B) **registered nurse license in another compact state**

**and having filed a Multi-state Privilege Notification Form with the health professions bureau.**

- (3) Submits proof of having met the requirements of all applicable laws for practice as an advanced practice nurse in the state of Indiana.
- (4) Submits proof of a baccalaureate or higher degree in nursing.
- (5) If the applicant holds a baccalaureate degree only, submits proof of certification as a nurse practitioner or certified nurse-midwife by a national organization recognized by the board and which requires a national certifying examination.**
- ~~(5)~~ (6) Submits proof of having successfully completed a graduate level pharmacology course consisting of at least two (2) semester hours of academic credit from a college or university accredited by the Commission on Recognition of Postsecondary Accreditation:
- (A) within five (5) years of the date of application; or
  - (B) ~~as part of a degree program, with clear and convincing proof of subsequent collaborative experience as an advanced practice nurse within the last five (5) years; if the pharmacology course was completed more than five (5) years but not more than eight (8) years, prior to immediately preceding the date of filing the application, the applicant must submit proof of the following:~~
- (i) **Completing at least thirty (30) actual contact hours of continuing education during the two (2) years immediately preceding the date of the application, including a minimum of at least eight (8) actual contact hours of pharmacology, all of which must be approved by a nationally approved sponsor of continuing education for nurses.**
  - (ii) **Prescriptive experience in another jurisdiction within the five (5) years immediately preceding the date of the application.**
- ~~(6)~~ (7) Submits proof of collaboration with a licensed practitioner in the form of a written practice agreement that sets forth the manner in which the advanced practice nurse and licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to patients. Practice agreements shall be in writing and shall also set forth provisions for the type of collaboration between the advanced practice nurse and the licensed practitioner and the reasonable and timely review by the licensed practitioner of the prescribing practices of the advanced practice nurse. Specifically, the written practice agreement shall contain at least the following information:
- (A) Complete names, home and business addresses, zip codes, and telephone numbers of the licensed practitioner and the advanced practice nurse.
  - (B) A list of all other offices or locations besides those listed in clause (A) where the licensed practitioner authorized the advanced practice nurse to prescribe.
  - (C) All specialty or board certifications of the licensed practitioner and the advanced practice nurse.

(D) The specific manner of collaboration between the licensed practitioner and the advanced practice nurse, including how the licensed practitioner and the advanced practice nurse will:

- (i) work together;
- (ii) share practice trends and responsibilities;
- (iii) maintain geographic proximity; and
- (iv) provide coverage during absence, incapacity, infirmity, or emergency by the licensed practitioner.

(E) A description of what limitation, if any, the licensed practitioner has placed on the advanced practice nurse's prescriptive authority.

(F) A description of the time and manner of the licensed practitioner's review of the advanced practice nurse's prescribing practices. The description shall include provisions that the advanced practice nurse must submit documentation of the advanced practice nurse's prescribing practices to the licensed practitioner within seven (7) days. Documentation of prescribing practices shall include, but not be limited to, at least a five percent (5%) random sampling of the charts and medications prescribed for patients.

(G) A list of all other written practice agreements of the licensed practitioner and the advanced practice nurse.

(H) The duration of the written practice agreement between the licensed practitioner and the advanced practice nurse.

~~(7)~~ (8) Written practice agreements for advanced practice nurses applying for prescriptive authority shall not be valid until prescriptive authority is granted by the board.

(b) When the board determines that the applicant has met the requirements under subsection (a), the board shall send written notification of authority to prescribe to the advanced practice nurse, including the identification number and designated authorized initials to be used by the advanced practice nurse.

(c) Advanced practice nurses who have been granted prescriptive authority will immediately notify the board in writing of any changes in, or termination of, written practice agreements, including any changes in the prescriptive authority of the collaborating licensed practitioner. Written practice agreements shall terminate automatically if the advanced practice nurse or licensed practitioner no longer has an active, unrestricted license.

(d) Advanced practice nurses wishing to prescribe controlled substances must obtain an Indiana controlled substances registration and a federal Drug Enforcement Administration registration. (*Indiana State Board of Nursing; 848 IAC 5-1-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2876; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; filed Dec 24, 2003, 10:45 a.m.: 27 IR 1571*)

SECTION 2. 848 IAC 5-1-3 IS AMENDED TO READ AS

FOLLOWS:

**848 IAC 5-1-3 Renewal of authority to prescribe legend drugs**

**Authority:** IC 25-23-1-7

**Affected:** IC 25-23-1

Sec. 3. (a) Prescriptive authority for the advanced practice nurse expires on October 31 in each odd-numbered year. Failure to renew the prescriptive authority on or before the expiration date will automatically render the authority invalid without any action by the board.

(b) ~~An application form~~ **A notice of expiration** and instructions for renewal of the authority to prescribe legend drugs will be mailed in odd-numbered years with the renewal for registered nurse licensure.

(c) Applicants for renewal of the prescriptive authority shall pay a renewal fee in addition to the fee for renewal of the registered nurse license.

(d) ~~Applications~~ **The notice of expiration** for renewal of the prescriptive authority shall be mailed to the last known address of the licensee. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the registered nurse license and the authorization to prescribe by the renewal date.

(e) Applicants for renewal of prescriptive authority shall submit **the following** to the board along with the renewal form and fee:

(1) Proof of at least thirty (30) actual contact hours of continuing education during the two (2) years immediately preceding renewal, including at least eight (8) actual contact hours of pharmacology, approved by a nationally approved sponsor of continuing education for nurses. ~~and approved by the board and contained on a list at the health professions bureau.~~

(2) **A current signed and dated written collaborative practice agreement that contains all of the information required under section 1 of this rule.**

(*Indiana State Board of Nursing; 848 IAC 5-1-3; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2878; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; filed Dec 24, 2003, 10:45 a.m.: 27 IR 1573*)

*LSA Document #03-34(F)*

*Notice of Intent Published: 26 IR 1964*

*Proposed Rule Published: September 1, 2003; 26 IR 3947*

*Hearing Held: October 16, 2003*

*Approved by Attorney General: December 9, 2003*

*Approved by Governor: December 18, 2003*

*Filed with Secretary of State: December 24, 2003, 10:45 a.m.*

*Incorporated Documents Filed with Secretary of State: None*

# Final Rules

## TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #03-191(F)

### DIGEST

Amends 856 IAC 1-27-1 concerning the fee for certification as a pharmacy technician. Effective 30 days after filing with the secretary of state.

#### 856 IAC 1-27-1

SECTION 1. 856 IAC 1-27-1 IS AMENDED TO READ AS FOLLOWS:

#### 856 IAC 1-27-1 Fees

Authority: IC 25-1-8-2; IC 25-26-13-4

Affected: IC 25-26-13

Sec. 1. (a) The fee following fees apply to an applicant for licensure by examination to practice as a pharmacist: ~~shall be an administrative fee of one hundred dollars (\$100):~~

- |   |        |
|---|--------|
| (1) Application for examination for a pharmacist's license                    | \$100  |
| (2) Reexamination of the jurisprudence examination                            | \$25   |
| (3) Reexamination of the practical examination                                | \$25   |
| (4) Licensure by reciprocity (license transfer)                               | \$100  |
| (5) Application for the renewal of a biennial license                         | \$160  |
| (6) Certification of qualifications, grades, or registration to another state | \$10   |
| (7) Wall certificate  | \$10   |
| (8) Duplicate pharmacist pocket license                                       | No Fee |
| (9) Compilation of pharmacy laws  | \$10   |

(b) The fee for licensure as a pharmacist from another state by reciprocity (also known as license transfer) and without a full examination ~~shall be one hundred dollars (\$100):~~ following fees apply to an applicant for permission to operate, maintain, open, or establish a pharmacy:

- |  |        |
|--|--------|
| (1) Initial application  | \$100  |
| (2) Application for renewal of biennial license                      | \$200  |
| (3) Application for change of ownership                              | \$50   |
| (4) Application for change of location                               | \$50   |
| (5) Application for remodel  | \$50   |
| (6) Duplicate pharmacy permit  | No Fee |
| (7) Nonresident pharmacy initial application                         | \$100  |
| (8) Application for renewal of nonresident pharmacy biennial license | \$200  |

(c) The fee for taking or retaking the state jurisprudence examination or the practical examination shall be twenty-five dollars (\$25): following fees apply to applicants for permits or certifications authorized by the board:

- |   |      |
|---|------|
| (1) Intern/extern initial application       | \$10 |
| (2) Intern/extern annual renewal            | \$10 |
| (3) Pharmacy technician initial application | \$25 |

#### (4) Pharmacy technician biennial renewal \$25

(d) The fee for the renewal of a license as a registered pharmacist shall be seventy-five dollars (\$75) per year. The board shall collect an additional five dollars (\$5) per year from each individual who renews a pharmacist license to fund a program to assist impaired pharmacists.

(e) The fee for a license as a pharmacist intern/extern shall be ten dollars (\$10). The renewal fee for such a license shall be ten dollars (\$10).

(f) The fee for both an initial application and renewal to operate an in-state pharmacy shall be one hundred dollars (\$100) per year. When there is a change of ownership, a new permit must be obtained; and the fee shall be fifty dollars (\$50). When there is a change of location, the current permit is updated and the fee is fifty dollars (\$50).

(g) The fee for certificate of qualifications, registration, and grades in any application for reciprocity to another state shall be ten dollars (\$10).

(h) There will be no fee for a duplicate pharmacy license or duplicate pharmacist pocket license.

(i) The fee for a duplicate pharmacist's wall certificate shall be ten dollars (\$10).

(j) The fee for a complete compilation of the pharmacy laws shall be ten dollars (\$10).

(k) The fee for both an initial registration and renewal registration of a nonresident pharmacy shall be one hundred dollars (\$100) per year. (*Indiana Board of Pharmacy; Reg 29; filed Aug 30, 1977, 8:25 a.m.: Rules and Regs. 1978, p. 660; filed Mar 5, 1985, 2:42 p.m.: 8 IR 802; filed Nov 13, 1985, 3:08 p.m.: 9 IR 772; filed Apr 30, 1986, 9:43 a.m.: 9 IR 2204; filed Sep 8, 1987, 2:30 p.m.: 11 IR 95; filed Jul 24, 1991, 2:45 p.m.: 14 IR 2238; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3106; filed May 29, 1998, 11:56 a.m.: 21 IR 3931; filed Aug 5, 1998, 3:48 p.m.: 21 IR 4535; filed Apr 16, 2002, 9:03 a.m.: 25 IR 2739; filed Dec 12, 2003, 10:45 a.m.: 27 IR 1574*) NOTE: Renumbered Reg 30 by 1978 Amendment.

LSA Document #03-191(F)

Notice of Intent Published: 26 IR 3677

Proposed Rule Published: October 1, 2003; 27 IR 276

Hearing Held: November 10, 2003

Approved by Attorney General: December 1, 2003

Approved by Governor: December 9, 2003

Filed with Secretary of State: December 12, 2003, 10:45 a.m.

Incorporated Documents Filed with Secretary of State: None

**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #03-314(AC)

Under IC 4-22-2-38, corrects the following clerical error in LSA Document #03-314(E), printed at 27 IR 1586:

In 65 IAC 5-9-1, on page 19 of the original document (27 IR 1594), delete “Daily4”, and insert “Lucky 5”.

*Filed with Secretary of State: January 5, 2004, 12:30 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

*NOTE: This change was incorporated into the printed version of LSA Document #03-314(E) and may be found at 27 IR 1586, as corrected.*

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**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #03-7(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #03-7(F), printed at 27 IR 505:

- (1) In 760 IAC 1-57-8, on page 8 of the original document (27 IR 509), after “analysis”, insert end quotation marks.
- (2) In 760 IAC 1-57-10(a), on page 16 of the original document (27 IR 514), after “subsection”, delete “(c)” and insert “(b)”.

*Filed with Secretary of State: December 16, 2003, 1:30 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

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**Notice of Recall**

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**TITLE 405 OFFICE OF THE SECRETARY OF  
FAMILY AND SOCIAL SERVICES**

LSA Document #03-66

Under IC 4-22-2-40, LSA Document #03-66, printed at 26 IR  
3381, is recalled.

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**TITLE 52 INDIANA BOARD OF TAX REVIEW**

LSA Document #03-327(E)

**DIGEST**

Temporarily adds provisions establishing appeal procedures for the Indiana board of tax review and parties appearing before the board to follow until such time as permanent procedural rules are approved and filed with the secretary of state. Authority: HEA 1714, P.L.245-2003, SECTION 25; IC 6-1.5-6-1; IC 4-22-2-37.1. Effective December 15, 2003.

**SECTION 1.** The purpose of this document is to establish procedures to govern administrative proceedings before the board. The definitive procedures, procedural requirements, and evidentiary controls established by this document are deemed essential to assure that the administrative appeals before the board are conducted in the most uniform and objective manner possible.

**SECTION 2.** Except as provided in LSA Document #03-328(E) regarding the small claims procedures, the provisions of this document apply to and govern all proceedings before the board.

**SECTION 3.** The board shall conduct an impartial review of an appeal from:

- (1) a determination by an assessing official or a county property tax assessment board of appeals described under IC 6-1.5-4-1;
- (2) a final determination of the department described under IC 6-1.5-5-1; or
- (3) any other determination or finding by the department, a PTABOA, or an assessing official for which review by the board is expressly authorized under Indiana law.

**SECTION 4.** The following definitions apply throughout this document:

- (1) "Administrative law judge" refers to an individual appointed under IC 6-1.5-3-3 to conduct a hearing that the board is required by law to hold.
- (2) "Appeal petition" means a petition for review filed with the board under IC 6-1.5-4-1 or IC 6-1.5-5-1.
- (3) "Authorized representative" means a person, including, but not limited to, a tax representative as defined in 52 IAC 1-1-6, authorized to represent a party in a matter governed by this document.
- (4) "Board" means the Indiana board of tax review established under IC 6-1.5-1-3.
- (5) "Board member" or "member of the board" means one (1) of the three (3) members of the board appointed under IC 6-1.5-2-1.
- (6) "Central office" means the principal office of the board located in Indianapolis, Indiana.
- (7) "Department" means the department of local govern-

ment finance established under IC 6-1.1-30-1.1.

(8) "Final order" or "final determination" means any action of the board that is:

- (A) designated as final by the board;
- (B) the final step in the administrative process before resort may be made to the judiciary; or
- (C) deemed final under IC 6-1.1-15-4 and IC 6-1.1-15-5.

(9) "Nonfinal order" means any action by the board that is not a final order or final determination subject to direct judicial review.

(10) "Order or ruling" means any final or nonfinal order, ruling, or determination by the board.

(11) "Original determination" means a determination of assessed value, qualification for an exemption, credit, or deduction, or other decision that is the subject of the appeal petition.

(12) "Party" means a participant in a matter governed by this document, which may include the following:

- (A) The owner of the subject property.
- (B) The taxpayer responsible for the property taxes payable on the subject property.
- (C) The person filing an appeal petition.
- (D) The township assessor, county assessor, or PTABOA that made the original determination under appeal.
- (E) A PTABOA that made a determination on an exemption application under appeal.
- (F) A county auditor or other local official or body who made the original determination concerning a property tax deduction, credit, or refund.
- (G) The department.

(13) "Person" has the meaning set forth in IC 6-1.1-1-10.

(14) "Petition for rehearing" means a written request for rehearing properly filed with the board under IC 6-1.1-15-5.

(15) "Practice before the board" means participation in any matters connected with a proceeding before the board, any of its members, or any contractor or employee designated to act in the capacity of an administrative law judge relating to a client's rights, privileges, or liabilities under Indiana's property tax laws or rules. Such presentations include, but are not limited to, the following:

- (A) Preparing and filing necessary documents, except personal property returns.
- (B) Corresponding and communicating with the board on a substantive issue in a pending proceeding.
- (C) Representing a client at a hearing, on-site inspection, or meeting.

(16) "Property tax assessment board of appeals" or "PTABOA" means the county property tax assessment board of appeals established under IC 6-1.1-28-1.

(17) "Tax representative" has the meaning set forth in 52 IAC 1-1-6.

**SECTION 5.** (a) This SECTION applies to the computa-

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tion of any period of time prescribed or allowed by this document or by order of the board.

(b) The day of the act, event, or default from which the designated period of time begins is not counted. The last day of the designated period is counted but may not be a:

- (1) Saturday;
- (2) Sunday;
- (3) legal holiday as defined by state statute; or
- (4) day the office in which the act is to be done is closed during regular business hours.

(c) The postmark date on an appeal petition or petition for rehearing, correctly addressed and sent by United States first class mail, registered mail, or certified mail, will constitute prima facie proof of the date of filing.

(d) The date-received stamp affixed by the proper county official or the board to an appeal petition or a petition for rehearing filed by personal delivery or private courier will constitute prima facie proof of the date of filing.

(e) If a paper is served through the United States mail, three (3) days must be added to a period that commences upon service of that paper.

SECTION 6. (a) If the party is represented by a tax representative, the tax representative must file a power of attorney with the board.

(b) Other authorized representatives, including attorneys, must file a notice of appearance with the board, stating that the party has authorized the representative to appear on the party's behalf.

(c) The power of attorney or notice of appearance must contain the authorized representative's name, address, and telephone number.

SECTION 7. (a) This SECTION applies to the service of:

- (1) notices required by the board under IC 6-1.1-15-4 and IC 6-1.1-15-5; and
- (2) any other ruling, order, determination, or paper issued by the board.

(b) The board will keep a record of all notices, rulings, determinations, or other papers, served by personal delivery, private courier, or United States mail, indicating the date and circumstances of the service. The record will constitute prima facie proof of the date and circumstances of service.

(c) The board may serve papers by facsimile unless, in writing, a party specifically requests otherwise.

(d) Service shall be given to each party unless the party

has properly designated an authorized representative and that representative has filed a power of attorney or notice of appearance as required under SECTION 6 of this document, in which case service shall be given to the party's authorized representative.

(e) Service to a person that is not an individual must be made to the party's authorized representative in accordance with:

- (1) the power of attorney attached to the appeal petition;
- (2) any superseding power of attorney filed with the board; or
- (3) any notice of appearance filed by an attorney or by other authorized representative.

(f) The taxpayer, or the taxpayer's authorized representative, must provide written notification to the board of any change of address or facsimile number. Unless this written notification is provided, service will be deemed accomplished when mailed or faxed according to the last known address or facsimile number properly provided to the board.

SECTION 8. (a) All papers that are filed with or submitted to the administrative law judge or board regarding a matter governed by this document must also be served upon all parties or, if the party has a properly authorized representative, upon the authorized representative.

(b) Service of papers other than appeal petitions and petitions for rehearing may be made by electronic mail or facsimile unless, in writing, a party specifically requests otherwise.

SECTION 9. (a) The filing of appeal petitions and petitions for rehearing must be made by:

- (1) personal delivery;
- (2) deposit in the United States mail;
- (3) private courier; or
- (4) registered or certified mail, return receipt requested.

(b) Appeal petitions and petitions for rehearing may not be filed by facsimile or electronic mail.

SECTION 10. (a) A petition for review of assessment under IC 6-1.1-15-3 must be filed with the county assessor within thirty (30) days after the notice of the determination by the PTABOA. The county assessor shall forward a copy of the petition to the township assessor responsible for the original assessment.

(b) A petition to correct errors under IC 6-1.1-15-12 must be filed with the county auditor within thirty (30) days after notice of the determination of the PTABOA. The county auditor shall forward a copy of the petition to the township



assessor responsible for the original assessment.

(c) A petition for review of exemption under IC 6-1.1-11-7 must be filed with the county assessor within thirty (30) days after notice of the determination of the PTABOA.

(d) A petition for review of an action by the department under IC 6-1.5-5-1 must be filed with the board within forty-five (45) days after notice of the determination of the department, unless otherwise specified by statute.

(e) There is a rebuttable presumption that the notice of determination is mailed on the date of the notice.

SECTION 11. Persons filing a petition for rehearing under IC 6-1.1-15-5 must file the petition with the board within fifteen (15) days after the board gives notice of its final determination under IC 6-1.1-15-4.

SECTION 12. (a) Appeal petitions must be submitted on the form prescribed by the board and in conformance with the instructions provided on the petition.

(b) A separate petition must be filed for each parcel.

(c) The petition shall include the following:

- (1) Information required by IC 6-1.1-15-1(e).
- (2) Legal and factual basis of the appeal.
- (3) Assessment of the subject property that the petitioner alleges is correct.
- (4) Assessed value placed on the subject property in the original determination or, if different, the assessed value placed on the property by the PTABOA.
- (5) All information requested on the petition form.
- (6) An election to either have the appeal petition heard pursuant to the small claims procedures LSA Document #03-328(E) or to have the appeal petition heard pursuant to this document.

(d) If the appeal petition is not properly completed, the board will issue a notice of defect, specifying the nature of the defect and shall return the appeal petition to the petitioner. The petitioner must correct or cure the appeal petition within thirty (30) days from the date the notice of defect is served.

(e) Failure to bring the appeal petition into substantial compliance with the instructions in the defect notice will result in denial of the petition without hearing.

SECTION 13. (a) Timely filed amendments to appeal petitions are permitted.

(b) The petition may be amended once as a matter of course within thirty (30) days of the filing of the original appeal petition.

(c) Amendments filed later than thirty (30) days following the filing of the petition must be approved by the board for good cause shown. Amendments filed solely for the purpose of adding new issues will be approved if filed no later than fifteen (15) days prior to the hearing.

(d) Notwithstanding subsection (b), the board will not approve an amendment filed within fifteen (15) days prior to the hearing without the consent of the other parties to the hearing.

(e) Amendments to appeal petitions must be filed at the central office and must be served upon all parties.

(f) Amendments to appeal petitions must be filed pursuant to SECTIONS 9 and 10 of this document.

(g) Only issues raised in the appeal petition or any approved amendments to the petition may be raised at the hearing.

SECTION 14. (a) The board may not limit the scope of the issues raised in the appeal petition to those presented to the PTABOA unless all parties agree to the limitation of issues.

(b) If new issues are raised in an amendment to the appeals petition, the amendment is subject to the terms of SECTION 13 of this document.

(c) If an issue not presented to the PTABOA is raised in the appeal petition or the amended appeal petition, the board may remand the petition to the PTABOA for consideration of the new issue if consented to by the parties and the PTABOA.

(d) If the board remands the petition to the PTABOA pursuant to subsection (c) and the PTABOA does not issue a determination on the new issue within sixty (60) days of the remand, the board shall proceed to hear the appeal.

SECTION 15. The board shall conduct a hearing within the time limits set forth in IC 6-1.1-15-4 and IC 6-1.5-5-6.

SECTION 16. (a) Hearings held before an administrative law judge shall be held in the county in which the property subject to the appeal is located, in an adjacent county, or at such other location as the parties and the designated administrative law judge agree.

(b) All hearings conducted by a member of the board or by the board sitting in its entirety will be held in the central office unless otherwise agreed to by the board.

SECTION 17. (a) The board may receive evidence by duly sworn affidavit. However, evidence presented by affidavit may be subject to objection.

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(b) The board may issue a determination based upon a record created by stipulation of the parties as to some or all of the issues on appeal.

(c) A hearing or prehearing conference may be conducted by telephone or through video conferencing upon agreement of the parties.

SECTION 18. (a) The board shall make a final determination within the time limits set forth in IC 6-1.1-15-4 and IC 6-1.5-5-6.

(b) The board may, on its own motion, and upon written notification, extend the final determination date under subsection (a) by up to one hundred eighty (180) days.

(c) If the board does not issue a final determination within the maximum time allowed by this SECTION, the petitioner may take action as set forth in IC 6-1.1-15-5 and IC 6-1.5-5-6.

(d) Upon issuance of the final determination, or if the maximum time has elapsed as set forth in IC 6-1.1-15-5 or IC 6-1.5-5-6, a party may seek judicial review under IC 6-1.1-15-5.

(e) A final determination requires the approval by a majority of the board. If a majority of the board is not able to arrive at a final determination, the petition shall be deemed denied and the parties will be so notified.

SECTION 19. (a) Hearings will be conducted by an administrative law judge, any member of the board acting as an administrative law judge, or the board sitting in its entirety.

(b) Hearings shall be informal proceedings.

(c) All testimony shall be under oath or affirmation.

(d) Hearings will be tape recorded by the administrative law judge. The recording of the administrative law judge will serve as the basis of the official record of the proceeding unless the hearing is transcribed by a court reporter. A party may hire a court reporting service to transcribe the hearing so long as the reporting service is directed to submit an official copy of the transcript to the board at no cost to the board.

(e) The administrative law judge may rule on any nonfinal order without the approval of a majority of the board.

SECTION 20. (a) The county assessor in the county where the property is located may:

(1) appear as an additional party in a proceeding before

the board; or

(2) file an objection to a settlement or stipulation of assessed value or exempt status.

(b) In order to appear as an additional party or to object to settlement or stipulation of value or exempt status, the county assessor must do the following:

(1) Notify the parties and the board in writing.

(2) Include a detailed statement of the reason for the appearance or objection.

(3) File the notice of their appearance as a party within thirty (30) days of the petition filing or within ten (10) days of receipt of notice of the proposed settlement or stipulation.

(c) If a county assessor does not appear as an additional party in a case, but files an objection to a settlement or stipulation of assessed value or exempt status, the parties in the case may submit a written response to the objection within ten (10) days. The board may either accept or reject the objection or may accept the objection in part and reject it in part.

SECTION 21. (a) The board may, on its own motion or upon motion by one (1) or more parties, consolidate two (2) or more petitions for the appeal of an assessment of real property if:

(1) the properties are located in the same township and are of the same classification; and

(2) the common factual and legal issues in dispute predominate over the individual issues.

(b) The board shall notify the parties of its intent to consolidate the actions and shall permit a petitioner, as a matter of right, to sever itself from the consolidated action.

(c) A motion to sever under subsection (b) must be in writing.

SECTION 22. A party may, prior to the hearing, move for summary judgment or partial summary judgment.

SECTION 23. (a) Except as provided in subsection (b), a party participating in the hearing may introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals.

(b) A party to the appeal must provide to the other parties:

(1) copies of documentary evidence or summaries of statements of testimonial evidence at least five (5) business days prior to the hearing; and

(2) a list of witnesses and exhibits to be introduced at the hearing at least fifteen (15) business days prior to the

hearing. If a new issue has been added by another party pursuant to SECTION 13(c) of this document, a party may supplement its list of witnesses and exhibits ten (10) days prior to the hearing in order to address the new issue.

(c) For purposes of determining compliance with the deadlines under subsection (b), the parties must either provide personal or hand delivery or deposit the materials in the United States mail or other courier service three (3) days prior to the deadline in accordance with provisions of SECTION 5 of this document. If a party uses a courier service that guarantees next day delivery, the materials must be sent one (1) day before the specified deadline.

(d) The board or the presiding administrative law judge may waive the deadlines under subsection (b) for any materials that had been submitted at or made part of the record at a PTABOA hearing, a department hearing, or other proceeding from which the appeal arises.

(e) Copies of all materials provided to other parties under subsection (b) will become part of the administrative record only if admitted into evidence by the board or administrative law judge.

(f) Failure to comply with subsection (b) may serve as grounds to exclude the evidence or testimony at issue.

(g) Materials submitted to or made a part of the record at a PTABOA hearing, department hearing, or other proceeding from which the appeal arises will not be made part of the record of the board proceeding unless submitted to the board. Evidentiary materials proffered but not admitted into evidence will be so identified in the record.

(h) The board and its administrative law judges may specify the manner in which exhibits are to be labeled and organized.

(i) The board shall consider only the evidence, exhibits, and briefs submitted to it, other documents made part of the record, and matters of which the board expressly takes official notice under SECTION 26 *[of this document]*.

SECTION 24. (a) A party may object to the admissibility of evidence during the hearing. The administrative law judge shall regulate the course of the proceedings in conformity with any prehearing order and in an informal manner without recourse to the rules of evidence. The administrative law judge may defer a ruling on the admissibility of the evidence for the board's decision. If the administrative law judge defers a ruling, all proffered evidence will be entered for the record and its admissibility will be considered by the board and addressed in the findings.

(b) The board will determine the relevance and weight to

be assigned to the evidence. Although evidence may be admitted over the objection of a party, if it is immaterial, irrelevant, or should be excluded or disregarded on other grounds, it will not be assigned any weight in the board's final determination.

SECTION 25. Hearsay evidence, as defined by the Indiana Rules of Evidence (Rule 801), may be admitted. If not objected to, the hearsay evidence may form the basis for a determination. However, if the evidence is properly objected to and does not fall within a recognized exception to the hearsay rule, the resulting determination may not be based solely upon the hearsay evidence.

SECTION 26. (a) The board may take official notice of:

- (1) any fact that could be judicially noticed in the courts;
- (2) the record of other proceedings before the board;
- (3) codes or standards that have been adopted by an agency of the United States or this state; and
- (4) publications, treatises, or other documents commonly considered to be reliable authorities on subjects addressed at the hearing.

(b) Parties must be:

- (1) notified before or during the hearing, or before the issuance of any order that is based in whole or in part on facts or material noticed under subsection (a), of the specific facts or material noticed, including any staff memoranda and data; and
- (2) afforded an opportunity to contest and rebut the facts or material noticed under subsection (a).

SECTION 27. (a) A party must, at the time it is submitted, clearly identify all confidential information provided to the board and specify the statutory basis under which the information is claimed to be confidential.

(b) The board shall make a finding on the confidentiality of information upon the motion of the party and submission of such information.

(c) Information deemed confidential by the board shall be so identified by the board and shall be disclosed only in a manner consistent with IC 6-1.1-35-9, IC 5-14-3-1, et seq., and other applicable law.

(d) A redacted version of a document containing both confidential and nonconfidential evidence shall be provided to the board by the party requesting confidential treatment. The redacted version of the document will be available to the public under IC 5-14-3.

SECTION 28. (a) Continuances and extensions of time may be granted only if:

- (1) the request is made prior to the hearing or other deadline;

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- (2) good cause is shown; and
- (3) the request is served on all parties.

(b) A continuance or extension granted prior to the hearing shall be considered a delay reasonably caused by the party requesting the continuance or extension and shall automatically extend the time during which the hearing must be held.

SECTION 29. (a) The board may, upon reasonable notice to the parties, order a prehearing conference. A prehearing conference order may include a requirement for the parties to confer and submit an appeal management plan addressing matters outlined in subsection (b).

(b) The board may, through the prehearing conference or appeal management plan, require the parties to submit:

- (1) a list of two (2) or more desired dates for the hearing;
- (2) a preliminary statement of all contentions and defenses;
- (3) a discovery and motion schedule;
- (4) a preliminary witness and exhibit list;
- (5) possible stipulations;
- (6) amendments to the appeal petition;
- (7) an outline or summary of the matter under appeal; or
- (8) any other information that the board deems beneficial to the orderly review of an appeal petition.

(c) The parties, subject to an order issued under subsection (a), must demonstrate a good faith effort to comply with the order and reach agreement on an appeal management plan and the matters specified in the order. If the parties fail to materially comply with the order, or do not demonstrate a good faith effort, the board or the designated administrative law judge may:

- (1) conduct the prehearing conference and, following such conference, enter an order reflecting the matters ordered and agreed to at the prehearing conference; or
- (2) issue an order, addressing any matter not adequately resolved.

SECTION 30. (a) A party may use the applicable discovery methods contained in the Indiana Rules of Trial Procedure.

(b) The parties shall make all reasonable efforts to resolve discovery disputes before seeking a discovery order from the board.

(c) Upon showing of good cause, including a description of independent efforts made to resolve the discovery dispute, the board may issue a discovery order consistent with subsection (a). If necessary, the enforcement of such order or right of discovery shall be in accordance with the Indiana Rules of Trial Procedure.

(d) A party seeking a discovery order under this SECTION shall notify all parties.

(e) A party may seek discovery of witnesses, exhibits, or other evidence that the other party intends to present at the hearing. However, a party may not be precluded from supplementing the evidence and witness summaries required by SECTION 23(b)(1) of this document or adding to the witness and exhibit lists required by SECTION 23(b)(2) of this document because such items were not identified in discovery.

(f) No party shall serve on any other party more than twenty-five (25) interrogatories or more than twenty-five (25) requests for admission, including subparagraphs and subparts, without leave of the board.

(g) Upon motion of a party and for good cause shown, the board may issue a protective order restricting discovery of a trade secret or other confidential information or other matter consistent with the Indiana Rules of Trial Procedure and this document.

(h) Depositions may be taken in accordance with the Indiana Rules of Trial Procedure.

(i) Any member of the board or the administrative law judge assigned to hear the petition may issue a nonfinal order with respect to a discovery motion, motion to compel, motion for protective order, or other motion related to discovery or procedure.

SECTION 31. (a) Any party may request that the board issue a subpoena or subpoena duces tecum by filing a request with the board at least ten (10) business days before the date on which the hearing commences or the deposition is scheduled. The request shall state the following information:

- (1) The name of the witness.
- (2) The address, including street address, city, and county, where the witness can be served.
- (3) The date, time, and location the witness is expected to appear.
- (4) The matter in which the witness is expected to testify.
- (5) If a subpoena duces tecum, the material, listed in detail, to be brought by the witness to the hearing or deposition.

(b) A request for a subpoena or subpoena duces tecum shall not be granted by the board if filed fewer than ten (10) business days before the date on which the hearing commences or the deposition is scheduled except by approval of the board upon a showing of good cause.

(c) Except as provided in subsection (b), upon receipt of a properly filed request, the appropriate subpoena shall be issued by any member of the board.

(d) Any fees for service by the sheriff are the responsibility of the party requesting the subpoena. Subpoenas may be served in any manner specified by the rules governing the trial of civil causes. Subpoenas shall be enforced in a court of competent jurisdiction as provided for by law.

SECTION 32. (a) A party may file motions with the board or the designated administrative law judge. Except motions made during the hearing, all motions must:

- (1) be in writing;
- (2) state the basis for the motion;
- (3) set forth the relief or order sought;
- (4) be properly captioned with the petition number, parcel number, and taxpayer's name, address, and telephone number;
- (5) be signed by the party or authorized representative; and
- (6) include verification or proof of service to all parties.

(b) The failure to serve all parties may result in a denial of the motion.

(c) Any response to a motion must be filed within ten (10) days after the date of service unless otherwise specified by the board or the administrative law judge.

SECTION 33. (a) Parties may file, or the board may request, briefs in support of a party's position on any issue relevant to the appeal.

(b) Briefs shall be filed within the time limits set by the administrative law judge or board. An extension of time may be requested. If a party fails to timely file a brief, the board may exclude the brief from consideration.

(c) An original and two (2) copies of a brief submitted under this SECTION must be filed with the board at the central office. A copy of the brief shall also be served on each party.

(d) A brief submitted under this SECTION must not exceed thirty (30) pages (excluding exhibits) without prior written permission of the board or administrative law judge.

(e) Notwithstanding a submission deadline, a party may supplement a previously filed brief with subsequently decided cases, but without further argument.

(f) Briefs amicus curiae may be filed with leave of the board and must be filed in accordance with the briefing schedule established for the parties or by order of the board or the designated administrative law judge.

SECTION 34. (a) Parties may file proposed findings of fact and conclusions of law with the board.

(b) Proposed findings and conclusions must be filed within the time period established and at the address designated by the board or administrative law judge. A copy must be served on each party.

SECTION 35. (a) No posthearing evidence will be accepted unless it is requested by the administrative law judge or the board. The administrative law judge will set a deadline for the submission of any requested evidence and specify the address to which the posthearing evidence must be submitted.

(b) An extension of time to submit posthearing evidence may be requested if submitted in writing to the administrative law judge. An extension may be granted if timely made and good cause is shown. If posthearing evidence is untimely submitted, the board will proceed to determine the appeal petition without considering the untimely submitted posthearing evidence.

(c) Posthearing evidence submitted must be served on all parties.

SECTION 36. All parties will be notified of all orders or determinations issued by the board.

SECTION 37. (a) Final orders and final determinations shall:

- (1) contain the name of petitioner and identify the property that is the subject of the appeal;
- (2) identify the parties and representatives participating in the proceeding;
- (3) include a concise statement of the basic facts of record;
- (4) contain separately stated findings of fact;
- (5) contain a decision disposing of all contested issues; and
- (6) include a notice of appeal rights.

(b) Findings must be based exclusively on the evidence in the record and on matters officially noticed in the proceeding.

(c) A final order is subject to judicial review under IC 6-1.1-15-5.

SECTION 38. (a) The board may issue a corrected final order to correct an oversight, error, or omission in the original final determination within the earlier of:

- (1) forty-five (45) days of issuing the final order; or
- (2) the date a verified petition for judicial review of the final determination is filed with the Indiana tax court.

(b) A corrected or amended final order shall be treated as the final order or determination on the appeal petition, and the parties shall have forty-five (45) days from the date the amended or corrected final order is issued to seek judicial review.

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SECTION 39. (a) All stipulations submitted by the parties concerning the value or status of the property must be approved by the board.

(b) If the stipulation concerns property originally assessed by or under the authority of a township assessor, the petitioner must notify the county assessor, in the county in which the property is located, of the proposed stipulation at the time the stipulation is filed with the board.

(c) If the county assessor wishes the board to consider the county assessor's objections to the stipulation, the county assessor must file a written objection to the stipulation within ten (10) days of the date the stipulation is filed with the board.

(d) If the board does not approve a stipulation, the appeal shall proceed according to IC 6-1.1-15-4 and this document.

(e) This SECTION shall not apply to the stipulation or settlement of matters remanded to the board from the Indiana tax court.

SECTION 40. (a) The failure to appear at a hearing, after proper notice has been given, may constitute the basis for a default or dismissal of the appeal petition.

(b) Within ten (10) days after the order of default or dismissal is issued, the party against whom the order is entered may file a written objection requesting that the order be vacated and set aside. This objection must contain supportive facts stating why the party did not appear.

(c) The board may vacate and set aside an entry of a dismissal or default order.

(d) If an order of default or dismissal is vacated and set aside, the board will schedule another hearing on the appeal petition. At least thirty (30) days' notice will be given for the hearing unless waived by agreement of all parties. The time period within which the board must issue a final determination on the appeal petition will be calculated from the date of the hearing on the merits.

SECTION 41. (a) The board may issue an order of default or dismissal as the result of:

- (1) failure of the petitioner to state a claim on which relief can be granted;
- (2) failure of a party to comply with a rule or order of the board or administrative law judge;
- (3) disruptive, vulgar, abusive, or obscene conduct or language by a party or authorized representative; or
- (4) failure of a party to provide or exchange evidence in accordance with this document.

(b) The board may issue an order of default or dismissal

on motion of a party or on its own motion.

(c) A dismissal or default under this SECTION is a final determination and may be appealed to tax court in accordance with the provisions of IC 6-1.1-15-5.

SECTION 42. (a) Parties, their authorized representatives, or anyone acting on their behalf are prohibited from engaging in ex parte communications with the administrative law judge or the board regarding any substantive matters relating to the appeal petition while the administrative appeals process is ongoing.

(b) Ex parte communications may be grounds for sanctions, including, but not limited to, dismissal of the appeal.

(c) Communications:

- (1) regarding matters of practice and procedure;
- (2) that do not pertain to the merits of the appeal; or
- (3) to which the opposing party or parties have given consent;

are not considered ex parte communications under this SECTION.

SECTION 43. Any appeal to the board may, with the consent of the parties, be resolved by mediation or other alternate dispute resolution procedures.

SECTION 44. (a) An appeal may, with the consent of the parties, be resolved by arbitration. Requests for diversion of an appeal to arbitration may be made by any party, or the board may recommend that the matter be arbitrated.

(b) The arbitration may be conducted by a licensed real estate appraiser or other qualified person who shall do the following:

- (1) Inspect the subject property.
- (2) Prepare a report that includes the arbitrator's recommendation on the value of the property.
- (3) Submit the report to the parties and the board.

(c) The board shall accept the arbitrator's recommendation if:

- (1) the parties have agreed, in writing, to be bound by the arbitrator's recommendation; and
- (2) the recommendation is not:
  - (A) arbitrary;
  - (B) capricious;
  - (C) an abuse of discretion; or
  - (D) contrary to law.

(d) The costs of arbitration may be paid by the board if the arbitrator is selected by the parties from a panel of arbitrators approved by the board in accord with the process described in subsection (e).

- (e) The selection process shall be conducted as follows:
- (1) The board shall present the parties with a panel of three (3) arbitrators.
  - (2) The respondent, or co-respondents acting jointly, shall strike one (1) name from the panel.
  - (3) The petitioner, or co-petitioners acting jointly, shall strike one (1) name from the panel.
  - (4) The remaining arbitrator shall conduct the arbitration.

SECTION 45. The provisions of this document shall supersede 50 IAC 17.

SECTION 46. SECTIONS 1 through 45 of this document expire on the earliest of the following:

- (1) the expiration date of this document under IC 4-22-2-37.1; or
- (2) the date the board's permanent procedural rules, adopted as LSA Document #03-179(F), are fully approved and become effective.

*LSA Document #03-327(E)*

*Filed with Secretary of State: December 15, 2003, 3:15 p.m.*

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## **TITLE 52 INDIANA BOARD OF TAX REVIEW**

LSA Document #03-328(E)

### **DIGEST**

Temporarily adds provisions establishing small claims appeal procedures for the Indiana board of tax review and parties appearing before the board to follow until such time as permanent procedural rules are approved and filed with the secretary of state. Authority: HEA 1714, P.L.245-2003, SECTION 25; IC 6-1.5-6-1; IC 4-22-2-37.1. Effective December 15, 2003.

SECTION 1. (a) This document governs the practice and procedure in all small claims. The provisions of LSA Document #03-327(E) apply to the small claims procedures unless inconsistent with this document.

(b) The purpose of this document to make the administration of small claims more efficient, informal, simple, and expeditious than those administered under LSA Document #03-327(E).

SECTION 2. (a) Unless a party elects to transfer out of small claims on the petition or under SECTION 3 of this document, an appeal petition shall be subject to the small claims procedure if the property under appeal is:

- (1) an unimproved parcel of land with an assessed value not in excess of one million dollars (\$1,000,000);
- (2) a parcel of land, as improved, with an assessed value

for land and improvements not in excess of one millions [*sic.*, million] dollars (\$1,000,000); or

- (3) personal property not in excess of one million dollars (\$1,000,000).

(b) By accepting the small claims procedure, the parties agree that the issues contained in the appeal petition are substantially the same as those presented to the PTABOA and agree that no new issues will be raised before the board.

(c) The small claims appeal petition may not be amended except to conform the issues raised in the appeal petition to those issues raised at the PTABOA hearing from which the appeal arises.

(d) A party to any appeal concerning a property that does not meet the criteria described in subsection (a) may elect to have the petition heard pursuant to the small claims procedure by:

- (1) requesting so upon filing the appeal petition or by notifying the board, in writing, within thirty (30) days of filing his or her petition; and
- (2) obtaining the written consent to such election from the other parties to the proceeding.

SECTION 3. (a) A party who does not wish his or her matter to be heard pursuant to the small claims procedure may request a transfer for the proceeding from the small claims procedure to the standard hearing procedure governed by LSA Document #03-327(E).

(b) The request for transfer shall be made by:

- (1) opting out of the small claims procedure on the appeal petition; or
- (2) written notice to the board no later than fifteen (15) days prior to the date of the small claims hearing.

(c) The time for hearing the matter pursuant to the standard board procedure described under LSA Document #03-327(E) shall begin to run from the date the request for transfer is received by the board.

SECTION 4. (a) A party may appear on his or her own behalf, by any representative expressly authorized by the party, in writing, to appear on the party's behalf, or by an attorney who has complied with the notice of appearance requirements of SECTION 6 of LSA Document #03-327(E).

(b) The rules concerning tax representatives under 52 IAC 1 apply to the small claims procedure.

SECTION 5. (a) The small claims procedures shall be informal with the sole objective of hearing the petition in an expeditious and just manner according to the rules of substantive law. Small claims procedures are not bound by

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the rules of trial practice, procedure, or evidence except provisions relating to privileged communications and offers of settlement. This relaxation of evidentiary rules is not a relaxation of the burden of proof.

(b) Hearsay evidence may be considered if not objected to, but the determination may not be based solely upon the hearsay evidence.

(c) Except as provided in subsection (f), there shall be no prehearing discovery in small claims.

(d) No prehearing conferences will be held in small claims.

(e) No posthearing submissions will be allowed or accepted in small claims.

(f) The parties shall make available to all other parties copies of any documentary evidence and the names and addresses of all witnesses intended to be presented at the hearing at least five (5) days before the day of a small claims hearing.

(g) At the commencement of the small claims hearing, the parties shall make available to the presiding administrative law judge a copy of all documentary evidence provided to the other parties.

(h) Failure to comply with subsection (f) may serve as grounds to exclude evidence or testimony that has not been timely provided.

SECTION 6. The parties in small claims may elect to waive a hearing and have the board issue a final determination based solely on the written and documentary evidence submitted by the parties.

SECTION 7. A small claims proceeding shall be continued only upon a showing of extraordinary circumstances.

SECTION 8. (a) Each party will be restricted in the amount of time they will be allowed to present their case in a small claims proceeding to no more than twenty (20) minutes.

(b) Parties that elect the small claims procedure, but have a substantial amount of written and documentary evidence or numerous witnesses, must be prepared to present their case within the time restrictions. It is the responsibility of the parties to organize their presentation such that the oral presentation references the supporting written and documentary evidence sufficient for the administrative law judge and board to make the desired connections between the oral testimony and any more detailed supporting evidence. Exhibit lists, evidentiary outlines, affidavits,

summaries, and other such tools should be utilized if necessary for the party to present their case within the time restrictions.

(c) If a party cannot adequately present its case within the time restrictions, it is the duty of that party to request in writing that the matter be removed from the small claims docket and scheduled to be heard pursuant under *[sic.]* LSA Document #03-327(E). Petitions cannot be withdrawn from small claims once the hearing has commenced except under extraordinary circumstances.

SECTION 9. Small claims hearings shall be recorded with a recording device.

SECTION 10. (a) The administrative law judge shall prepare a recommendation after the conclusion of the hearing.

(b) The board shall review the recommendation of the administrative law judge.

(c) The board shall accept, reject, or modify the recommendation and issue a final determination.

(d) The final determination shall be in writing and is subject to judicial review under IC 6-1.1-15-5.

SECTION 11. SECTIONS 1 through 10 of this document expire on the earliest of the following:

(1) the expiration date of this document under IC 4-22-2-37.1; or

(2) the date the board's permanent procedural rules, adopted as LSA Document #03-179(F), are fully approved and become effective.

*LSA Document #03-328(E)*

*Filed with Secretary of State: December 15, 2003, 3:15 p.m.*

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## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-314(E)

### DIGEST

Amends 65 IAC 5-5 concerning independent Daily3 selection events, the addition of midday drawings, multidraws, maximum purchase increments, and other minor related matters. Amends 65 IAC 5-6 concerning independent Daily4 selection events, the addition of midday drawings, multidraws, maximum purchase increments, and other minor related matters. Amends 65 IAC 5-9 concerning independent Daily4 selection events, the addition of midday drawings, multidraws, and other minor related matters. Effective December 10, 2003.



65 IAC 5-5-1  
 65 IAC 5-5-1.5  
 65 IAC 5-5-2  
 65 IAC 5-5-3  
 65 IAC 5-5-4  
 65 IAC 5-5-5  
 65 IAC 5-5-6  
 65 IAC 5-6-1  
 65 IAC 5-6-1.5  
 65 IAC 5-6-2  
 65 IAC 5-6-3  
 65 IAC 5-6-4  
 65 IAC 5-6-5  
 65 IAC 5-6-6  
 65 IAC 5-9-1  
 65 IAC 5-9-1.5  
 65 IAC 5-9-2  
 65 IAC 5-9-3  
 65 IAC 5-9-4  
 65 IAC 5-9-9  
 65 IAC 5-9-12

SECTION 1. 65 IAC 5-5-1 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-5-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9  
 Affected: IC 4-30

Sec. 1. The **collective** name of ~~this the~~ on-line ~~game~~ **games** **conducted pursuant to this rule** is "Daily3". **As used in this rule, the term "Daily3" shall include both Daily3 – Evening and Daily3 – Midday unless context requires otherwise.** (*State Lottery Commission; 65 IAC 5-5-1; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2009; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1587*)

SECTION 2. 65 IAC 5-5-1.5 IS ADDED TO READ AS FOLLOWS:

## 65 IAC 5-5-1.5 Independent on-line games

Authority: IC 4-30-3-7; IC 4-30-3-9  
 Affected: IC 4-30

Sec. 1.5. (a) **Daily3 shall be conducted as two (2) separate and independent on-line games designated Daily3 – Evening and Daily3 – Midday, respectively. On-line tickets in the Daily3 – Evening on-line game are not associated with the Daily3 – Midday on-line game and vice versa. The two (2) on-line games shall have separate selection events, winning numbers, and prizes. Notwithstanding the foregoing, the odds, play styles, and prizes shall be the same in all Daily3 selection events.**

(b) **A multidraw ticket in the Daily3 – Evening on-line game shall be for the next Daily3 – Evening selection event(s). A multidraw ticket in the Daily3 – Midday on-line game shall be for the next Daily3 – Midday selection event(s).** (*State Lottery Commission; 65 IAC 5-5-1.5; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1587*)

SECTION 3. 65 IAC 5-5-2 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-5-2 Definitions

Authority: IC 4-30-3-7; IC 4-30-3-9  
 Affected: IC 4-30

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Box play" means a play designated as such when an on-line ticket is purchased for Daily3 containing three (3) numbers which may be drawn in any order.

(c) "Combo play" means a play designated as such when an on-line ticket is purchased for Daily3 containing a play which is split between a straight play and a box play.

(d) **"Daily3 – Evening" means the Daily3 on-line game associated with selection events conducted in the evening.**

(e) **"Daily3 – Midday" means the Daily3 on-line game associated with selection events conducted in the afternoon.**

(f) "Play" means a selection of three (3) numbers applicable to a particular selection event for Daily3.

~~(e)~~ (g) "Quick pick" means a play randomly generated by a terminal.

~~(f)~~ (h) "Straight play" means a play designated as such when an on-line ticket is purchased for Daily3 containing three (3) numbers in the order in which they will be drawn.

~~(g)~~ (i) "Six-way box play" means a play designated a box play when an on-line ticket is purchased for Daily3 containing three (3) different numbers which may be drawn in any order.

~~(h)~~ (j) "Six-way combo play" means a combo play containing three (3) different numbers.

~~(i)~~ (k) "Three-way box play" means a play designated as a box play when an on-line ticket is purchased for Daily3 containing three (3) numbers, two (2) of which are the same, which may be drawn in any order.

~~(j)~~ (l) "Three-way combo play" means a combo play containing three (3) numbers, two (2) of which are the same.

~~(k)~~ (m) "Winning numbers" means three (3) numbers determined in a ~~selection event applicable to specific~~ **Daily3 – Evening or Daily3 – Midday selection event.** (*State Lottery Commission; 65 IAC 5-5-2; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2010; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1587*)

SECTION 4. 65 IAC 5-5-3 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-5-3 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9  
 Affected: IC 4-30

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Sec. 3. Unless otherwise requested by the purchaser, the price of an on-line ticket containing one (1) play for Daily3 shall be one dollar (\$1). The price of an on-line ticket containing one (1) play for Daily3 may be increased by the purchaser in one dollar (\$1) increments up to a maximum of ~~five ten~~ dollars ~~(\$5): (\$10)~~. (*State Lottery Commission; 65 IAC 5-5-3; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2010; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1587*)

SECTION 5. 65 IAC 5-5-4 IS AMENDED TO READ AS FOLLOWS:

### 65 IAC 5-5-4 Procedure for playing

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 4. (a) An on-line ticket for Daily3 shall represent one (1) play. An on-line ticket for Daily3 shall be purchased by one (1) of the following methods:

- (1) The purchaser may submit a completed play slip (if play slips are provided by the commission) which indicates a play to an authorized on-line retailer who shall generate an on-line ticket.
- (2) The purchaser may advise an authorized on-line retailer of the numbers contained in the purchaser's play and the type of play, and the on-line retailer shall generate an on-line ticket.
- (3) The purchaser may request a quick pick from an authorized on-line retailer who shall generate an on-line ticket with a random play.

(b) An on-line ticket is the only valid proof of a play and the only valid receipt for claiming a prize ~~in~~ **resulting from a Daily3 selection event**. A play slip shall have no pecuniary or prize value and shall not constitute evidence of purchase of an on-line ticket or a play.

(c) An on-line ticket is effective for the selection event indicated on the on-line ticket. **If a purchaser fails to specifically request Daily3 – Evening or Daily3 – Midday, the retailer may issue an on-line ticket for the next scheduled drawing.** Subject to the restrictions of 65 IAC 5-2-9, the commission may offer multidraw on-line tickets for Daily3 – **Evening or Daily3 – Midday selection events** which are effective for up to ~~seven (7)~~ **twenty-eight (28)** consecutive selection events. **Daily3 multidraw on-line tickets are limited to the on-line game for which they were purchased and cannot alternate between Daily3 – Evening and Daily3 – Midday on-line games.**

(d) Sales of on-line tickets for Daily3 **selection events** shall be suspended prior to the time of ~~each~~ **the associated** selection event ~~for Daily3~~ at a time determined by the director.

(e) Sales of on-line tickets containing a particular play shall be suspended if the total liability of the commission for winning

on-line tickets containing that play would exceed an amount established by the director. No person shall be entitled to purchase an on-line ticket containing any particular play if such play has been suspended, and neither the commission, the director, nor any employee of the commission shall be liable for the inability of any person to purchase an on-line ticket containing a particular play.

(f) On-line entry coupons ~~shall~~ **may** be generated by terminals for certain purchases of on-line tickets for Daily3. (*State Lottery Commission; 65 IAC 5-5-4; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2010; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1588*)

SECTION 6. 65 IAC 5-5-5, AS AMENDED AT 26 IR 3057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 65 IAC 5-5-5 Determination of winners

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 5. (a) Selection events for determination of winning numbers in Daily3 – **Evening** shall be held each day in accordance with 65 IAC 5-3-7 at a time to be determined by the director. **Selection events for determination of winning numbers in Daily3 – Midday shall be held on Monday through Saturday afternoons in accordance with 65 IAC 5-3-7 at a time designated by the director.**

(b) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) straight play applicable to that selection event match the three (3) winning numbers and are in the same order as the three (3) winning numbers wins a prize of five hundred dollars (\$500).

(c) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) six-way box play applicable to that selection event match the three (3) winning numbers in any order wins a prize of eighty dollars (\$80).

(d) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) three-way box play applicable to that selection event match the three (3) winning numbers in any order wins a prize of one hundred sixty dollars (\$160).

(e) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) six-way combo play applicable to that selection event match the three (3) winning numbers in any order wins a prize of forty dollars (\$40).

(f) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) three-

way combo play applicable to that selection event match the three (3) winning numbers in any order wins a prize of eighty dollars (\$80).

(g) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) six-way combo play applicable to that selection event match the three (3) winning numbers and are in the same order as the three (3) winning numbers wins a prize of two hundred ninety dollars (\$290).

(h) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar (\$1) three-way combo play applicable to that selection event match the three (3) winning numbers and are in the same order as the three (3) winning numbers wins a prize of three hundred thirty dollars (\$330).

(i) If a play eligible for a prize under this section was purchased for more than one dollar (\$1), the prize specified in this section shall be multiplied by a factor equal to the price of the play divided by one dollar (\$1).

~~(j) Commencing on May 1, 2003, and concluding on June 6, 2003, unless earlier terminated by the director, the prizes associated with matching the winning numbers selected in Daily3 selections events conducted at approximately 1:20 p.m., EST, each day (except Sundays) shall be increased by twenty percent (20%). (State Lottery Commission; 65 IAC 5-5-5; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2011; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Apr 30, 2003, 10:45 a.m.: 26 IR 3057, eff May 1, 2003; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1588)~~

SECTION 7. 65 IAC 5-5-6 IS AMENDED TO READ AS FOLLOWS:

**65 IAC 5-5-6 Odds of winning**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 6. (a) The odds of winning a prize in a Daily3 selection event with a straight play are approximately one (1) in one thousand (1,000).

(b) The odds of winning a prize in a Daily3 selection event with a six-way box play are approximately six (6) in one thousand (1,000).

(c) The odds of winning a prize in a Daily3 selection event with a three-way box play are approximately three (3) in one thousand (1,000).

(d) The odds of winning a prize of forty dollars (\$40) in a Daily3 selection event with a one dollar (\$1) six-way combo

play are approximately six (6) in one thousand (1,000).

(e) The odds of winning a prize of eighty dollars (\$80) in a Daily3 selection event with a one dollar (\$1) three-way combo play are approximately three (3) in one thousand (1,000).

(f) The odds of winning a prize of two hundred ninety dollars (\$290) in a Daily3 selection event with a one dollar (\$1) six-way combo play are approximately one (1) in one thousand (1,000).

(g) The odds of winning a prize of three hundred thirty dollars (\$330) in a Daily3 selection event with a one dollar (\$1) three-way combo play are approximately one (1) in one thousand (1,000). (*State Lottery Commission; 65 IAC 5-5-6; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2011; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1589*)

SECTION 8. 65 IAC 5-6-1 IS AMENDED TO READ AS FOLLOWS:

**65 IAC 5-6-1 Name**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 1. The collective name of this the on-line game games conducted pursuant to this rule is "Daily4". As used in this rule, the term "Daily4" shall include both Daily4 – Evening and Daily4 – Midday. (*State Lottery Commission; 65 IAC 5-6-1; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2011; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1589*)

SECTION 9. 65 IAC 5-6-1.5 IS ADDED TO READ AS FOLLOWS:

**65 IAC 5-6-1.5 Independent on-line games**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 1.5. (a) Daily4 shall be conducted as two (2) separate and independent on-line games designated Daily4 – Evening and Daily4 – Midday, respectively. On-line tickets in the Daily4 – Evening on-line game are not associated with the Daily4 – Midday on-line game and vice versa. The two (2) on-line games shall have separate selection events, winning numbers, and prizes. Notwithstanding the foregoing, the odds, play styles, and prizes shall be the same in all Daily4 selection events.

(b) A multidraw ticket in the Daily4 – Evening on-line game shall be for the next Daily4 – Evening selection event(s). A multidraw ticket in the Daily4 – Midday on-line game shall be for the next Daily4 – Midday selection event(s). (*State Lottery Commission; 65 IAC 5-6-1.5; emer-*

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agency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1589)

SECTION 10. 65 IAC 5-6-2 IS AMENDED TO READ AS FOLLOWS:

### 65 IAC 5-6-2 Definitions

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Back 3 play" means the selection of the last three (3) numbers applicable to a particular selection event for Daily4.

(c) "Box play" means a play designated as such when an on-line ticket is purchased for Daily4 containing either:

- (1) four (4) numbers which may be drawn in any order; or
- (2) three (3) numbers in a front 3 or back 3 play which may be drawn in any order.

(d) "Combo play" means a play designated as such when an on-line ticket is purchased for Daily4 containing either:

- (1) a play in which the four (4) numbers are both a straight play and a box play; or
- (2) a front 3 or back 3 play in which the three (3) numbers are both a straight play and a box play.

(e) **"Daily4 – Evening" means the Daily4 on-line game associated with selection events conducted in the evening.**

(f) **"Daily4 – Midday" means the Daily4 on-line game associated with selection events conducted in the afternoon.**

(g) "Four-way box play" means a play designated as a box play when an on-line ticket is purchased for Daily4 containing four (4) numbers, three (3) of which are identical.

(h) "Four-way combo play" means a play designated as a combo play when an on-line ticket is purchased for Daily4 containing four (4) numbers, three (3) of which are identical.

(i) "Front 3 play" means the selection of the first three (3) numbers applicable to a particular selection event for Daily4.

(j) "Play" means a selection of three (3) or four (4) numbers applicable to a particular selection event for Daily4.

(k) "Quick pick" means a play randomly generated by a terminal.

(l) "Six-way box play" means a play designated as a box play when an on-line ticket is purchased for Daily4 containing either:

- (1) two (2) pairs of identical numbers where the four (4) numbers may be drawn in any order; or
- (2) in a front 3 or back 3 play, three (3) different front or back

three (3) numbers, respectively, which may be drawn in any order.

(m) "Six-way combo play" means a play designated a combo play when an on-line ticket is purchased for Daily4 containing either:

- (1) two (2) pairs of identical numbers; or
- (2) in a front 3 or back 3 play, three (3) different numbers.

(n) "Straight play" means a play designated as such when an on-line ticket is purchased for Daily4 containing either:

- (1) four (4) numbers in the order in which they will be drawn; or
- (2) three (3) numbers in a front 3 or back 3 play in the order in which they will be drawn.

(o) "Three-way box play" means a play designated as such when an on-line ticket is purchased for Daily4 containing a front 3 or back 3 play in which two (2) of the relevant numbers are the same and which may be drawn in any order.

(p) "Three-way combo play" means a play designated as such when an on-line ticket is purchased for Daily4 containing a front 3 or back 3 play in which two (2) of the relevant numbers are the same.

(q) "Twelve-way box play" means a play designated as a box play when an on-line ticket is purchased for Daily4 containing four (4) numbers, two (2) of which are the same, which may be drawn in any order.

(r) "Twelve-way combo play" means a play designated as a combo play when an on-line ticket is purchased for Daily4 containing four (4) numbers, two (2) of which are the same.

(s) "Twenty-four-way box play" means a play designated as a box play when an on-line ticket is purchased for Daily4 containing four (4) different numbers which may be drawn in any order.

(t) "Twenty-four-way combo play" means a play designated as a combo play when an on-line ticket is purchased for Daily4 containing four (4) different numbers.

(u) "Winning numbers" means four (4) numbers, or, in the case of a front 3 or back 3 play, the first or last three (3) numbers, respectively, determined in a **specific Daily4 – Evening or Daily4 – Midday** selection event. ~~applicable to Daily4.~~ (State Lottery Commission; 65 IAC 5-6-2; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2012; emergency rule filed Feb 10, 1995, 11:00 a.m.: 18 IR 1484; errata filed Apr 26, 1995, 4:00 p.m.: 18 IR 2261; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1590)

SECTION 11. 65 IAC 5-6-3 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-6-3 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. Unless otherwise requested by the purchaser, the price of an on-line ticket containing one (1) play for Daily4 shall be one dollar (\$1). The price of an on-line ticket containing one (1) play for Daily4 may be increased by the purchaser in one dollar (\$1) increments up to a maximum of ~~five ten~~ dollars ~~(\$5)~~. **(\$10).** (*State Lottery Commission; 65 IAC 5-6-3; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2012; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1591*)

SECTION 12. 65 IAC 5-6-4 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-6-4 Procedure for playing

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 4. (a) An on-line ticket for Daily4 shall represent one (1) play. An on-line ticket for Daily4 shall be purchased by one (1) of the following methods:

- (1) The purchaser may submit a completed play slip (if play slips are provided by the commission) which indicates a play to an authorized on-line retailer who shall generate an on-line ticket.
- (2) The purchaser may advise an authorized on-line retailer of the numbers contained in the purchaser's play and the type of play, and the on-line retailer shall generate an on-line ticket.
- (3) The purchaser may request a quick pick from an authorized on-line retailer who shall generate an on-line ticket with a random play.

(b) An on-line ticket is the only valid proof of a play and the only valid receipt for claiming a prize in Daily4. A play slip shall have no pecuniary or prize value and shall not constitute evidence of purchase of an on-line ticket or a play.

(c) An on-line ticket is effective for the selection event indicated on the on-line ticket. **If a purchaser fails to specifically request Daily4 – Evening or Daily4 – Midday, the retailer may issue an on-line ticket for the next scheduled drawing.** Subject to the restrictions of 65 IAC 5-2-9, the commission may offer multidraw on-line tickets for Daily4 – **Evening or Daily4 – Midday selection events** which are effective for up to ~~seven (7)~~ **twenty-eight (28)** consecutive selection events. **Daily4 multidraw on-line tickets are limited to the on-line game for which they were purchased and cannot include plays that alternate between Daily4 – Evening and Daily4 – Midday selection events.**

(d) Sales of on-line tickets for Daily4 **selection events** shall be suspended prior to the time of ~~each the associated~~ selection event ~~for Daily4~~ at a time determined by the director.

(e) Sales of on-line tickets containing a particular play shall be suspended if the total liability of the commission for winning on-line tickets containing that play would exceed an amount established by the director. No person shall be entitled to purchase an on-line ticket containing any particular play if such play has been suspended, and neither the commission, the director, nor any employee of the commission shall be liable for the inability of any person to purchase an on-line ticket containing a particular play.

(f) On-line entry coupons may be generated by terminals for certain purchases of on-line tickets for Daily4. (*State Lottery Commission; 65 IAC 5-6-4; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2012; emergency rule filed Feb 10, 1995, 11:00 a.m.: 18 IR 1485; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1591*)

SECTION 13. 65 IAC 5-6-5 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-6-5 Determination of winners

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 5. (a) Selection events for determination of winning numbers in Daily4 – **Evening** shall be held each day in accordance with 65 IAC 5-3-7 at a time to be determined by the director. **Selection events for determination of winning numbers in Daily4 – Midday shall be held on Monday through Saturday afternoons in accordance with 65 IAC 5-3-7 at a time designated by the director.**

(b) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) straight play applicable to that selection event match the four (4) winning numbers and are in the same order as the four (4) winning numbers wins a prize of five thousand dollars (\$5,000).

(c) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) twenty-four-way box play applicable to that selection event match the four (4) winning numbers in any order wins a prize of two hundred dollars (\$200).

(d) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) twelve-way box play applicable to that selection event match the four (4) winning numbers in any order wins a prize of four hundred dollars (\$400).

(e) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) six-way box play applicable to that selection event match the four (4) winning numbers in any order wins a prize of eight hundred dollars (\$800).

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(f) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) four-way box play applicable to that selection event match the four (4) winning numbers in any order wins a prize of one thousand two hundred dollars (\$1,200).

(g) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) twenty-four-way combo play applicable to that selection event match the four (4) winning numbers in any order wins a prize of one hundred dollars (\$100).

(h) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) twelve-way combo play applicable to that selection event match the four (4) winning numbers in any order wins a prize of two hundred dollars (\$200).

(i) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) six-way combo play applicable to that selection event match the four (4) winning numbers in any order wins a prize of four hundred dollars (\$400).

(j) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) four-way combo play applicable to that selection event match the four (4) winning numbers in any order wins a prize of six hundred dollars (\$600).

(k) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) twenty-four-way combo play applicable to that selection event match the four (4) winning numbers and are in the same order as the four (4) winning numbers wins a prize of two thousand six hundred dollars (\$2,600).

(l) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) twelve-way combo play applicable to that selection event match the four (4) winning numbers and are in the same order as the four (4) winning numbers wins a prize of two thousand seven hundred dollars (\$2,700).

(m) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) six-way combo play applicable to that selection event match the four (4) winning numbers and are in the same order as the four (4) winning numbers wins a prize of two thousand nine hundred dollars (\$2,900).

(n) Each owner of a valid on-line ticket for a Daily4 selection event on which the four (4) numbers in a one dollar (\$1) four-way combo play applicable to that selection event match the four (4) winning numbers and are in the same order as the four (4) winning numbers wins a prize of three thousand one

hundred dollars (\$3,100).

(o) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 straight play applicable to that selection event match the first or last, respectively, three (3) winning numbers and are in the same order as those three (3) winning numbers wins a prize of five hundred dollars (\$500).

(p) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 six-way box play applicable to that selection event match the first or last, respectively, three (3) winning numbers in any order wins a prize of eighty dollars (\$80).

(q) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 three-way box play applicable to that selection event match the first or last, respectively, three (3) winning numbers in any order wins a prize of one hundred sixty dollars (\$160).

(r) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 six-way combo play applicable to that selection event match the first or last, respectively, three (3) winning numbers in any order wins a prize of forty dollars (\$40).

(s) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 three-way combo play applicable to that selection event match the first or last, respectively, three (3) winning numbers in any order wins a prize of eighty dollars (\$80).

(t) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 six-way combo play applicable to that selection event match the first or last, respectively, three (3) winning numbers and are in the same order as those three (3) winning numbers wins a prize of two hundred ninety dollars (\$290).

(u) Each owner of a valid on-line ticket for a Daily4 selection event on which the first or last three (3) numbers in a one dollar (\$1) front 3 or back 3 three-way combo play applicable to that selection event match the first or last, respectively, three (3) winning numbers and are in the same order as those three (3) winning numbers wins a prize of three hundred thirty dollars (\$330).

(v) If a play eligible for a prize under this section was purchased for more than one dollar (\$1), the prize specified in this section shall be multiplied by a factor equal to the price of the play divided by one dollar (\$1). (*State Lottery Commission*;

65 IAC 5-6-5; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2013; emergency rule filed Feb 10, 1995, 11:00 a.m.: 18 IR 1485; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1591)

SECTION 14. 65 IAC 5-6-6 IS AMENDED TO READ AS FOLLOWS:

**65 IAC 5-6-6 Odds of winning**

**Authority:** IC 4-30-3-7; IC 4-30-3-9

**Affected:** IC 4-30

Sec. 6. (a) The odds of winning a prize in a **Daily4 selection event** with a straight play are approximately one (1) in ten thousand (10,000).

(b) The odds of winning a prize in a **Daily4 selection event** with a twenty-four-way box play are approximately twenty-four (24) in ten thousand (10,000).

(c) The odds of winning a prize in a **Daily4 selection event** with a twelve-way box play are approximately twelve (12) in ten thousand (10,000).

(d) The odds of winning a prize in a **Daily4 selection event** with a six-way box play are approximately six (6) in ten thousand (10,000).

(e) The odds of winning a prize in a **Daily4 selection event** with a four-way box play are approximately four (4) in ten thousand (10,000).

(f) The odds of winning a prize of one hundred dollars (\$100) in a **Daily4 selection event** with a one dollar (\$1) twenty-four-way combo play are approximately twenty-four (24) in ten thousand (10,000).

(g) The odds of winning a prize of two hundred dollars (\$200) in a **Daily4 selection event** with a one dollar (\$1) twelve-way combo play are approximately twelve (12) in ten thousand (10,000).

(h) The odds of winning a prize of four hundred dollars (\$400) in a **Daily4 selection event** with a one dollar (\$1) six-way combo play are approximately six (6) in ten thousand (10,000).

(i) The odds of winning a prize of six hundred dollars (\$600) in a **Daily4 selection event** with a one dollar (\$1) four-way combo play are approximately four (4) in ten thousand (10,000).

(j) The odds of winning a prize of two thousand six hundred dollars (\$2,600) in a **Daily4 selection event** with a one dollar (\$1) twenty-four-way combo play are approximately one (1) in ten thousand (10,000).

(k) The odds of winning a prize of two thousand seven

hundred dollars (\$2,700) in a **Daily4 selection event** with a one dollar (\$1) twelve-way combo play are approximately one (1) in ten thousand (10,000).

(l) The odds of winning a prize of two thousand nine hundred dollars (\$2,900) in a **Daily4 selection event** with a one dollar (\$1) six-way combo play are approximately one (1) in ten thousand (10,000).

(m) The odds of winning a prize of three thousand one hundred dollars (\$3,100) in a **Daily4 selection event** with a one dollar (\$1) four-way combo play are approximately one (1) in ten thousand (10,000).

(n) The odds of winning a prize in a **Daily4 selection event** with a front 3 or back 3 straight play are approximately one (1) in one thousand (1,000).

(o) The odds of winning a prize in a **Daily4 selection event** with a front 3 or back 3 six-way box play are approximately six (6) in one thousand (1,000).

(p) The odds of winning a prize in a **Daily4 selection event** with a front 3 or back 3 three-way box play are approximately three (3) in one thousand (1,000).

(q) The odds of winning a prize of forty dollars (\$40) in a **Daily4 selection event** with a one dollar (\$1) front 3 or back 3 six-way combo play are approximately six (6) in one thousand (1,000).

(r) The odds of winning a prize of eighty dollars (\$80) in a **Daily4 selection event** with a one dollar (\$1) front 3 or back 3 three-way combo play are approximately three (3) in one thousand (1,000).

(s) The odds of winning a prize of two hundred ninety dollars (\$290) in a **Daily4 selection event** with a one dollar (\$1) front 3 or back 3 six-way combo play are approximately one (1) in one thousand (1,000).

(t) The odds of winning a prize of three hundred thirty dollars (\$330) in a **Daily4 selection event** with a one dollar (\$1) front 3 or back 3 three-way combo play are approximately one (1) in one thousand (1,000). (*State Lottery Commission; 65 IAC 5-6-6; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2014; emergency rule filed Feb 10, 1995, 11:00 a.m.: 18 IR 1486; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1593*)

SECTION 15. 65 IAC 5-9-1 IS AMENDED TO READ AS FOLLOWS:

**65 IAC 5-9-1 Name**

**Authority:** IC 4-30-3-7; IC 4-30-3-9

**Affected:** IC 4-30

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Sec. 1. The **collective** name of ~~this the~~ on-line ~~game games~~ **conducted pursuant to this rule** is “Lucky 5”. **As used in this rule, the term “Lucky 5” shall include both Lucky 5 – Evening and Lucky 5 – Midday.** (*State Lottery Commission; 65 IAC 5-9-1; emergency rule filed Oct 29, 1993, 5:00 p.m.: 17 IR 412; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1593; errata filed Jan 5, 2004, 12:30 p.m.: 27 IR 1575*)

SECTION 16. 65 IAC 5-9-1.5 IS ADDED TO READ AS FOLLOWS:

### 65 IAC 5-9-1.5 Independent on-line games

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 1.5. (a) **Lucky 5 shall be conducted as two (2) separate and independent on-line games designated Lucky 5 – Evening and Lucky 5 – Midday, respectively. On-line tickets in the Lucky 5 – Evening on-line game are not associated with the Lucky 5 – Midday on-line game and vice versa. The two (2) on-line games shall have separate selection events, winning numbers, and prizes. Notwithstanding the foregoing, the odds, play styles, and prizes shall be the same in all Lucky 5 selection events.**

(b) **A multidraw ticket in the Lucky 5 – Evening on-line game shall be for the next Lucky 5 – Evening selection event(s). A multidraw ticket in the Lucky 5 – Midday on-line game shall be for the next Lucky 5 – Midday selection event(s).** (*State Lottery Commission; 65 IAC 5-9-1.5; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1594*)

SECTION 17. 65 IAC 5-9-2 IS AMENDED TO READ AS FOLLOWS:

### 65 IAC 5-9-2 Definitions

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) “Board” means five (5) numbers that appear on a lottery ticket in relation to a particular selection event for Lucky 5.

(c) “Jackpot amount” means the prize determined pursuant to section 8(a) of this rule.

(d) **“Lucky 5 – Evening” means the Lucky 5 on-line [sic.] game associated with selection events conducted in the evening.**

(e) **“Lucky 5 – Midday” means the Lucky 5 on-line game associated with selection events conducted in the afternoon.**

(~~d~~) (f) “Panel” means two (2) boards applicable to a particular

selection event for Lucky 5.

(~~e~~) (g) “Pari-mutuel prize” means a jackpot amount whereby the winners evenly divide twenty-six and six-tenths percent (26.6%) of the sales receipts for the Lucky 5 selection event, but shall not in any event exceed fifty thousand dollars (\$50,000) per board or the announced jackpot amount.

(~~f~~) (h) “Play slip” means a form indicating a play in Lucky 5 which contains one (1) or more game grids and is used in producing an on-line ticket.

(~~g~~) (i) “Quick pick” means a board randomly generated by a terminal.

(~~h~~) (j) “Retailer” means a person, other than an agency or political subdivision of the state, who sells lottery tickets on behalf of the commission pursuant to a retailer contract.

(~~i~~) (k) “Winning Lucky 5 numbers” means the five (5) numbers determined in a **specific** Lucky 5 – **Evening or Lucky 5 – Midday** selection event and announced as such pursuant to section 9 of this rule.

(~~j~~) (l) “Winnings pool” means the amount of gross sales allocated pursuant to section 5 of this rule. (*State Lottery Commission; 65 IAC 5-9-2; emergency rule filed Oct 29, 1993, 5:00 p.m.: 17 IR 412; emergency rule filed Nov 12, 1993, 4:00 p.m.: 17 IR 785; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1594*)

SECTION 18. 65 IAC 5-9-3 IS AMENDED TO READ AS FOLLOWS:

### 65 IAC 5-9-3 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. The price of an on-line ticket for **a Lucky 5 selection event** shall be one dollar (\$1) for each panel represented on the on-line ticket. (*State Lottery Commission; 65 IAC 5-9-3; emergency rule filed Oct 29, 1993, 5:00 p.m.: 17 IR 412; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1594*)

SECTION 19. 65 IAC 5-9-4 IS AMENDED TO READ AS FOLLOWS:

### 65 IAC 5-9-4 Procedure for playing

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 4. (a) An on-line ticket for Lucky 5 may represent one (1) or more panels. An on-line ticket for Lucky 5 shall be purchased by any of the following methods:

(1) The purchaser may submit a hand completed play slip



identifying one (1) or more panels to an authorized on-line retailer who shall generate the on-line ticket.

(2) The purchaser may verbally advise an authorized on-line retailer of the numbers contained in the purchaser's panels, and the on-line retailer shall generate the on-line ticket.

(3) The purchaser may request a quick pick of one (1) of the following types from an authorized on-line retailer who shall generate an on-line ticket:

(A) The purchaser may specify the first board numbers and request a quick pick for the second board numbers. or

(B) The purchaser may request a quick pick for the first board numbers and specify the second board numbers. or

(C) The purchaser may request a quick pick for both boards in the panel.

(4) The purchaser may purchase a ticket from a player-activated terminal.

(b) Each board in Lucky 5 shall consist of five (5) numbers from one (1) to thirty-six (36).

(c) An on-line ticket is the only valid proof of a board and the only valid receipt for claiming a prize **in resulting from a Lucky 5 selection event**. A play slip shall have no pecuniary or prize value and shall not constitute evidence of purchase of an on-line ticket, a panel, or a board.

(d) Unless otherwise indicated on the on-line ticket, an on-line ticket for Lucky 5 – **Evening** is effective for the next scheduled Lucky 5 – **Evening** selection event. **Unless otherwise indicated on the on-line ticket, an on-line ticket for Lucky 5 – Midday is effective for the next scheduled Lucky 5 – Midday selection event. If a purchaser fails to specifically request Lucky 5 – Evening or Lucky 5 – Midday, the retailer may issue an on-line ticket for the next scheduled drawing.** Subject to the restrictions of 65 IAC 5-2-9, the commission may offer multidraw on-line tickets for Lucky 5 which are effective for the following numbers of selection events:

(1) Two (2).

(2) Three (3).

(3) Four (4).

(4) Five (5).

(5) Ten (10).

(6) **Twenty-eight (28).**

**Lucky 5 multidraw on-line tickets are limited to the on-line games for which they were purchased and cannot alternate between Lucky 5 – Evening and Lucky 5 – Midday selection events.**

(e) Sales of on-line tickets for Lucky 5 **selection events** shall be suspended prior to the time of ~~each Lucky 5~~ **the associated** selection event at a time determined by the director.

(f) Sales of on-line tickets for a Lucky 5 selection event containing a particular board may be suspended if the total

liability of the commission for winning on-line tickets containing that board would exceed an amount established by the director. No person shall be entitled to purchase an on-line ticket containing any particular board if such board has been suspended, and neither the commission, the director, nor any employee of the commission shall be liable for the inability of any person to purchase an on-line ticket containing a particular board.

(g) If a play slip is used to select a player's numbers for a Lucky 5 selection event, the play slip must have been issued by the lottery and completed by hand by the player. The play slip will be scanned by the on-line terminal or, in the event of a problem, keyed in by hand.

(h) The director may, in the director's sole discretion, provide for the generation of on-line entry tickets from terminals for certain purchases of on-line tickets for Lucky 5. (*State Lottery Commission; 65 IAC 5-9-4; emergency rule filed Oct 29, 1993, 5:00 p.m.: 17 IR 412; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1594*)

SECTION 20. 65 IAC 5-9-9 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-9-9 Determination of winning numbers

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 9. ~~The commission shall conduct Lucky 5 Selection events seven (7) times for determination of winning numbers in Lucky 5 – Evening shall be held each week day in accordance with 65 IAC 5-3-7 at times a time to be determined by the director. Selection events for determination of winning numbers in Lucky 5 – Midday shall be held on Monday through Saturday afternoons in accordance with 65 IAC 5-3-7 at a time designated by the director.~~ Each Lucky 5 selection event shall determine five (5) **winning** Lucky 5 ~~winning~~ numbers. (*State Lottery Commission; 65 IAC 5-9-9; emergency rule filed Oct 29, 1993, 5:00 p.m.: 17 IR 413; emergency rule filed Jul 25, 1995, 12:00 p.m.: 18 IR 3401; emergency rule filed Aug 15, 1996, 1:30 p.m.: 20 IR 25; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1595*)

SECTION 21. 65 IAC 5-9-12 IS AMENDED TO READ AS FOLLOWS:

## 65 IAC 5-9-12 Odds of winning

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 12. (a) The odds of a single board winning the jackpot prize in a Lucky 5 selection event **by matching all five (5) of the winning Lucky 5 numbers** are approximately 1:376,992.

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(b) The odds of a single board winning a two hundred dollar (\$200) prize in a **Lucky 5 selection event** by matching four (4) of the winning Lucky 5 numbers are approximately 1:2,432.2.

(c) The odds of a single board winning a three dollar (\$3) prize in a **Lucky 5 selection event** by matching three (3) of the winning ~~Lucky 5~~ numbers are approximately 1:81.1.

(d) The overall odds of winning a prize in a **Lucky 5 selection event** are approximately 1:59.56. (*State Lottery Commission; 65 IAC 5-9-12; emergency rule filed Oct 29, 1993, 5:00 p.m.: 17 IR 414; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 10, 2003, 12:15 p.m.: 27 IR 1595*)

LSA Document #03-314(E)

Filed with Secretary of State: December 10, 2003, 12:15 p.m.

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### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-334(E)

#### DIGEST

Amends 65 IAC 4-2-3 to remove references to clarify instant game termination and suspension practices. Amends 65 IAC 4-2-5 to clarify end of game practice. Amends 65 IAC 4-3-1 to clarify that instant tickets must be claimed within 60 days after the end of the game as determined by the director. Amends 65 IAC 4-3-2 by removing the word "announced". Effective December 18, 2003.

**65 IAC 4-2-3**

**65 IAC 4-3-1**

**65 IAC 4-2-5**

**65 IAC 4-3-2**

SECTION 1. 65 IAC 4-2-3 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 4-2-3 Termination of an instant game**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. (a) An instant game will end when all instant tickets for that instant game have been sold or on a date ~~announced in advance determined~~ by the director **in the director's sole discretion**. The director may suspend ~~or terminate~~ an instant game ~~without advance notice~~ if the director finds that such suspension ~~or termination~~ is in the best interests of the commission. No instant tickets shall be sold with respect to an instant game which has ended or which has been suspended or ~~terminated~~: **otherwise ended**.

(b) Telephone plays with respect to an instant game which provides for telephone plays may be made for sixty (60) days after the end of the instant game unless earlier terminated on a

date ~~announced in advance determined~~ by the director **in the director's sole discretion**. The director may suspend ~~or terminate~~ telephone plays with respect to an instant game ~~without advance notice~~ if the director finds that such suspension ~~or termination~~ is in the best interests of the commission. (*State Lottery Commission; 65 IAC 4-2-3; emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 303; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 114; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1596*)

SECTION 2. 65 IAC 4-2-5 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 4-2-5 Validation of tickets**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-11

Sec. 5. (a) Except as provided in section 6 of this rule, all of the following requirements must be met for an instant ticket to be a valid ticket:

- (1) The number of play symbols in the game play data area must correspond with the number of play symbols established with respect to instant tickets for the applicable instant game.
- (2) Each of the play symbols must have a play symbol caption underneath it, and each play symbol must agree with its play symbol caption.
- (3) Each of the play symbols must be present in its entirety and be fully legible.
- (4) Each of the play symbols and its play symbol caption must be printed in black ink, unless a different color of ink is specified in the rule applicable to the particular instant game for which the instant ticket is issued, in which case each of the play symbols and its play symbol caption must be printed in the specified color ink.
- (5) The instant ticket must be intact and not defaced in any manner.
- (6) The game/pack/ticket number must be present in its entirety and be fully legible.
- (7) The instant ticket must not be reconstituted or tampered with in any manner.
- (8) The instant ticket must not be counterfeit in whole or in part.
- (9) The instant ticket must have been issued by the commission in the authorized manner.
- (10) The instant ticket must not be stolen nor appear on any list of omitted instant tickets on file with the commission.
- (11) The play symbols, the play symbol captions, the validation number, the agent verification codes, and the game/pack/ticket number must be right-side-up and not reversed in any manner.
- (12) The instant ticket must have exactly one (1) play symbol caption for each play symbol, exactly one (1) game/pack/ticket number, exactly one (1) validation number, and the correct number and type of agent verification codes on file with the commission for that instant ticket, except that

an instant ticket may have multiple copies of the same play symbols and corresponding play symbol captions, game/pack/ticket number, validation number, and agent verification codes if authorized by the commission for instant tickets with respect to a particular instant game.

(13) The validation number of an apparent winning instant ticket must appear on the commission's official list of validation numbers of winning instant tickets, and the instant ticket with that validation number must not have been paid previously according to the records of the commission.

(14) The ticket must not have a hole punched through it and must not be blank or partially blank, misregistered, defective, or printed or produced in error.

(15) Each of the play symbols on the instant ticket and each of the play symbol captions on the instant ticket must be exactly one (1) of those described in this article as applicable to instant tickets for the instant game in which the instant ticket was issued.

(16) Each of the play symbols and the play symbol captions on the instant ticket must correspond exactly to the typeface and artwork on file with the commission.

(17) The game/pack/ticket number must correspond exactly to the typeface and artwork on file with the commission.

(18) The validation number must correspond exactly to the typeface and artwork on file with the commission.

(19) The agent verification codes must correspond exactly to the typeface and artwork on file with the commission.

(20) The display printing must be regular in every respect and correspond exactly to the artwork on file with the commission.

(21) The agent verification codes on an apparent winning instant ticket must correspond with the agent verification codes specified in this article or on file with the commission as applicable to winning instant tickets of that type.

(22) The instant ticket must pass any additional validation tests specified in this article as applicable to the specific instant game for which the instant ticket was issued.

(23) The instant ticket must pass all additional confidential validation tests prescribed by the commission.

(24) The instant ticket must be an instant ticket offered for sale by the commission during the period **announced determined** by the director for that instant game.

(25) The instant ticket must have been submitted within the claim period applicable to the instant game for which it was issued.

(b) Except as provided in section 6 of this rule, any instant ticket not passing all of the validation requirements in subsection (a) is void and ineligible for any prize, and no prize shall be paid thereon. (*State Lottery Commission; 65 IAC 4-2-5; emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 303; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1596*)

SECTION 3. 65 IAC 4-3-1 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 4-3-1 Prize-winning tickets**

**Authority:** IC 4-30-3-7; IC 4-30-3-9

**Affected:** IC 4-30-11

Sec. 1. Prize-winning instant tickets are valid instant tickets that have been determined by the commission in accordance with this article to be official prize winners. Criteria and specific rules for winning prizes shall be published for each instant game and available for all players. The commission shall in all cases make final determination regarding validation of instant tickets and whether instant tickets are prize-winning instant tickets. Unless specified to the contrary in the rule applicable to the instant game for which the instant ticket was issued, an instant prize will be paid only for the highest instant prize won on a valid instant ticket unless a lower instant prize has been claimed. **No prize shall be awarded to a player who fails to file a claim prior to the end of an instant game.** (*State Lottery Commission; 65 IAC 4-3-1; emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 304; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 114; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1597*)

SECTION 4. 65 IAC 4-3-2 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 4-3-2 Claiming prizes from the commission**

**Authority:** IC 4-30-3-7; IC 4-30-3-9

**Affected:** IC 4-30-11

Sec. 2. (a) A telephone prize awarded pursuant to section 10 of this rule may only be claimed from the commission's central office in Indianapolis. Any other prize may be claimed from any of the commission's regional offices or from the commission's central office in Indianapolis.

(b) The commission will pay instant prizes by check or in cash at the option of the commission or with lottery tickets if both the commission and the winner agree, in each case after instant tickets are validated and after any other applicable requirements contained in this article are met. The commission will pay telephone prizes after instant tickets are validated to the extent required by the commission and after any other applicable requirements contained in this article are met.

(c) A prize claim shall be made on such form or forms as are prescribed by the director. To the extent required by federal tax law, the claimant shall furnish a tax identification number to the commission in the following manner:

(1) An individual shall provide his or her Social Security number.

(2) A legal entity shall furnish a federal employer's identification number issued by the Internal Revenue Service.

(3) A group, family unit, club, or other organization which is not a legal entity or which does not possess a federal employer's identification number shall file Internal Revenue

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Service Form 5754, "Statement by Person(s) Receiving Gambling Winnings", or a successor form, with the commission designating to whom the prize is to be paid and the person or persons to whom the prize is taxable.

(d) Prize payment shall be made to the person, entity, or group identified on the claim form and associated documents, and the claim shall be final and binding on the claimant and those for whom the prize is claimed.

(e) An instant prize must be claimed within sixty (60) days of the ~~announced~~ end of the instant game in which the prize was won or it will be forfeited. A telephone prize must be claimed within sixty (60) days of the telephone play in which the telephone prize was won or it will be forfeited. A prize awarded pursuant to section 10 of this rule must be claimed within sixty (60) days of the day it was won or it will be forfeited, unless a longer or shorter period for claiming prizes is determined and announced pursuant to that section. All unclaimed prize money or other prizes required to be paid or delivered by the commission shall be added to the pool from which future prizes are to be awarded or used for special prize promotions. (*State Lottery Commission; 65 IAC 4-3-2; emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 305; emergency rule filed May 4, 1990, 4:35 p.m.: 13 IR 1731; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 114; emergency rule filed Sep 3, 1992, 9:00 a.m.: 16 IR 79; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1597*)

LSA Document #03-334(E)

Filed with Secretary of State: December 18, 2003, 4:30 p.m.

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-335(E)

#### DIGEST

Temporarily adds rules concerning instant game number 677. Effective December 18, 2003.

**SECTION 1. The name of this instant game is "Instant Game Number 677, Cut The Deck".**

**SECTION 2. Instant tickets in instant game number 677 shall sell for one dollar (\$1) per ticket.**

**SECTION 3. (a) Each instant ticket in instant game number 677 shall contain twelve (12) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material and be arranged in pairs representing playing cards and prize amounts.**

**(b) The play symbols and play symbol captions in instant**

**game number 677 shall consist of the following possible play symbols and play symbol captions:**

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN
(10)	J JCK
(11)	Q QUN
(12)	K KNG
(13)	A ACE

(14) A picture of a joker  
JKR

**(c) The play symbols and play symbol captions representing prize amounts in instant game number 582 [*sic.*, 677] shall consist of the following possible play symbols and play symbol captions:**

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$4.00  
FOUR
- (4) \$8.00  
EIGHT
- (5) \$10.00  
TEN
- (6) \$20.00  
TWENTY
- (7) \$40.00  
FORTY
- (8) \$80.00  
EIGHTY
- (9) \$200  
TWO HUN

(10) \$1,500  
FTN HUN

SECTION 4. (a) The holder of a ticket in instant game number 677 shall remove the latex material covering the twelve (12) play symbols and play symbol captions. If a play symbol of a "picture of a joker" is exposed, the holder is entitled to the paired prize amount.

(b) The number of winning plays and the associated prize amount play symbols, total prize amounts, and approximate number of winners in instant game number 677 are as follows:

Winning Play Symbols	Prize Amount	Approximate Number of Winners
1 – \$1.00	\$1	772,800
2 – \$1.00	\$2	55,200
1 – \$2.00	\$2	55,200
1 – \$4.00	\$4	92,000
3 – \$2.00	\$6	55,200
4 – \$2.00	\$8	36,800
1 – \$8.00	\$8	36,800
6 – \$2.00	\$12	18,400
4 – \$4.00	\$16	18,400
4 – \$10.00	\$40	2,392
1 – \$40.00	\$40	2,392
4 – \$20.00	\$80	460
1 – \$80.00	\$80	460
1 – \$200	\$200	460
1 – \$1,500	\$1,500	69

SECTION 5. (a) There shall be approximately five million five hundred thousand (5,500,000) instant tickets initially available in instant game number 677.

(b) The odds of winning a prize in instant game number 677 are approximately 1 in 4.81.

(c) All reorders of tickets for instant game number 677 shall have the same:

- (1) prize structure;
  - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
  - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 677 is December 31, 2004.

SECTION 7. This document expires January 31, 2005.

*LSA Document #03-335(E)*

*Filed with Secretary of State: December 18, 2003, 4:30 p.m.*

**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #03-336(E)

**DIGEST**

Temporarily adds rules concerning instant game number 678. Effective December 18, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 678, Silver & Gold".

SECTION 2. Instant tickets in instant game number 678 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 678 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Twenty (20) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" and be arranged in pairs representing numbers or a picture of a coin and prize amounts.

(b) The play symbols and play symbol captions in instant game number 678, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN
- (8) 8  
EGT
- (9) 9  
NIN
- (10) 10  
TEN
- (11) 11  
ELVN
- (12) 12  
TWLV
- (13) 13  
THRTN

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(14) 14  
FORTN

(15) 15  
FIFTN

(16) 16  
SIXTN

(17) 17  
SVNTN

(18) 18  
EGHTN

(19) 19  
NINTN

(20) 20  
TWTY

(21) A picture of a coin  
WIN 10 TIMES

(c) The play symbols and play symbol captions representing prize amounts in instant game number 678 shall consist of the following possible play symbols and play symbol captions:

(1) \$1.00

ONE

(2) \$2.00

TWO

(3) \$3.00

THREE

(4) \$4.00

FOUR

(5) \$5.00

FIVE

(6) \$10.00

TEN

(7) \$20.00

TWENTY

(8) \$50.00

FIFTY

(9) \$100

ONE HUN

(10) \$1,000

ONE THOU

(11) \$24,000

TWYFORTHOU

SECTION 4. The holder of a valid instant ticket in instant game number 678 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match either of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol and play symbol caption of a "picture of a coin" is exposed, the holder is entitled to ten (10) times the paired prize amount. The matched prize play symbols, prize amounts, and number of winners in instant game number 678 are as follows:

Number of Matches and Matched Coins	Total Prize Amount	Approximate Num- ber of Winners
1 – \$2.00	\$2	151,200
1 – \$4.00	\$4	226,800
1 – \$2.00 + 1 – \$3.00	\$5	37,800
1 – \$5.00	\$5	37,800
1 – \$1.00 with coin	\$10	12,600
5 – \$2.00	\$10	12,600
2 – \$5.00	\$10	12,600
1 – \$10.00	\$10	12,600
1 – \$1.00 with coin + 1 – \$5.00	\$15	12,600
5 – \$3.00	\$15	12,600
1 – \$2.00 with coin	\$20	6,300
10 – \$2.00	\$20	6,300
4 – \$5.00	\$20	6,300
1 – \$20.00	\$20	6,300
10 – \$5.00	\$50	378
1 – \$5.00 with coin	\$50	378
1 – \$50.00	\$50	378
10 – \$10.00	\$100	210
1 – \$5.00 with coin + 1 – \$50.00	\$100	210
5 – \$20.00	\$100	210
1 – \$100	\$100	210
5 – \$100	\$500	20
10 – \$100	\$1,000	15
1 – \$1,000	\$1,000	15
1 – \$24,000	\$24,000	4

SECTION 5. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 678.

(b) The odds of winning a prize in instant game number 678 are approximately 1 in 4.53.

(c) All reorders of tickets for instant game number 678 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 678 is December 31, 2004.

SECTION 7. This document expires January 31, 2005.

LSA Document #03-336(E)

Filed with Secretary of State: December 18, 2003, 4:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-337(E)

DIGEST

Temporarily adds rules concerning instant game number 679. Effective December 18, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 679, Trump Card".

SECTION 2. Instant tickets in instant game number 679 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 679 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. One (1) play symbol and play symbol caption shall appear in the area labeled "DEALER'S CARD" and one (1) play symbol and play symbol caption shall appear in the area labeled "TRUMP CARD". Twenty (20) play symbols and play symbol captions shall appear in the area labeled "YOUR CARDS" and be arranged in pairs representing playing cards and prize amounts.

(b) The play symbols and play symbol captions in instant game number 679, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN
(10)	J JCK
(11)	Q QUN
(12)	K

(13)

KNG
A
ACE

(c) The play symbols and play symbol captions representing prize amounts in instant game number 679 shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00  
TWO
- (2) \$3.00  
THREE
- (3) \$4.00  
FOUR
- (4) \$5.00  
FIVE
- (5) \$7.00  
SEVEN
- (6) \$10.00  
TEN
- (7) \$15.00  
FIFTEEN
- (8) \$20.00  
TWENTY
- (9) \$30.00  
THIRTY
- (10) \$50.00  
FIFTY
- (11) \$100  
ONE HUN
- (12) \$500  
FIV HUN
- (13) \$1,000  
ONE THOU
- (14) \$20,000  
TWY THOU

SECTION 4. The holder of a valid instant ticket in instant game number 679 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of "YOUR CARDS" match the "DEALER'S CARD" the holder is entitled to the prize amount paired with the matched number. If one (1) or more of "YOUR CARDS" match the "TRUMP CARD", the holder is entitled to five (5) times the paired prize amount. The matched prize play symbols, prize amounts, and number of winners in instant game number 679 are as follows:

Number of Matches and Matched Play Symbols	Total Prize Amount	Approximate Num- ber of Winners
1 - \$2.00	\$2	264,600
1 - \$4.00	\$4	151,200
1 - \$2.00 + 1 - \$3.00	\$5	37,800
1 - \$5.00	\$5	37,800

## Emergency Rules

1 – \$2.00 × 5	\$10	12,600
5 – \$2.00	\$10	12,600
2 – \$5.00	\$10	12,600
1 – \$10.00	\$10	12,600
1 – \$3.00 × 5	\$15	12,600
5 – \$3.00	\$15	12,600
1 – \$2.00 × 5 + 2 – \$5.00	\$20	6,300
10 – \$2.00	\$20	6,300
4 – \$5.00	\$20	6,300
1 – \$20.00	\$20	6,300
10 – \$5.00	\$50	1,197
1 – \$10.00 × 5	\$50	1,197
1 – \$50.00	\$50	1,176
10 – \$10.00	\$100	210
1 – \$10.00 × 5 + 1 – \$50.00	\$100	210
5 – \$20.00	\$100	210
1 – \$100	\$100	210
5 – \$100	\$500	20
10 – \$100	\$1,000	10
1 – \$1,000	\$1,000	10
1 – \$20,000	\$20,000	3

SECTION 5. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 679.

(b) The odds of winning a prize in instant game number 679 are approximately 1 in 4.22.

(c) All reorders of tickets for instant game number 679 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 679 is December 31, 2004.

SECTION 7. This document expires January 31, 2005.

LSA Document #03-337(E)

Filed with Secretary of State: December 18, 2003, 4:30 p.m.

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-338(E)

#### DIGEST

Adds 65 IAC 4-336 concerning instant game number 680. Effective December 19, 2003.

### 65 IAC 4-336

SECTION 1. 65 IAC 4-336 IS ADDED TO READ AS FOLLOWS:

#### Rule 336. Instant Game 680

#### 65 IAC 4-336-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 1. The name of this instant game is “Instant Game Number 680, \$250,000 Jubilee”. (*State Lottery Commission; 65 IAC 4-336-1; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1602, eff Dec 19, 2003*)

#### 65 IAC 4-336-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 2. Instant tickets for instant game number 680 shall sell for twenty dollars (\$20) per ticket. (*State Lottery Commission; 65 IAC 4-336-2; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1602, eff Dec 19, 2003*)

#### 65 IAC 4-336-3 Play symbols

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. (a) Each instant ticket in instant game number 680 shall contain forty-six (46) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Six (6) play symbols and play symbol captions shall appear in the area labeled “WINNING NUMBERS”. Forty (40) play symbols and play symbol captions shall appear in the area labeled “YOUR NUMBERS” arranged in pairs representing numbers or pictures and prize amounts.

(b) The play symbols and play symbol captions in instant game number 680, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN



## Emergency Rules

(8) 8	THF
EGT	(36) 36
(9) 9	THS
NIN	(37) 37
(10) 10	TTS
TEN	(38) 38
(11) 11	THE
ELV	(39) 39
(12) 12	THN
TLV	(40) 40
(13) 13	FRY
TRN	(41) 41
(14) 14	FRO
FRN	(42) 42
(15) 15	FRT
FTN	(43) 43
(16) 16	FTH
SXT	(44) 44
(17) 17	FRF
SVT	(45) 45
(18) 18	FRV
ETN	(46) 46
(19) 19	FRS
NTN	(47) 47
(20) 20	FSN
TWY	(48) 48
(21) 21	FRE
TWN	(49) 49
(22) 22	FNI
TWT	(50) 50
(23) 23	FTY
TWR	(51) 51
(24) 24	FYO
TWF	(52) 52
(25) 25	FYT
TWV	(53) 53
(26) 26	FYH
TWS	(54) 54
(27) 27	FYF
TSN	(55) 55
(28) 28	FYV
TWE	(56) 56
(29) 29	FYS
TNI	(57) 57
(30) 30	FYN
TTY	(58) 58
(31) 31	FYE
THO	(59) 59
(32) 32	FNN
THT	(60) 60
(33) 33	SXY
TTH	(61) A picture of \$\$
(34) 34	WIN
TTF	
(35) 35	

(c) The play symbols and play symbol captions represent-

## Emergency Rules

ing prize amounts in instant game number 680 shall consist of the following possible play symbols and play symbol captions:

- (1) \$5.00  
FIVE
- (2) \$10.00  
TEN
- (3) \$15.00  
FIFTEEN
- (4) \$20.00  
TWENTY
- (5) \$50.00  
FIFTY
- (6) \$100  
ONE HUN
- (7) \$200  
TWO HUN
- (8) \$500  
FIVE HUN
- (9) \$1,000  
ONE THOU
- (10) \$10,000  
TEN THOU
- (11) \$250,000  
TWHNFY THOU

(State Lottery Commission; 65 IAC 4-336-3; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1602, eff Dec 19, 2003)

### 65 IAC 4-336-4 How to play

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 4. The holder of an instant ticket for instant game 676 [sic., 680] shall remove the latex material covering the forty-six (46) play symbols and play symbol captions. If any of "YOUR NUMBERS" match any of the "WINNING NUMBERS" the holder is entitled to the paired prize amount. If the play symbol "\$\$" is exposed, the holder is automatically entitled to the paired prize amount. (State Lottery Commission; 65 IAC 4-336-4; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1604, eff Dec 19, 2003)

### 65 IAC 4-336-5 "Pack" defined

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 5. For purposes of instant game number 676 [sic., 680], "pack" means a set of instant tickets each bearing a common pack number, fan-folded in strips of one (1) ticket. (State Lottery Commission; 65 IAC 4-336-5; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1604, eff Dec 19, 2003)

### 65 IAC 4-336-6 Number of prizes

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 6. The prize amounts and number of winners in

instant game number 676 [sic., 680] are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
2 – \$5.00	\$10	403,200
1 – \$10.00	\$10	302,400
3 – \$5.00	\$15	100,800
1 – \$15.00	\$15	100,800
2 – \$5.00 + 1 – \$10.00	\$20	201,600
2 – \$10.00	\$20	201,600
1 – \$20.00	\$20	100,800
10 – \$5.00	\$50	10,080
6 – \$5.00 + 1 – \$20.00	\$50	10,080
5 – \$10.00	\$50	10,080
2 – \$20.00 + 1 – \$10.00	\$50	10,080
1 – \$50.00	\$50	10,080
20 – \$5.00	\$100	10,080
10 – \$10.00	\$100	10,080
5 – \$20.00	\$100	10,080
1 – \$10.00 + 2 – \$20.00 + 1 – \$50.00	\$100	10,080
1 – \$100	\$100	10,080
20 – \$10.00	\$200	3,150
10 – \$20.00	\$200	2,940
1 – \$10.00 + 2 – \$20.00 + 3 – \$50.00	\$200	2,940
4 – \$50.00	\$200	2,940
1 – \$200	\$200	2,940
15 – \$20.00 + 4 – \$50.00	\$500	420
10 – \$50.00	\$500	420
6 – \$50.00 + 2 – \$100	\$500	420
5 – \$100	\$500	420
20 – \$50.00	\$1,000	336
10 – \$50.00 + 5 – \$100	\$1,000	210
10 – \$100	\$1,000	210
5 – \$200	\$1,000	210
1 – \$1,000	\$1,000	210
20 – \$500	\$10,000	84
1 – \$10,000	\$10,000	42
1 – \$250,000	\$250,000	10

(State Lottery Commission; 65 IAC 4-336-6; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1604, eff Dec 19, 2003)

### 65 IAC 4-336-7 Number of tickets; odds; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 7. (a) A total of approximately five million (5,000,000) instant tickets will be initially available for instant game number 680.

(b) The odds of winning a prize with an instant ticket in instant game number 680 are approximately 1 in 3.29.

(c) All reorders of tickets for instant game number 680 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. (State Lottery Commission; 65 IAC 4-336-7; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1604, eff Dec 19, 2003)

**65 IAC 4-336-8 Last day to claim prizes**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 8. Players will have up to sixty (60) days from the end of instant game 680 within which to claim their prizes. Game end dates are available on the commission's Web site at [www.hoosierlottery.com](http://www.hoosierlottery.com) or may be obtained through the commission's toll-free customer service number or from any instant ticket retailer.** (State Lottery Commission; 65 IAC 4-336-8; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1605, eff Dec 19, 2003)

LSA Document #03-338(E)

Filed with Secretary of State: December 18, 2003, 4:30 p.m.

**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #03-339(E)

**DIGEST**

Temporarily adds rules concerning instant game number 712. Effective December 18, 2003.

**SECTION 1. The name of this instant game is "Instant Game Number 712, Classic Cash".**

**SECTION 2. Instant tickets in instant game number 712 shall sell for five dollars (\$5) per ticket.**

**SECTION 3. (a) Each instant ticket in instant game number 712 shall contain thirty-two (32) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Three (3) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Twenty-eight (28) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" arranged in pairs representing numbers or pictures and prize amounts. One (1) play symbol and play symbol caption representing a picture shall appear in the area labeled "Bonus Box".**

**(b) The play symbols and play symbol captions in instant game number 712, other than those representing prize**

**amounts, shall consist of the following possible play symbols and play symbol captions:**

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN
- (8) 8  
EGT
- (9) 9  
NIN
- (10) 10  
TEN
- (11) 11  
ELV
- (12) 12  
TLV
- (13) 13  
TRN
- (14) 14  
FRN
- (15) 15  
FTN
- (16) 16  
SXT
- (17) 17  
SVT
- (18) 18  
ETN
- (19) 19  
NTN
- (20) 20  
TWY
- (21) 21  
TWN
- (22) 22  
TWT
- (23) 23  
TWR
- (24) 24  
TWF
- (25) 25  
TWV
- (26) 26  
TWS
- (27) 27

## Emergency Rules

- TSN  
(28) 28  
TWE  
(29) 29  
TNI  
(30) 30  
TTY  
(31) 31  
THO  
(32) 32  
THT  
(33) 33  
TTH  
(34) 34  
TTF  
(35) 35  
THF  
(36) 36  
THS  
(37) 37  
TTS  
(38) 38  
THE  
(39) 39  
THN  
(40) 40  
FRY  
(41) A picture of a diamond  
DIMND  
(42) A picture of a horseshoe  
SHOE  
(43) A picture of a pot of gold  
GOLD  
(44) A picture of a crown  
CROWN  
(45) A picture of a piece of paper currency  
BILL

(c) The play symbols and play symbol captions representing prize amounts in instant game number 712 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00  
ONE  
(2) \$2.00  
TWO  
(3) \$3.00  
THREE  
(4) \$5.00  
FIVE  
(5) \$10.00  
TEN  
(6) \$15.00  
FIFTEEN  
(7) \$20.00

- TWENTY  
(8) \$25.00  
TWYFIV  
(9) \$30.00  
THIRTY  
(10) \$50.00  
FIFTY  
(11) \$75.00  
SVTY FIVE  
(12) \$100  
ONE HUN  
(13) \$500  
FIVE HUN  
(14) \$1,000  
ONE THOU  
(15) \$5,000  
FIVE THOU  
(16) \$10,000  
TEN THOU  
(17) \$50,000  
FTY THOU

SECTION 4. The holder of a ticket in instant game number 712 shall remove the latex material covering the thirty-two (32) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol of a picture of a piece of paper currency with the play symbol caption "BILL" is exposed in the area labeled "BONUS", the player is automatically entitled to a prize of one hundred dollars (\$100). The number of matches, paired prize amount play symbols, total prize amounts, and number of winners in instant game number 712 are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$ 2.00 + 1 – \$3.00	\$5	265,200
1 – \$5.00	\$5	183,600
10 – \$1.00	\$10	40,800
5 – \$2.00	\$10	20,400
2 – \$5.00	\$10	20,400
1 – \$5.00 + 1 – \$10.00	\$15	20,400
1 – \$15.00	\$15	10,200
1 – \$20.00	\$20	10,200
4 – \$5.00	\$20	10,200
5 – \$5.00	\$25	5,100
1 – \$25.00	\$25	5,100
2 – \$5.00 + 2 – \$10.00	\$30	4,250
6 – \$5.00	\$30	3,060
1 – \$30.00	\$30	2,890
2 – \$25.00	\$50	2,550
10 – \$3.00 + 4 – \$5.00	\$50	1,700
10 – \$5.00	\$50	1,700

8 – \$5.00 + 1 – \$10.00	\$50	1,700
1 – \$50.00	\$50	1,700
1 – \$100 w/bonus	\$100	5,100
10 – \$10.00	\$100	1,700
4 – \$25.00	\$100	1,700
12 – \$5.00 + 1 – \$15.00 + 1 – \$25.00	\$100	1,700
1 – \$100	\$100	1,700
1 – \$100 w/bonus + 13 – \$25.00 + 1 – \$75.00	\$500	425
10 – \$10.00 + 2 – \$50.00 + 2 – \$100 + 1 – \$100 w/bonus	\$500	425
1 – \$100 w/bonus + 10 – \$50.00 + 4 – \$100	\$1,000	170
1 – \$1,000	\$1,000	170
1 – \$5,000	\$5,000	9
10 – \$500	\$5,000	9
10 – \$1,000	\$10,000	2
1 – \$10,000	\$10,000	2
1 – \$50,000	\$50,000	2

SECTION 5. (a) There shall be approximately two million (2,000,000) instant tickets initially available in instant game number 712.

(b) The odds of winning a prize in instant game number 712 are approximately 1 in 3.27.

(c) All reorders of tickets for instant game number 712 shall have the same:

- (1) prize structure;
  - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
  - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 712 is December 31, 2004.

SECTION 7. This document expires January 31, 2005.

*LSA Document #03-339(E)*

*Filed with Secretary of State: December 18, 2003, 4:30 p.m.*

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-341(E)

### DIGEST

Temporarily supplements standards pertaining to the registration of off-road vehicles and snowmobiles. Effective January 1, 2004.

SECTION 1. (a) The definitions contained in IC 14-8 and IC 14-16-1-2 through IC 14-16-1-7 are incorporated in this document. In addition, the following definitions apply:

- (1) “Dealer registration” means a certificate of registration issued under IC 14-16-1-16 to a dealer or a manufacturer.
- (2) “Decal” means a sticker or similar document to identify a vehicle’s registration number under IC 14-16-1-9 and IC 14-16-1-11.5.
- (3) “Division” means the department’s division of accounting.
- (4) “Interim certificate of registration” means a written instrument sufficient to support an intent to renew or register an off-road vehicle or a snowmobile.

(b) Upon purchase of a vehicle or renewal of a vehicle previously registered, an operator must apply to the department for an interim certificate of registration. The application may be made on-line with the assistance of a dealer or in person at the division’s offices in Indianapolis. The application must include the following information:

- (1) Name.
- (2) Address.
- (3) Date of purchase of a vehicle or date of expiration of a registration for a vehicle registered previously.
- (4) Year.
- (5) Make.
- (6) Model.
- (7) Vehicle identification number.

(c) An interim certificate of registration shall be issued on a form approved by the division. The interim certificate of registration expires:

- (1) thirty-one (31) days after the date of purchase; or
- (2) for a vehicle registered previously, thirty-one (31) days after renewal of the registration.

(d) The department shall design and approve decals that:

- (1) Have a unique identification number for each registration.
- (2) Are differently colored than those used in the previous year.
- (3) Can be easily identified and verified by a law enforcement officer.

(e) An owner or operator must attach two (2) decals that are each clearly visible for identification, with one (1) on each side of the forward half of the vehicle. A dealer or manufacturer may display the decals on an attached but removable sign.

(f) In addition to the fees established by IC 14-16-1, the following fees apply:

- (1) Thirty dollars (\$30) for each registration renewal requested under IC 14-16-1-11.

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## Emergency Rules

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- (2) Six dollars (\$6) for each replacement decal requested under IC 14-16-1-11.5(b).
- (3) Fifteen dollars (\$15) for each change of address requested under IC 14-16-1-14(d).
- (4) Thirty dollars (\$30) for each transfer of ownership requested under IC 14-16-1-14(e).
- (5) Thirty dollars (\$30) for each of the first two (2) registrations requested by a manufacturer or dealer under IC 14-16-1-15(a).
- (6) Thirty dollars (\$30) for each registration requested by a manufacturer or dealer under IC 14-16-1-15(a) that is subsequent to those requested under subdivision (4).

(g) An owner or operator may seek administrative review, under IC 4-21.5 and 312 IAC 3-1, of an order by the department under this document.

*LSA Document #03-341(E)*

*Filed with Secretary of State: December 30, 2003, 2:45 p.m.*

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### TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #04-9(E)

#### DIGEST

Temporarily adds provisions to clarify what provisions apply to persons subject to the permit by rule program established under 326 IAC 2-10. Authority: IC 4-22-2-37.1(a)(14). Effective January 8, 2004. Expires April 7, 2004.

**SECTION 1. The definitions provided in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 shall apply to this document.**

**SECTION 2. The conditions of this document that limit potential to emit are as follows:**

- (1) **The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for the following:**
  - (A) **A major source of regulated air pollutants.**
  - (B) **A major source of hazardous air pollutants, as defined in Section 112 of the Clean Air Act.**
- (2) **The source does not rely on air pollution control equipment to comply with subdivision (1).**

**SECTION 3. Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in SECTION 2 of this document. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or material usage, or production records. No other demonstra-**

**tion of compliance shall be required.**

**SECTION 4. (a) This document does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided in 326 IAC 2-10-1.**

**(b) A source subject to this document shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:**

- (1) **at any time the source is not in compliance with the conditions provided in SECTION 2 of this document; or**
- (2) **the source does not timely or adequately demonstrate compliance with the conditions in SECTION 2 of this document as required under SECTION 3 of this document.**

**SECTION 5. Any violation of this document may result in administrative or judicial enforcement proceedings under IC 13-30-3 and penalties under IC 13-30-4, IC 13-30-5, and IC 13-30-6.**

**SECTION 6. SECTIONS 1 through 5 of this document expire on April 7, 2004.**

*LSA Document #04-9(E)*

*Filed with Secretary of State: January 8, 2004, 1:49 p.m.*

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-340(E)

#### DIGEST

Temporarily amends 405 IAC 2-3-1.1 regarding the Medicaid penalty for transfers of assets for less than fair market value. Authority: IC 4-22-2-37.1(a)(20); IC 12-8-1-12(c). Effective December 29, 2003.

**SECTION 1. (405 IAC 2-3-1.1) (a) The following definitions apply throughout this SECTION:**

(1) "Assets" includes all income and resources of the applicant or recipient, and of the applicant's or recipient's spouse, including any income or resources ~~which that~~ the applicant or recipient or the applicant's or recipient's spouse is entitled to receive but does not receive because of action **by:**

- (A) ~~by~~ the applicant or recipient or the applicant's or recipient's spouse;
- (B) ~~by~~ a person, including, but not limited to, a court or administrative body with legal authority to act in place of or on behalf of the applicant or recipient or the applicant's or recipient's spouse; or
- (C) ~~by~~ a person, including, but not limited to, a court or

administrative body acting at the direction or upon the request of the applicant or recipient or the applicant's or recipient's spouse.

The term includes assets that an individual is entitled to receive but does not receive because of failure to take action subject to subsection ~~(f)~~: **(j)**.

(2) "Individual" means an applicant or recipient of Medicaid.

(3) "Institutionalized individual" means an applicant or recipient who is:

(A) an inpatient in a nursing facility;

(B) an inpatient in a medical institution for whom payment is made based on a level of care provided in a nursing facility; or

(C) ~~who is~~ receiving home and community-based waiver services.

(4) "Net income" means the income produced by real property after deducting allowable expenses of ownership.

Allowable and nonallowable expenses are as follows:

(A) The following are allowable expenses of ownership if the owner is responsible for the expenses:

(i) Property taxes.

(ii) Interest payments.

(iii) Repairs and maintenance.

(iv) Advertising expenses.

(v) Lawn care.

(vi) Property insurance.

(vii) Trash removal expenses.

(viii) Snow removal expenses.

(ix) Utilities.

(x) Any other expenses of ownership allowed by the Supplemental Security Income program.

(B) The following are not allowable expenses of ownership:

(i) Depreciation.

(ii) Payments on mortgage principal.

(iii) Personal expenses of the owner.

(iv) Mortgage insurance.

(v) Capital expenditures.

(5) "Noninstitutionalized individual" means an applicant or recipient receiving any of the services described in subsection (e).

(6) "Qualified long term care insurance policy" has the meaning **set forth** in 760 IAC 2-20-30.

(7) "Uncompensated value" means the difference between the fair market value of the asset and the value of the consideration received by the applicant or recipient in return for transferring the asset.

(b) A transfer of assets includes any cash, liquid asset, or property that is transferred, sold, given away, or otherwise disposed of as follows:

(1) Transfer includes any total or partial divestiture of control or access, including, but not limited to, any of the following:

(A) Converting an asset from individual to joint ownership.

(B) Relinquishing or limiting the applicant's or recipient's right to liquidate or sell the asset.

(C) Disposing of a portion or a partial interest in the asset while retaining an interest.

(D) Transferring the right to receive income or a stream of income, including, but not limited to, income produced by real property.

(E) Renting or leasing real property.

(F) Waiving the right to receive a distribution from a decedent's estate or failing to take action to receive a distribution that the individual is entitled to receive by law subject to subsection ~~(f)~~: **(j)**.

(2) If an applicant or recipient relinquishes ownership or control over a portion of an asset, but retains ownership, control, or an interest in the remaining portion, the portion relinquished is considered transferred.

(3) A transfer of the applicant's or recipient's assets completed by the applicant's or recipient's power of attorney or legal guardian is considered a transfer by the applicant or recipient.

(4) For purposes of this SECTION, in the case of an asset held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the asset, or the affected portion of the asset, shall be considered transferred by the applicant or recipient when any action is taken, either by the applicant or recipient or by any other person, that reduces or eliminates the applicant's or recipient's ownership or control of the asset.

(5) This SECTION applies without regard to the exclusion of the home described in 42 U.S.C. 1382b(a)(1).

**(6) This SECTION applies without regard to the exclusion of income-producing real property described in section 15 of this rule [405 IAC 2-3-15], except for property used in a trade or business. The transfer of income-producing real property other than property used in a trade or business is subject to penalty under subsections (h) and (l). "Trade or business" means a trade or business that is actively managed or operated by the applicant or recipient.**

(c) If an applicant or recipient of Medicaid, or the spouse of an applicant or recipient, disposes of assets for less than fair market value on or after the look-back date specified in this subsection, the applicant or recipient is ineligible for medical assistance for services described in subsections (d) through (e), for a period beginning on the first day of the first month ~~during~~ **or** after which assets have been transferred for less than fair market value and which does not occur in any other periods of ineligibility under this SECTION. **If the transfer took place prior to July 1, 2003, the penalty period begins in the month of the transfer.** The ineligibility period is equal to the number of months specified in subsection ~~(f)~~: **(g)**. The look-back date is determined as follows:

(1) In the case of transfers that do not involve a trust, the look-back date is determined as follows:

(A) For an institutionalized individual, the look-back date is thirty-six (36) months before the first date as of which

the individual both:

- (i) is an institutionalized individual; and
- (ii) has applied for medical assistance.

(B) For a noninstitutionalized individual, the look-back date is thirty-six (36) months before the later of **the date on which the individual:**

- (i) ~~the date on which the individual~~ applies for medical assistance; or
- (ii) ~~the date on which the individual~~ disposes of assets for less than fair market value.

(2) In the case of transfers ~~which that~~ involve payments from a trust or portions of a trust that are treated as assets disposed of by an applicant or recipient under section 22(b)(3) or 22(c)(2) of this rule [405 IAC 2-3-22(b)(3) or 405 IAC 2-3-22(c)(2)], the look-back date is determined as follows:

(A) For an institutionalized individual, the look-back date is sixty (60) months before the first date as of which the individual both:

- (i) is an institutionalized individual; and
- (ii) has applied for medical assistance.

(B) For a noninstitutionalized individual, the look-back date is sixty (60) months before the later of **the date on which the individual:**

- (i) ~~the date on which the individual~~ applies for medical assistance; or
- (ii) ~~the date on which the individual~~ disposes of assets for less than fair market value.

(d) During the penalty period, an institutionalized individual is ineligible for medical assistance for the following services:

- (1) Nursing facility services.
- (2) A level of care in any institution equivalent to that of nursing facility services.
- (3) Home or community-based waiver services.

(e) During the penalty period, a noninstitutionalized individual is ineligible for the following services:

- (1) Home health care services.
- (2) Home and community care services for functionally disabled elderly individuals.
- (3) Personal care services as defined in 42 U.S.C. 1396a(a)(24).
- (4) Any other long term care services, including, but not limited to, the services listed in subsection (d).

**(f) If an individual is ineligible for medical assistance for services under this SECTION, expenses for those services are not allowable medical expenses in calculating an individual's nursing home liability for any month of Medicaid eligibility.**

(g) The number of months of ineligibility shall be equal to the total, cumulative uncompensated value of all assets transferred by the individual, or the individual's spouse, on or after the look-back date specified in subsection (c), divided by the

average monthly cost to a private patient of nursing facility services in the geographic area ~~which that~~ includes the county where the individual resides at the time of application. As used in this subsection, "geographic area" means the region identified in Section 2640.10.35.20 of the Family and Social Services Administration Program Policy Manual for Cash Assistance, Food Stamps, and Health Coverage. **For transfers taking place on or after July 1, 2003, in determining the total, cumulative uncompensated value of assets transferred, transfers made in consecutive months are added together. The penalty period begins with the month following the first month in which assets were transferred and that does not occur in any other penalty period.**

~~(g)~~ (h) This subsection applies to the transfer of a stream of income, including, but not limited to, the transfer of the income generated by income-producing real property. ~~The transfer of income-producing real property is a transfer of a stream of income if the transferor does not retain the right to receive the income generated by the property.~~ The uncompensated value of income transferred is determined by calculating the greater of:

- (1) the fair market value; or
- (2) the actual amount;

of total net income that the property or other source of income is ~~expected to produce~~ **capable of producing** during the lifetime of the transferor, based on life expectancy tables published by the office, and subtracting the income, if any, that the transferor will receive from the property or other source of income after the transfer.

~~(h)~~ (i) When an individual accepts a rental payment that is less than the fair market rental value for income-producing property, the uncompensated value of the transfer is determined by:

- (1) calculating the difference between the fair market rental value and the amount of rent accepted; and
- (2) multiplying the difference by the person's life expectancy based on life expectancy tables published by the office.

~~(i)~~ (j) This subsection applies to a transfer of assets that results from failure to take action to receive assets to which one is entitled to receive by law. No penalty will be imposed if any of the following circumstances applies:

- (1) The applicant or recipient, or the individual with legal authority to act on behalf of the applicant or recipient, is unaware of his or her right to receive assets or becomes aware of the right to receive assets after the deadline for taking action has passed. If the office notifies the applicant or recipient of his or her right to receive assets prior to the deadline for taking action, the individual will be presumed to be aware of his or her right to receive assets unless subdivision (2) applies.
- (2) A physician states that the applicant or recipient is not capable of taking action to receive the assets, and there is no guardian or other individual with the authority to act on the



applicant's or recipient's behalf.

(3) The expenses of collecting the assets would exceed the value of the assets.

(4) In the case of a surviving spouse who fails to take a statutory share of a deceased spouse's estate, no penalty will be imposed if the deceased spouse has made other equivalent arrangements to provide for a spouse's needs. "Other equivalent arrangements" includes, but is not limited to, a trust established for the benefit of the surviving spouse.

(j) **(k)** An applicant or recipient shall not be ineligible for medical assistance under this SECTION if any of the following apply:

(1) The assets transferred were a home, and title to the home was transferred to any of the following persons:

(A) The spouse of the applicant or recipient.

(B) A child of the applicant or recipient who **is**:

(i) ~~is~~ under twenty-one (21) years of age; or

(ii) ~~is~~ blind or disabled as defined in 42 U.S.C. 1382c.

(C) A sibling of the applicant or recipient who has an equity interest in the home and who was residing in the applicant's or recipient's home for a period of at least one (1) year immediately before the date the applicant or recipient becomes an institutionalized individual.

(D) A son or daughter of the applicant or recipient, other than a child described in clause (B), who was residing in the applicant's or recipient's home for a period of at least two (2) years immediately before the date the applicant or recipient becomes an institutionalized individual and who the office determines has provided care to the applicant or recipient ~~which that~~ permitted the applicant or recipient to reside at home rather than in an institution or facility.

(2) The assets were transferred to the applicant's or recipient's spouse or to another for the sole benefit of the applicant's or recipient's spouse.

(3) The assets were transferred from the applicant's or recipient's spouse to another for the sole benefit of the applicant's or recipient's spouse.

(4) The assets were transferred to:

(A) the applicant's or recipient's child who is disabled or blind as defined in 42 U.S.C. 1382c; or

(B) to a trust, including a trust described in section 22(i) of this rule [405 IAC 2-3-22(i)], established solely for the benefit of the applicant's or recipient's child who is disabled or blind as defined in 42 U.S.C. 1382c.

(5) The assets were transferred to a trust, including a trust described in section 22(i) of this rule [405 IAC 2-3-22(i)], established solely for the benefit of an individual under sixty-five (65) years of age who is disabled as defined in 42 U.S.C. 1382c.

(6) The assets transferred are disregarded for eligibility purposes through the use of a qualified long term care insurance policy pursuant to under IC 12-15-39.6. If an asset is disregarded through the use of a qualified long term care insurance policy, that asset and any income generated by that

asset may be transferred without penalty.

(7) A satisfactory showing is made to the office, in accordance with standards specified under 42 U.S.C. 1396p(c)(2)(C) by the Secretary of Health and Human Services, that:

(A) the applicant or recipient intended to dispose of the assets at fair market value or for other valuable consideration;

(B) the assets were transferred exclusively for a purpose other than to qualify for medical assistance; or

(C) all assets transferred for less than fair market value have been returned to the applicant or recipient.

**In order to establish that a transfer was made exclusively for purposes other than qualifying for medical assistance, the applicant or recipient must submit sufficient evidence to show that the transfer was made exclusively for reasons not related to Medicaid eligibility, estate recovery, or lien.**

(8) The office may waive the application of this SECTION in cases of undue hardship, but only to the extent required by standards specified under 42 U.S.C. 1396p(c)(2)(D) by the Secretary of Health and Human Services.

**(l) For transfers of income-producing real property not used in a trade or business on and after July 1, 2003, six thousand dollars (\$6,000) of the equity value can be transferred without penalty if the transferred property produces an annual income of at least three hundred sixty dollars (\$360). If the equity value of the property is less than six thousand dollars (\$6,000), the property can be transferred without penalty if the property produces an annual income of at least six percent (6%) of the equity. This six thousand dollars (\$6,000) exemption is a single, one (1) time exemption that applies to the total value of all income-producing real property transferred by the applicant during the applicant's lifetime. If the property does not produce an annual income of at least six percent (6%) of the lesser of six thousand dollars (\$6,000) or the equity value, the entire equity is the uncompensated value.**

~~(k)~~ **(m)** In the case of a transfer by the spouse of an applicant or recipient ~~which that~~ results in a period of ineligibility for medical assistance, the office shall apportion the period of ineligibility, or any portion of that period, between the applicant or recipient and the applicant's or recipient's spouse, if the spouse otherwise becomes eligible for medical assistance, as specified in regulations promulgated under 42 U.S.C. 1396p(c)(4) by the Secretary of Health and Human Services.

**SECTION 2. This document expires March 28, 2004.**

*LSA Document #03-340(E)*

*Filed with Secretary of State: December 29, 2003, 3:00 p.m.*

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## Notice of Rule Adoption

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### **TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

LSA Document #03-66

Under IC 12-8-3-4.4, LSA Document #03-66, printed at 26 IR 3381, which amends 405 IAC 5-3-13 and 405 IAC 5-21-7 to require prior authorization for Medicaid reimbursement of assertive community treatment intensive case management services. Amends 405 IAC 5-21-1 to define terms associated with assertive community treatment. Adds 405 IAC 5-21-8 to provide for assertive community treatment intensive case management service for certain Medicaid recipients with serious mental illness. The rule which was adopted on August 7, 2003, and recalled on September 16, 2003, and readopted on September 25, 2003. It was recalled on December 23, 2003, and readopted on January 7, 2004, is a different version than the proposed rule, which was published in the Indiana Register on July 1, 2003.

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### **TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

LSA Document #03-205

Under IC 12-8-3-4.4, LSA Document #03-205, printed at 27 IR 262, which was adopted by the Secretary of Family and Social Services Administration on January 7, 2004, amends 405 IAC 2-3-1.1 to specify that a Medicaid penalty period for the transfer of assets for less than fair market value will begin in the month after which assets have been transferred for less than fair market value; that if an individual is ineligible for medical assistance due to a transfer penalty, expenses for nursing home services incurred during the penalty period are not allowable medical expenses in calculating an individual's nursing home liability for any month of Medicaid eligibility; that in determining the total, cumulative uncompensated value of assets transferred, transfers made in consecutive months are added together; that for transfers of income-producing real property, \$6,000 of the equity value can be transferred without penalty if the transferred property produces at least \$360 a year in income; that, in order to establish that a transfer was made exclusively for purposes other than qualifying for medical assistance, the applicant or recipient must submit sufficient evidence to show that the transfer was made exclusively for reasons not related to Medicaid eligibility, estate recovery, or lien. The rule which was adopted is a different version than the proposed rule which was published in the Indiana Register on October 1, 2003.

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #03-6

The Department of Local Government Finance gives notice that the date of the public hearing for LSA Document #03-6, printed at 27 IR 908, has been changed. The changed Notice of Public Hearing appears below:

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on **March 5, 2004 at 11:00 a.m.**, at the Indiana Government Center-North, 100 North Senate Avenue, Room 1058, Department of Local Government Finance Conference Room, Indianapolis, Indiana, the Department of Local Government Finance will hold a public hearing on **proposed new rules to govern per diem and mileage allowance for attendance of assessment training and education classes presented by the Department of Local Government Finance**. Parties interested in participating in the public hearing are encouraged to attend and submit written statements expressing their specific or general concerns, any suggested additions or revisions, and any documentation that may serve to support, clarify, or supplement their concerns, suggestions, or proposed revisions. The Department of Local Government Finance also encourages any interested party who has concerns, suggestions, or proposed revisions to contact Toma Shepherd, Department of Local Government Finance, at (317) 233-4361. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 1058 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Beth Henkel  
Commissioner  
Department of Local Government Finance

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

#03-228(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #03-228(APCB), printed at 27 IR 1304, has been changed. The changed Notice of Public Hearing appears below:

***Notice of Public Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **April 13, 2004**, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room A, Indianapolis, Indiana the Air*

*Pollution Control Board will hold a public hearing on amendments to 326 IAC 1-2 and 326 IAC 1-3-4.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Gayl Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, press 0, and ask for extension 3-8628 (in Indiana). If the date of this hearing is changed it will be noticed in the Change of Notice section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*

Janet McCabe  
Assistant Commissioner  
Office of Air Quality

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**TITLE 410 INDIANA STATE DEPARTMENT OF  
HEALTH**

LSA Document #03-90

The Indiana State Department of Health gives notice that the date of the public hearing for LSA Document #03-90, printed at 27 IR 921, has been changed. The changed Notice of Public Hearing appears below:

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on **February 23, 2004 at 10:00 a.m.**, at the Indiana State Department of Health Building, 2 North Meridian Street, Myers Conference Room, Indianapolis, Indiana the Indiana State Department of*

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## Change in Notice of Public Hearing

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*Health will hold a public hearing on a proposed rule to amend 410 IAC 16.2-3.1-19 and 410 IAC 16.2-8-1 to update the requirement for the life safety code for health facilities. Copies of these rules are now on file with the Health Care Regulatory Services Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana, and are open for public inspection.*

Gregory A. Wilson, M.D.  
State Health Commissioner  
Indiana State Department of Health

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**TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC  
EMPLOYEES' RETIREMENT FUND**

LSA Document #04-18

Under IC 4-22-2-23, the Board of Trustees of the Public Employees' Retirement Fund intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 35 IAC 8 and adds 35 IAC 10 and 35 IAC 12 to conform to changes made to the Internal Revenue Code by the federal Economic Growth and Tax Relief Reconciliation Act of 2001 and provide enhanced retirement savings opportunities concerning rollovers and service purchases for Fund members. Statutory authority: IC 5-10.3-3-8.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-3

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 312 IAC 6.5 to assist in the registration of off-road vehicles and snowmobiles under IC 14-16-1. (This subject is currently governed by a temporary rule published as LSA Document #03-341(E).) Questions concerning the proposed new rule may be directed to the following telephone number: (317) 233-3322 or e-mail address: slucas@dnr.state.in.us. Statutory authority: IC 14-10-2-4; IC 14-16-1.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-4

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends standards addressing the construction and maintenance of marinas along or within public waters. Clarifies that the operators of marinas must maintain functioning watercraft pumpout facilities. Authorizes the department's division of law enforcement to exempt marinas that service only watercraft without marine sanitation devices or those with qualified agreements to have pumpout services provided by a nearby marina or similar facility. Questions concerning the proposed new rule may be directed to the following telephone number: (317) 233-3322 or e-mail address: slucas@dnr.state.in.us. Statutory authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-26-2-23; IC 14-29-1-8.

**TITLE 345 INDIANA STATE BOARD OF  
ANIMAL HEALTH**

LSA Document #04-15

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will amend 345 IAC 7-3.5 concerning nonambulatory animals at markets. The rule will amend meat and poultry inspection rules in 345 IAC 9 to facilitate prevention of and surveillance for bovine spongiform encephalopathy (BSE), including prohibiting the slaughter of nonambulatory cattle for human food, prohibiting meat and meat products from nonambulatory cattle to be distributed for human food, requiring carcasses tested for BSE to be held until test results are obtained, prohibiting the distribution of carcasses and parts of BSE positive animals, declaring certain animal parts specified risk materials, amending rules governing products produced using advanced meat recovery technology, prohibiting air-injection stunning of cattle, and further regulating or prohibiting the use of mechanically separated meat in human food. Updates matters incorporated by reference. Makes other changes in the law of meat and poultry inspection. Comments on the proposed rule may be sent to the Indiana State Board of Animal Health, Attention: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, Indiana 46224, or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

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**TITLE 345 INDIANA STATE BOARD OF  
ANIMAL HEALTH**

LSA Document #04-16

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will amend requirements to exhibit livestock and other animals in 345 IAC 7-5, including removing the requirement for a pseudorabies test of exhibition swine and removing all tests and vaccinations, other than rabies vaccination, for exhibition dogs and cats. Submit questions or comments to the Indiana State Board of Animal Health, Attention: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, IN 46224, or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

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**TITLE 410 INDIANA STATE DEPARTMENT OF  
HEALTH**

LSA Document #04-1

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

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## Notice of Intent to Adopt a Rule

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**OVERVIEW:** Amends 410 IAC 6-12 regarding requirements for plan review and construction permits and adds fees for plan reviews. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-19-5-1.

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### TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #04-2

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rules will establish minimum sanitary standards for the operation of retail food establishments. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-42-5-5.

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### TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #04-7

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 410 IAC 16.2-3.1-53 and 410 IAC 16.2-5-13 to administer the feeding assistant program in comprehensive and residential facilities. Amends 410 IAC 16.2-3.1-14(q)(5) and 410 IAC 16.2-5-1.4(h)(5) to include feeding assistant certificate or letter of completion. Adds 410 IAC 16.2-1.1-25.3 to define feeding assistant. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street #5A, Indianapolis, Indiana 46204. Statutory authority: IC 16-28-1-7; IC 16-28-1-12.

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-8

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To amend the Indiana Residential Code, 675 IAC 14-4.2, to make substantive and clarifying changes. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #04-17

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** This rule makes changes regarding the practice of hypnotists and hypnotherapists. Establishes the definition for treatment and the requirements to perform hypnosis in a group setting. Questions or comments concerning the proposed rules may be directed to: Hypnotist Committee, Indiana Government Center-South, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail to [tthompson@hpb.state.in.us](mailto:tthompson@hpb.state.in.us). Statutory authority: IC 25-20.5-1-9.

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### TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #04-5

Under IC 4-22-2-23, the Indiana Board of Accountancy intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 872 IAC 1-3-16 to revise the prorated continuing professional education requirement for the three year licensure period (reporting period) in progress at the time a certificate is issued or reactivated (either from having previously lapsed or from inactive status) during a reporting period in progress and to establish a prorated minimum continuing professional education requirement for individuals each year of the reporting period in progress when a certificate is issued or reactivated during a reporting period in progress. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Board Director, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by electronic mail at [pla11@pla.state.in.us](mailto:pla11@pla.state.in.us). Statutory authority: IC 25-2.1-2-15; IC 25-2.1-4-5.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #03-296

**DIGEST**

Amends 312 IAC to update cross-references to other laws, to incorporate emergency rules already in effect as permanent rules, and to include definitions that clarify the current administration of programs. Effective 30 days after filing with the secretary of state.

<b>312 IAC 1-1-19.5</b>	<b>312 IAC 10-2-33.5</b>
<b>312 IAC 1-1-27.5</b>	<b>312 IAC 11-5-2</b>
<b>312 IAC 1-1-29.3</b>	<b>312 IAC 19-1-3</b>

SECTION 1. 312 IAC 1-1-19.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 1-1-19.5 “Includes” defined**

Authority: IC 14-10-2-4  
Affected: IC 14; IC 25

**Sec. 19.5. “Includes” means includes, but is not limited to.**  
(*Natural Resources Commission; 312 IAC 1-1-19.5*)

SECTION 2. 312 IAC 1-1-27.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 1-1-27.5 “State plane coordinate” or “SPC” defined**

Authority: IC 14-10-2-4  
Affected: IC 14; IC 32-19-1-1

**Sec. 27.5. “State plane coordinate” or “SPC” has the meaning set forth in IC 32-19-1-1.** (*Natural Resources Commission; 312 IAC 1-1-27.5*)

SECTION 3. 312 IAC 1-1-29.3 IS ADDED TO READ AS FOLLOWS:

**312 IAC 1-1-29.3 “Universal transverse mercator” or “UTM” defined**

Authority: IC 14-10-2-4  
Affected: IC 14

**Sec. 29.3. “Universal transverse mercator” or “UTM” means UTM Zone 16, NAD 83, in meters.** (*Natural Resources Commission; 312 IAC 1-1-29.3*)

SECTION 4. 312 IAC 10-2-33.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 10-2-33.5 “Reconstruction” defined**

Authority: IC 14-10-2-4; IC 14-28-1-5  
Affected: IC 14-28-1

**Sec. 33.5. “Reconstruction”, for the purposes of IC 14-28-**

**1-10, IC 14-28-1-24, and IC 14-28-1-25, means an activity that rehabilitates or restores the structural elements of a building, including replacing floors or working on an element needed to support the structure. The term does not, however, include any of the following:**

- (1) Painting.**
- (2) Replacing floor coverings.**
- (3) Replacing doors.**
- (4) Replacing windows.**
- (5) Cleaning.**
- (6) Performing similar activities.**

(*Natural Resources Commission; 312 IAC 10-2-33.5*)

SECTION 5. 312 IAC 11-5-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 11-5-2 Nonconforming uses; nuisances; modifications**

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23  
Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14-26-2

Sec. 2. (a) A structure or facility that was lawfully placed before the effective date of a section of **312 IAC 11-3, 312 IAC 11-4, or** this rule (including a structure or facility lawfully placed under a section of 310 IAC 6-2 before its repeal), which would be unlawful if placed after that date, is a lawful nonconforming use.

**(b) The director or the director’s designee may order the removal of a lawful nonconforming use under subsection (a) may be ordered to be removed or modified by the director, or the director’s designee,** if the structure or facility is either of the following:

- (1) A nuisance that adversely affects public safety, natural resources, natural scenic beauty, or the water level of a public freshwater lake.
- (2) Modified in a manner for which a license is required under IC 14-26-2 or this rule.

(c) An order issued under subsection (b) is controlled by IC 4-21.5-3-8 unless an emergency exists, in which event IC 4-21.5-4 may be applied.

(d) Nothing in this rule affects the department’s right to seek injunctive or other relief under IC 14-26 or another applicable law. (*Natural Resources Commission; 312 IAC 11-5-2; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2228*)

SECTION 6. 312 IAC 19-1-3 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 19-1-3 Application for license; fee**

Authority: IC 14-31-3-14  
Affected: IC 14-31-3

Sec. 3. As prerequisites to the issuance of a ginseng dealer’s license, a person must file with the division both of the following:

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- (1) A completed application for ginseng dealer's license.  
(2) A fee payable to the department in the amount of ~~twenty-five~~ **one hundred** dollars (~~\$25~~; **\$100**).  
(*Natural Resources Commission; 312 IAC 19-1-3; filed Jul 10, 1998, 10:29 a.m.: 21 IR 4193*)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on February 26, 2004 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to update cross-references to other laws, to incorporate emergency rules already in effect as permanent rules, and to include definitions that clarify the current administration of programs. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

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### TITLE 326 AIR POLLUTION CONTROL BOARD

**Proposed Rule**  
LSA Document #03-284

#### DIGEST

Adds 326 IAC 20-57 concerning pharmaceuticals production; 326 IAC 20-58 concerning amino and phenolic resins; 326 IAC 20-59 concerning polyether polyols productions; 326 IAC 20-60 concerning solvent extraction for vegetable oil production; 326 IAC 20-61 concerning semiconductor manufacturing; 326 IAC 20-62 concerning refractory products manufacturing; and 326 IAC 20-70 concerning secondary aluminum. Effective 30 days after filing with the secretary of state.

#### HISTORY

IC 13-14-9-7 and Second Notice of Comment Period and Notice of First Public Hearing: November 1, 2003, Indiana Register (27 IR 576).  
Date of First Hearing: January 7, 2004.

#### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

Because this proposed rule is not substantively different from the draft rule published on November 1, 2003, at 27 IR 576, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

#### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 1, 2003, through December 1, 2003, on IDEM's draft rule language. IDEM received comments

from the following parties:

Eli Lilly (EL)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* The last edition of the Code of Federal Regulations incorporated by reference into state rules is dated July 1, 2000. There have been several significant changes made to the pharmaceutical NESHAP since that date. Please include the Federal Register citation for the pharmaceutical NESHAP to ensure that the most recent changes are incorporated into state rules.

*Response:* The Federal Register citations for the pharmaceutical NESHAP has been added to the draft rule that will presented to the board for consideration for preliminary adoption. If the 2002 CFR annual update rule (LSA#02-337) is promulgated prior to final adoption of this NESHAP, the federal register references will be deleted since it will be redundant.

#### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On January 7, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules 326 IAC 20-57 concerning pharmaceuticals production; 326 IAC 20-58 concerning amino and phenolic resins; 326 IAC 20-59 concerning polyether polyols productions; 326 IAC 20-60 concerning solvent extraction for vegetable oil production; 326 IAC 20-61 concerning semiconductor manufacturing; 326 IAC 20-62 concerning refractory products manufacturing; and 326 IAC 20-70 concerning secondary aluminum.

No comments were made at the first hearing.

<b>326 IAC 20-57</b>	<b>326 IAC 20-61</b>
<b>326 IAC 20-58</b>	<b>326 IAC 20-62</b>
<b>326 IAC 20-59</b>	<b>326 IAC 20-70</b>
<b>326 IAC 20-60</b>	

SECTION 1. 326 IAC 20-57 IS ADDED TO READ AS FOLLOWS:

#### Rule 57. Pharmaceuticals Production

##### 326 IAC 20-57-1 Applicability; incorporation by reference of federal standards

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1250 (63 FR 50326, September 21, 1998; 65 FR 52596, August 29, 2000; 66 FR 40131, August 2, 2001)\*.**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GGG (63 FR 50326, September 21, 1998, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing; 65 FR 52596, August 29, 2000, Amendments; 66 FR 40130, August 2, 2001, Corrections and Amendments )\*.**

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are**



available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-57-1*)

SECTION 2. 326 IAC 20-58 IS ADDED TO READ AS FOLLOWS:

**Rule 58. Amino and Phenolic Resins**

**326 IAC 20-58-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1400\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart OOO\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-58-1*)

SECTION 3. 326 IAC 20-59 IS ADDED TO READ AS FOLLOWS:

**Rule 59. Polyether Polyols Production**

**326 IAC 20-59-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1420\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart PPP\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-59-1*)

SECTION 4. 326 IAC 20-60 IS ADDED TO READ AS

FOLLOWS:

**Rule 60. Solvent Extraction for Vegetable Oil Production**

**326 IAC 20-60-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2832\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GGGG\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-60-1*)

SECTION 5. 326 IAC 20-61 IS ADDED TO READ AS FOLLOWS:

**Rule 61. Semiconductor Manufacturing**

**326 IAC 20-61-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7181\* (68 FR 27925, May 22, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart BBBB\*, (68 FR 27925, May 22, 2003, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-61-1*)

SECTION 6. 326 IAC 20-62 IS ADDED TO READ AS FOLLOWS:

**Rule 62. Refractory Products Manufacturing**

**326 IAC 20-62-1 Applicability; incorporation by reference of federal standards**

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Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.9782\* (68 FR 18747, April 16, 2003).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SSSSS\*, (68 FR 18747, April 16, 2003, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing).**

*\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-62-1)*

SECTION 7. 326 IAC 20-70 IS ADDED TO READ AS FOLLOWS:

### Rule 70. Secondary Aluminum

#### **326 IAC 20-70-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1500\* (67 FR 79815, December 30, 2002).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart RRR\*, (67 FR 79815, December 30, 2002, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum).**

*\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-70-1)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 13, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed new rules 326 IAC 20-57, 326 IAC 20-58, 326 IAC 20-59, 326 IAC 20-60, 326 IAC 20-61, 326 IAC 20-62, and 326 IAC 20-70. The purpose of this hearing is to receive comments from the*

*public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Gayl Killough, Rule Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality

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## TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

### Proposed Rule LSA Document #03-216

#### DIGEST

Amends 410 IAC 15-1.5-8, 410 IAC 15-1.7-1, 410 IAC 15-2.5-7, and 410 IAC 15-2.7-1 to update the requirement for the Life Safety Code for hospitals and ambulatory outpatient surgical centers. Effective 30 days after filing with the secretary of state.

**410 IAC 15-1.5-8  
410 IAC 15-1.7-1**

**410 IAC 15-2.5-7  
410 IAC 15-2.7-1**

SECTION 1. 410 IAC 15-1.5-8 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 15-1.5-8 Physical plant, maintenance, and environmental services**

Authority: IC 16-21-1-7  
Affected: IC 16-21-1

Sec. 8. (a) The hospital shall be constructed, arranged, and maintained to ensure the safety of the patient and to provide facilities for services authorized under the hospital license as follows:

(1) The plant operations and maintenance service, equipment maintenance, and environmental service shall be:

- (A) staffed to meet the scope of the services provided; and
- (B) under the direction of a person or persons qualified by education, training, or experience.

(2) There shall be a safety officer designated to assume responsibility for the safety program.

(3) The hospital shall provide a physical plant and equipment that ~~meets~~ **meet** the statutory requirements and regulatory provisions of the state department of fire and building services, including 675 IAC 22, Indiana fire prevention codes, and 675 IAC 13, Indiana building codes.

(b) The condition of the physical plant and the overall hospital environment shall be developed and maintained in such a manner that the safety and well-being of patients are assured as follows:

(1) No condition in the facility or on the grounds shall be maintained ~~which that~~ may be conducive to the harborage or breeding of insects, rodents, or other vermin.

(2) No condition shall be created or maintained ~~which that~~ may result in a hazard to patients, public, or employees.

(3) There shall be emergency power and lighting in accordance with National Fire Protection Association (NFPA) 99.

(4) There shall be a plan for emergency fuel and water supply.

(5) Provision shall be made for the periodic inspection, preventive maintenance, and repair of the physical plant and equipment by qualified personnel as follows:

(A) Operation, maintenance, and spare parts manuals shall be available, along with training or instruction of the appropriate personnel, in the maintenance and operation of the fixed and movable equipment.

(B) Operational and maintenance control records shall be established and analyzed periodically. These records shall be readily available on the premises.

(C) Maintenance and repairs shall be carried out in accordance with applicable codes, rules, standards, and requirements of local jurisdictions, the administrative building council, the state fire marshal, and the department.

(c) In new construction, renovations, and additions, the hospital site and facilities, or nonlicensed facilities acquired for the purpose of providing hospital services, shall meet the following:

(1) The 2001 edition of the national "Guideline for Construction and Equipment of Hospital and Medical Facilities" (Guidelines).

(2) All building, fire safety, and handicapped accessibility codes and rules adopted and administered by the state building commissioner shall apply to all facilities covered by

this rule and take precedence over any building, fire safety, or handicapped accessibility requirements of the Guidelines.

(3) When renovation or replacement work is done within an existing facility, all new work or addition, or both, shall comply, insofar as practical, with applicable sections of the Guidelines and for certification with appropriate parts of National Fire Protection Association (NFPA) 101 (**2000 Edition**).

(4) Proposed sites shall be located away from detrimental nuisances, well drained, and not subject to flooding. A site survey and recommendations shall be obtained from the department prior to site development.

(5) Water supply and sewage disposal services shall be obtained from municipal or community services. Outpatient facilities caring for patients less than twenty-four (24) hours that do not provide surgery, laboratory, or renal dialysis services may be served by approved private on-site septic tank absorption field systems.

(6) Site utility installations for water, sprinkler, sanitary, and storm sewer systems, and wells for potable emergency water supplies, shall comply with applicable sections of Bulletin S.E. 13, "On-Site Water Supply and Waste-water Disposal for Public and Commercial Establishments", 1988 edition.

(7) As early in the construction, addition, or renovation project as possible, the functional and operational description shall be submitted to the division. This submission shall consist of, but not be limited to, the following:

(A) Functional program narrative as established in the Guidelines.

(B) Schematics, based upon the functional program, consisting of drawings (as single-line plans), outline specifications, and other documents illustrating the scale and relationship of project components.

(8) Prior to the start of construction, addition, ~~and/or~~ **or** renovation projects, detailed architectural and operational plans for construction shall be submitted to the plan review division of the department of fire and building services and to the division of sanitary engineering of the department, as follows:

(A) Working drawings, project manual, and specifications shall be included.

(B) Prior to submission of final plans and specifications, recognized standards and codes, including infection control standards, shall be reviewed as required in section 2(f)(2) of this rule.

(C) All required approvals shall be obtained from the state building commissioner and final approval from the division of sanitary engineering of the department prior to issuance of the occupancy letter by the division.

(9) All backflow prevention devices shall be installed as required by 327 IAC 8-10 and the current edition of the Indiana plumbing code. Such devices shall be listed as approved by the department.

(10) Upon receipt of a design release from the state building commissioner and documentation of a completed plan review

by the division of sanitary engineering of the department, a licensure application shall be submitted to the division on the form approved and provided by the department.

(11) Documentation from the state building commissioner that the hospital is in compliance with the fire safety rules of the fire prevention and building safety commission shall be furnished to the division with the licensure application.

(12) Plans for constructing, expanding, or remodeling x-ray or gamma ray facilities shall be accompanied by an evaluation of the radiation protection features by a radiation qualified expert as required by 410 IAC 5. After completion of the x-ray or gamma ray installation and prior to use, a radiation safety survey shall be performed by a radiation qualified expert to ~~insure~~ **ensure** that the facility meets all applicable requirements of 410 IAC 5 and National Council on Radiation Protection and Measurements (NCRP) Reports Number 49 and 102.

(13) Outpatient facilities, rehabilitation facilities, psychiatric facilities, and mobile, transportable, and relocatable units ~~which that~~ are included under the hospital license may comply with appropriate sections of the Guidelines. If not, they shall comply with the hospital section of the Guidelines.

(d) The equipment requirements are as follows:

(1) All equipment shall be in good working order and regularly serviced and maintained.

(2) There shall be sufficient equipment and space to assure the safe, effective, and timely provision of the available services to patients, as follows:

(A) All mechanical equipment (pneumatic, electric, or other) shall be on a documented maintenance schedule of appropriate frequency and with the manufacturer's recommended maintenance schedule.

(B) There shall be evidence of preventive maintenance on all equipment.

(C) Appropriate records shall be kept pertaining to equipment maintenance, repairs, and current leakage checks.

(3) Defibrillators shall be discharged at least in accordance with manufacturers' recommendations and a discharge log with initialed entries shall be maintained.

(4) Electrical safety shall be practiced in all areas.

(e) The **building or** buildings, including fixtures, walls, floors, ceiling, and furnishings throughout, shall be kept clean and orderly in accordance with current standards of practice as follows:

(1) Environmental services shall be provided in such a way as to guard against transmission of disease to patients, health care workers, the public, and visitors by using the current principles of **the following**:

(A) Asepsis.

(B) Cross-infection. ~~and~~

(C) Safe practice.

(2) Refuse and garbage shall be collected, transported, sorted, and disposed of by methods ~~which that~~ will minimize

nuisances or hazards.

(f) The safety management program shall include, but not be limited to, the following:

(1) An ongoing hospital-wide process to evaluate and collect information about hazards and safety practices to be reviewed by the safety committee.

(2) A safety committee appointed by the chief executive officer ~~which that~~ includes representatives from administration, patient services, and support services.

(3) The safety program ~~which that~~ includes, but is not limited to, the following:

(A) Patient safety.

(B) Health care worker safety.

(C) Public and visitor safety.

(D) Hazardous materials and wastes management in accordance with federal and state rules.

(E) A written fire control plan that contains provisions for the following:

(i) Prompt reporting of fires.

(ii) Extinguishing of fires.

(iii) Protection of patients, personnel, and guests.

(iv) Evacuation.

(v) Cooperation with firefighting authorities.

(F) Maintenance of written evidence of regular inspection and approval by state or local fire control agencies.

(G) Emergency and disaster preparedness coordinated with appropriate community, state, and federal agencies.

*(Indiana State Department of Health; 410 IAC 15-1.5-8; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1273; errata filed Feb 23, 1995, 2:00 p.m.: 18 IR 1837; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1135)*

SECTION 2. 410 IAC 15-1.7-1 IS AMENDED TO READ AS FOLLOWS:

### **410 IAC 15-1.7-1 Incorporation by reference**

**Authority:** IC 16-21-1-7

**Affected:** IC 16-21-1

Sec. 1. (a) When used in this article, references to the following publications shall mean the version of that publication listed below. The following publications are hereby incorporated by reference:

(1) Guidelines for Construction and Equipment of Hospital and Medical Facilities (2001 Edition). Copies are available from the American Institute of Architects, 1735 New York Ave. Northwest, Washington, D.C. 20006.

(2) Bulletin S.E. 13, "On-site Water Supply and Waste-water Disposal for Public and Commercial Establishments" (1988 Edition). Copies are available from the Indiana State Department of Health, 1330 West Michigan Street, P.O. Box 1964, Indianapolis, IN 46206-1964.

(3) National Fire Protection Association (NFPA) 99, Health Care Facilities (1993 Edition). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch

Park, P.O. Box 9101, Quincy, MA 02269-9904.

(4) National Fire Protection Association (NFPA) 101, Life Safety Code Handbook (1985 (2000 Edition). ~~for Medicare/Medicaid certified nonaccredited hospitals, and the 1991 Edition for Medicare/Medicaid certified hospitals that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)~~). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.

(5) National Committee on Radiation Protection (NCRP) Reports, Number 49, "Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies Up to 10 MeV" (September 15, 1976 Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

(6) National Committee on Radiation Protection (NCRP) Reports, Number 102, "Medical X-ray, Electron Beam and Gamma Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use)" (June 30, 1989 Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

(7) 42 CFR Part 412, Subpart B, Section 412.25, 42 CFR Part 412, Subpart B, Section 412.27, 42 CFR Part 412, Subpart B, Section 412.29, 42 CFR Part 412, Subpart B, Section 412.30 (October 1, 1993 Edition).

(8) 42 CFR Part 493 (October 1, 1993 Edition).

(9) 21 CFR Part 606 (April 1, 1994 Edition).

(10) 21 CFR Part 640 (April 1, 1994 Edition).

(b) Federal rules ~~which~~ **that** have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. All incorporated material is available for public review at the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 15-1.7-1; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1280; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1137*)

SECTION 3. 410 IAC 15-2.5-7 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 15-2.5-7 Physical plant, equipment maintenance, and environmental services**

**Authority:** IC 16-21-1-7

**Affected:** IC 16-21-1

Sec. 7. (a) The center shall be constructed, arranged, and maintained to ensure the safety of the patient and to provide facilities for services authorized under the center license as follows:

(1) The plant operations and maintenance service, equipment

maintenance, and environmental services must be as follows:

(A) Staffed to meet the scope of the services provided.

(B) Under the direction of a person or persons qualified by education, training, or experience according to center policy approved by the governing body.

(2) The center shall provide a physical plant and equipment that meets the statutory requirements and regulatory provisions of the state department of fire and building services, 675 IAC 22, Indiana fire prevention codes, and 675 IAC 13, Indiana building codes.

(3) There must be emergency power and lighting in accordance with National Fire Protection Association (NFPA) 99.

(4) In new construction, renovations, and additions, the center site and facilities, or nonlicensed facilities acquired for the purpose of providing center services, shall meet the following:

(A) The 2001 edition of the national "Guidelines for Design and Construction of Hospital and Health Care Facilities" (Guidelines).

(B) All building, fire safety, and handicapped accessibility codes, and rules adopted and administered by the state building commission shall apply to all facilities covered by this rule and take precedence over any building, fire safety, or handicapped accessibility requirements of the Guidelines.

(C) When renovation or replacement work is done within an existing facility, all new work or additions, or both, shall comply, insofar as practical, with applicable sections of the Guidelines and for certification with appropriate parts of NFPA 101 (2000 Edition).

(D) Water supply and sewage disposal services shall be obtained from municipal or community services.

(E) As early in the construction, addition, ~~and/or~~ **or** renovation project as possible, the functional and operational description shall be submitted to the division. This submission shall consist of, but not be limited to, the following:

(i) Functional program narrative as established in the Guidelines.

(ii) Schematics, based upon the functional program, consisting of drawings, (as single-line plans), outline specifications, and other documents illustrating the scale and relationship of project components.

(F) Prior to the start of construction, addition, ~~and/or~~ **or** renovation projects, detailed architectural and operational plans for construction shall be submitted to the plan review division of the department of fire and building services and to the division of sanitary engineering of the department as follows:

(i) Working drawings, project manuals, and specifications shall be included.

(ii) Prior to submission of final plans and specifications, recognized standards and codes, including infection control standards, shall be reviewed as required in section 1(e)(2) of this rule.

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(iii) All required approvals shall be obtained from fire and building services and final approval from the division of sanitary engineering of the department prior to issuance of the occupancy letter by the division.

(G) Upon receipt of a plan release from the fire and building commissioner and documentation of a completed plan review by the division of sanitary engineering of the department, a licensure application shall be submitted to the division on the form approved and provided by the department.

(H) Documentation from the state building commissioner that the center is in compliance with the fire safety rules of the fire prevention and building safety commission shall be furnished to the division with the licensure application.

(b) The condition of the physical plant and the overall center environment must be developed and maintained in such a manner that the safety and well-being of patients are assured as follows:

(1) No condition in the center or on the grounds may be maintained **which that** may be conducive to the harboring or breeding of insects, rodents, or other vermin.

(2) No condition may be created or maintained **which that** may result in a hazard to patients, public, or employees.

(3) Provision must be made for the periodic inspection, preventive maintenance, and repair of the physical plant and equipment by qualified personnel as follows:

(A) Operation, maintenance, and spare parts manuals must be available, along with training ~~and/or~~ **or** instruction, **or both**, of the appropriate center personnel, in the maintenance and operation of fixed and movable equipment.

(B) All mechanical equipment (pneumatic, electric, sterilizing, or other) must be on a documented maintenance schedule of appropriate frequency in accordance with acceptable standards of practice or the manufacturer's recommended maintenance schedule.

(C) Operational and maintenance control records must be established and analyzed at least triennially. These records must be readily available on the premises.

(D) Maintenance and repairs must be carried out in accordance with applicable codes, rules, standards, and requirements of local jurisdictions, administrative building council, the state fire marshal, and the department.

(4) The patient care equipment requirements are as follows:

(A) There must be sufficient patient care equipment and space to assure the safe, effective, and timely provision of the available services to patients.

(B) All patient care equipment must be in good working order and regularly serviced and maintained as follows:

(i) All patient care equipment must be on a documented maintenance schedule of appropriate frequency in accordance with acceptable standards of practice or the manufacturer's recommended maintenance schedule.

(ii) There must be evidence of preventive maintenance on all patient care equipment.

(iii) Appropriate records must be kept pertaining to equipment maintenance, repairs, and electrical current leakage checks and analyzed at least triennially.

(iv) Defibrillators must be discharged at least in accordance with manufacturers' recommendations, and a discharge log with initialed entries must be maintained.

(5) The **building or** buildings, including fixtures, walls, floors, ceiling, and furnishings throughout, must be kept clean and orderly in accordance with current standards of practice, including the following:

(A) Environmental services must be provided in such a way as to guard against transmission of disease to patients, health care workers, the public, and visitors by using the current principles of the following:

(i) Asepsis.

(ii) Cross-contamination prevention.

(iii) Safe practice.

(B) Refuse, biohazards, infectious waste, and garbage must be collected, transported, sorted, and disposed of by methods **which that** will minimize nuisances or hazards according to federal, state, and local laws and rules.

(c) A safety management program must include, but not be limited to, the following:

(1) A review of safety functions by a committee appointed by the chief executive officer **which that** includes representatives from administration and patient care services.

(2) An ongoing center-wide process to evaluate and collect information about hazards and safety practices to be reviewed by the committee.

(3) The safety program includes, but is not limited to, the following:

(A) Patient safety.

(B) Health care worker safety.

(C) Public and visitor safety.

(4) A written fire control plan that contains provisions for the following:

(A) Prompt reporting of fires.

(B) Extinguishing of fires.

(C) Protection of patients, personnel, and guests.

(D) Evacuation.

(E) Cooperation with firefighting authorities.

(F) Fire drills.

(5) Maintenance of written evidence of regular inspection and approval by state or local fire control agencies in accordance with center policy and state and local regulations.

(6) Emergency and disaster preparedness coordinated with appropriate community, state, and federal agencies.

*(Indiana State Department of Health; 410 IAC 15-2.5-7; filed Dec 1, 1999, 3:44 p.m.: 23 IR 793; errata filed Feb 15, 2000, 8:05 a.m.: 23 IR 1657; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1133)*

SECTION 4. 410 IAC 15-2.7-1 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 15-2.7-1 Incorporation by reference**

**Authority:** IC 16-21-1-7

**Affected:** IC 16-21-1

Sec. 1. (a) When used in this article, references to the following publications shall mean the version of that publication listed and are hereby incorporated by reference:

(1) Guidelines for Design and Construction of Hospital and Health Care Facilities (2001 Edition). Copies are available from the American Institute of Architects, 1735 New York Avenue Northwest, Washington, D.C. 20006. Local purchase may be made from the Architectural Center Bookstore, 47 South Pennsylvania Avenue, Indianapolis, Indiana 46204.

(2) National Fire Protection Association (NFPA) 99, Health Care Facilities (1993 Edition). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 1901, Quincy, Massachusetts 02260-9904.

(3) National Fire Protection Association (NFPA) 101, Life Safety Code Handbook (~~1985~~ **(2000** Edition). ~~for Medicare/Medicaid certified nonaccredited hospitals, and the 1991 Edition for Medicare/Medicaid certified hospitals that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).~~ Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 1901, Quincy, Massachusetts 02269-9904.

(4) National Committee on Radiation Protection (NCRP) Reports, Number 49, "Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies Up to 10 MeV" (September 15, 1976, Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

(5) National Committee on Radiation Protection (NCRP) Reports, Number 102, "Medical X-ray, Electron Beam and Gamma Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use)" (June 30, 1989, Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

(6) 42 CFR 493 (Effective October 1, 1993, Edition).

(7) 21 CFR 606 (April 1, 1994, Edition).

(8) 21 CFR 640 (April 1, 1994, Edition).

(b) Federal rules ~~which~~ **that** have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. All incorporated material is available for public review at the department. (*Indiana State Department of Health; 410 IAC 15-2.7-1; filed Dec 1, 1999, 3:44 p.m.: 23 IR 795; errata filed Feb 15, 2000, 8:05 a.m.: 23 IR 1658; filed Nov 13, 2000, 11:17 a.m.: 24 IR 992; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1134*)

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on February 23, 2004 at 10:30 a.m., at the Indiana State Department of Health Building, 2 North Meridian Street, Yoho Board Room, 3rd Floor, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed amendments to update the requirement for the Life Safety Code for hospitals and ambulatory outpatient surgical centers. Copies of these rules are now on file at the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gregory A. Wilson, M.D.

State Health Commissioner

Indiana State Department of Health

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#### **TITLE 414 HOSPITAL COUNCIL**

##### **Proposed Rule**

LSA Document #03-277

##### **DIGEST**

Adds 414 IAC to set licensure fees for hospitals and ambulatory outpatient surgical centers. Effective 30 days after filing with the secretary of state.

#### **414 IAC**

SECTION 1. 414 IAC IS ADDED TO READ AS FOLLOWS:

##### **TITLE 414 HOSPITAL COUNCIL**

##### **ARTICLE 1. LICENSURE FOR HOSPITALS AND AMBULATORY OUTPATIENT SURGICAL CENTERS**

##### **Rule 1. Fees**

##### **414 IAC 1-1-1 Hospital license fees**

**Authority:** IC 16-21-2-12; IC 16-21-2-14

**Affected:** IC 16-21-1; IC 16-21-2; IC 16-21-6-3

**Sec. 1. (a) Each hospital licensed under IC 16-21-2 and 410 IAC 15 shall pay a license fee or annual renewal fee.**

**(b) An application for a hospital license must be accompanied by a licensing fee at the rate set in the fee schedule in this subsection. Annual renewal fees will be due upon application, as provided by 410 IAC 15-1.3, for an annual renewal of a hospital's license based upon total operating expenses as reported to the state department of health on**

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the most recently filed hospital fiscal report (State Form 49520) required by IC 16-21-6-3. The fee schedule shall be as follows:

Total Operating Expenses	Fee
0 – \$49,999,999	\$1,000
\$50,000,000 – \$99,999,999	\$2,000
\$100,000,000 – \$199,999,999	\$3,000
\$200,000,000 – \$299,999,999	\$4,000
\$300,000,000 and above	\$5,000

(Hospital Council; 414 IAC 1-1-1)

### 414 IAC 1-1-2 Ambulatory outpatient surgical center license fees

Authority: IC 16-21-2-12; IC 16-21-2-14

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) Each ambulatory outpatient surgical center licensed under IC 16-21-2 and 410 IAC 15 shall pay a license fee or annual renewal fee.

(b) Ambulatory outpatient surgical center license fees will be due upon initial application for and annual renewal of the ambulatory outpatient surgical center's license based upon total annual procedures performed as reported to the state department of health in section III, total patients and procedures, on the fourth quarter quarterly utilization review report/ambulatory surgery center (State Form 49933). The fee schedule shall be as follows:

Total Annual Procedures	Fee
0 – 3,499	\$1,000
3,500 – 6,999	\$2,000
7,000 and above	\$3,000

(Hospital Council; 414 IAC 1-1-2)

### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 23, 2004 at 11:00 a.m., at the Indiana State Department of Health Building, 2 North Meridian Street, Yoho Board Room, 3rd Floor, Indianapolis, Indiana the Hospital Council will hold a public hearing on a proposed new rule to set licensure fees for hospitals and ambulatory outpatient surgical centers. Copies of these rules are now on file at the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

M. Elizabeth Carroll  
Secretary  
Hospital Council

## TITLE 470 DIVISION OF FAMILY AND CHILDREN

Proposed Rule  
LSA Document #03-232

### DIGEST

Adds 470 IAC 3-4.8 for the emergency or temporary closure of child care centers and child care homes and establishes a list of violations as required by IC 12-17.2-4-18.7 and IC 12-17.2-5-18.7 that would impose an immediate threat to the life and well-being of a child in the care of a child care licensee and procedures that will be used to invoke an emergency or temporary closure of a child care center or child care home. Effective 30 days after filing with the secretary of state.

### 470 IAC 3-4.8

SECTION 1. 470 IAC 3-4.8 IS ADDED TO READ AS FOLLOWS:

### Rule 4.8. Emergency or Temporary Closure of Child Care Centers and Child Care Homes

#### 470 IAC 3-4.8-1 List of conditions

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7

Affected: IC 4-21.5-4; IC 12-17.2-4; IC 12-17.2-5

Sec. 1. (a) The following are the list of conditions that pose immediate threat to the life or well-being of a child in the care of a child care provider that may subject a child care center or child care home to emergency or temporary closure or order:

(1) Building damage due to:

- (A) earthquake;
- (B) flooding or water damage;
- (C) tornado;
- (D) severe wind;
- (E) ice storm;
- (F) fire;
- (G) lead contamination; or
- (H) asbestos.

(2) Sewage problems as follows:

- (A) Sewage backup.
- (B) Toilets cannot be flushed or are overflowing.
- (C) Sewage system is not operating properly.

(3) Inadequate or unsafe water supply as follows:

- (A) Contaminated water supply.
- (B) Water supply not functioning.

(4) No electricity in the building.

(5) Heating system problems.

(6) Gas, carbon monoxide, or other noxious gases leak.

(7) Filthy conditions.

(8) Rodent, roach, or vermin infestation.

(9) Building renovation occurring in a room or area occupied by children.



**(10) Lack of supervision, which leads to the death or serious injury of a child.**

**(b) If an employee or agent of the division determines that a violation in subsection (a) exists, the division shall:**

- (1) issue an emergency or another temporary order under IC 4-21.5-4 requiring the licensee to immediately cease operations of the child care center or home; and**
- (2) contact the parent or guardian of each child enrolled in the child care center or child care home to inform the parent or guardian:**

**(A) that the division has issued an order to require the licensee to cease operations of the child care center or child care home; and**

**(B) the reason for the order to cease operation.**

*(Division of Family and Children; 470 IAC 3-4.8-1)*

#### **470 IAC 3-4.8-2 Administrative hearing**

**Authority:** IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7

**Affected:** IC 12-17.2-4-20; IC 12-17.2-5

**Sec. 2. If the division issues an order to cease operation, an administrative hearing concerning the decision shall be held under IC 12-17.2-4-20.** *(Division of Family and Children; 470 IAC 3-4.8-2)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on February 26, 2004 at 6:00 p.m., at the South Bend Public Library, 304 South Main Street, South Bend, Indiana; AND on March 2, 2004 at 6:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana; AND on March 4, 2004 at 6:00 p.m., at the Corydon Presbyterian Church, Community Life Center, 568 Highway 62 West, Corydon, Indiana the Division of Family and Children will hold a public hearing on proposed new rules at 470 IAC 3-4.8 establishing the list of violations as required by IC 12-17.2-4-18.7 and IC 12-17.2-5-18.7 that could call for the emergency or temporary closure of child care centers and child care homes. Written comments will be accepted through April 2, 2004, and may be directed to the DFC, Bureau of Child Development, Attention: Keith Carver, 402 West Washington Street, Room W386, MS 02, Indianapolis, Indiana. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W386 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Stephen E. DeMougin  
Director  
Division of Family and Children

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## **TITLE 470 DIVISION OF FAMILY AND CHILDREN**

### **Proposed Rule**

LSA Document #03-233

### **DIGEST**

Adds 470 IAC 3-18 to establish the eligibility requirements and standards child care providers, who want to participate in the Child Care and Development Fund voucher program, must meet, prior to participation in the Child Care and Development Fund voucher program, in order to be eligible to receive a voucher payment under the Child Care and Development Fund voucher program. Effective 30 days after filing with the secretary of state.

#### **470 IAC 3-18**

**SECTION 1. 470 IAC 3-18 IS ADDED TO READ AS FOLLOWS:**

#### **Rule 18. Child Care Development Fund Voucher Program; Provider Eligibility**

##### **470 IAC 3-18-1 General definitions**

**Authority:** IC 12-13-5-3; IC 12-17.2-3.5-15

**Affected:** IC 12-17.2-3.5

**Sec. 1. For the purpose of this rule only, the following definitions apply:**

**(1) "Applicant" means the individual who will receive payment from the CCDF program or the individual authorized to sign for a corporation, partnership, or sole proprietor's business.**

**(2) "Approved water source" means a municipal water supply or well water supply with documented annual water quality tests indicating the water is free of coliform bacteria and any other known contaminant that is above safe drinking water standards, or demonstrated compliance with Indiana department of environmental management drinking water standards.**

**(3) "Caregiver" means an individual who is assigned by a provider the responsibility for supervising a specific child in the care of the provider.**

**(4) "CCDF" means the Child Care and Development Fund program administered under 45 CFR 98.**

**(5) "Certification" means a provider has demonstrated compliance with the requirements of this rule.**

**(6) "Child" means any individual under eighteen (18) years of age.**

**(7) "Child care" means a service to families that provides for the health, safety, and supervision of a child's social, emotional, and educational growth during the time that children are in the care of a provider.**

**(8) "Child care program" means the activities provided for children during the time that children are in the care of the provider.**

- (9) “CPR” means cardiopulmonary resuscitation.
- (10) “Decertification” means a CCDF program provider who is no longer eligible to participate.
- (11) “Division” means the division of family and children.
- (12) “DOT” means the U.S. Department of Transportation.
- (13) “Employee” means an individual who performs services for compensation other than an allowance, stipend, or other support under the federal Foster Grandparent Program.
- (14) “Facility” means the location where child care is provided.
- (15) “Hazardous materials” are those materials defined as hazardous under the rules of the fire prevention and building safety commission.
- (16) “Hot water” means water with a temperature of at least one hundred (100) degrees Fahrenheit.
- (17) “Inaccessible” means the material shall be stored in a remote area of the facility in a location that is out of a child’s reach or maintained in locked storage.
- (18) “Ineligible provider” means a provider who fails to meet the requirements of this rule.
- (19) “Legally licensed exempt” means a child care program that can operate legally without obtaining a license or registration under IC 12-17.2.
- (20) “Poisons” means any material labeled harmful or fatal if swallowed and any prescription or nonprescription medication.
- (21) “Provider” means an individual who provides child care services and is directly paid for the provision of child care under the federal CCDF voucher program administered under 45 CFR 98 and 45 CFR 99 regardless of whether the child care facility is licensed or registered.
- (22) “Related” means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins.
- (23) “Supervision” means children shall be within sight and sound of a caregiver at all times including children related to the provider under seven (7) years of age.
- (24) “Temporary eligibility” means the provider eligibility period not to exceed forty-five (45) days.
- (25) “Valid expiration date” means a fire extinguisher that has been recharged in the previous twelve (12) months or a single use extinguisher that has been purchased in the previous twenty-four (24) months.
- (26) “Verifying agency” means the state, an agency of the state, or other entity designated by the state to verify compliance with minimum standards of this rule.
- (27) “Volunteer” means an individual who, without compensation, provides services to a provider regardless of whether the facility is licensed or registered.
- (28) “Volunteer caregiver” means an individual who provides or participates in the child care of a specific

child without compensation.

- (29) “Voucher agent” means the state, an agency of the state, a person, or an entity that contracts with the division to operate any function of the CCDF program.
- (30) “Voucher payment” means payment for child care services through the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.
- (31) “Voucher program” means the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.
- (32) “Voucher provider” means a child care provider that has been approved by the division as eligible to receive child care reimbursement through the CCDF program.

*(Division of Family and Children; 470 IAC 3-18-1)*

#### **470 IAC 3-18-2 Exclusion from participation**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 2. As follows, a provider is ineligible to participate in the CCDF program if the provider:

- (1) Has been convicted of a felony or a misdemeanor related to the health or safety of a child.
- (2) Allows any person to care for children in the child care facility who has been convicted of a felony or a misdemeanor related to the health or safety of a child.
- (3) Has any person over eighteen (18) years of age who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.
- (4) Has any person under eighteen (18) years of age and previously waived to adult court who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.
- (5) Fails to meet any of the requirements of this rule.

*(Division of Family and Children; 470 IAC 3-18-2)*

#### **470 IAC 3-18-3 Fire and smoke detection systems**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 3. (a) A provider providing care in a residential building must have working smoke detectors that meet the standards adopted by rule for licensed child care homes at 470 IAC 3-1.1-46(I).

(b) A provider providing care in a nonresidential building must have fire alarm and suppression systems as required by the applicable rule of the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-18-3)*

#### **470 IAC 3-18-4 Fire extinguishers**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

**Sec. 4.** A provider must provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher with valid expiration date that shall be located on each floor of the facility in which child care services are provided and an additional extinguisher located in the kitchen area of the facility. (*Division of Family and Children; 470 IAC 3-18-4*)

**470 IAC 3-18-5 Exits**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 5. (a)** As follows, a facility where a provider operates a child care program must have two (2) exits that:

- (1) Do not require passage through a garage or storage area where hazardous materials are stored.
- (2) Are not windows.
- (3) Are on different sides of the facility.
- (4) Are not blocked.
- (5) Are operable from the inside without the use of a key or any special knowledge using a one-step process.
- (6) Have a permanently attached stairway or ramp if not at ground level.

(b) This section does not apply to a provider's facility where care was being provided and CCDF payments were received prior to June 30, 2002, as long as CCDF health and safety certification has been maintained. (*Division of Family and Children; 470 IAC 3-18-5*)

**470 IAC 3-18-6 Fire drills**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 6. (a)** A provider shall conduct a monthly fire drill in accordance with the rules of the fire prevention and building safety commission that includes complete evacuation of all children and adults who provide child care in the facility.

(b) The provider shall maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including the following:

- (1) The date and time of the fire drill.
- (2) The name of the individual who conducted the fire drill.
- (3) The weather conditions at the time of the fire drill.
- (4) The amount of time required to fully evacuate the facility.

(*Division of Family and Children; 470 IAC 3-18-6*)

**470 IAC 3-18-7 Certification**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 7. (a)** The provider, employee, and volunteer caregivers shall maintain current certification in first aid procedures, provided by a certified trainer or licensed

health professional.

(b) The certified first aid procedures shall include the following:

- (1) Control of bleeding.
- (2) Treatment of shock.
- (3) Artificial respiration.
- (4) Treatment for poisoning.
- (5) Procedures for choking.
- (6) Treatment for seizure.

(c) The provider shall ensure that at least one (1) individual is present at all times who maintains annual certification in CPR for all age groups of children receiving care. The CPR certification must meet Journal of American Medical Association (JAMA) standards. (*Division of Family and Children; 470 IAC 3-18-7*)

**470 IAC 3-18-8 Running water**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 8. (a)** The child care facility shall have hot and cold running water from an approved water source from a sink that is available in the area of the facility where the provider operates a child care program.

(b) The provider must notify the verifying agency of any change in water supply immediately. (*Division of Family and Children; 470 IAC 3-18-8*)

**470 IAC 3-18-9 Telephone service**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 9. (a)** The provider shall have at least one (1) working analog landline telephone at all times in the facility when care is being provided.

(b) The telephone must be on the premises where care is being provided and accessible to any individual providing care during all operational hours.

(c) The provider must supply the verifying agency with the telephone number for the facility.

(d) The provider must notify the verifying agency immediately of any changes in the telephone service.

(e) The provider must maintain a record of continuous phone service. (*Division of Family and Children; 470 IAC 3-18-9*)

**470 IAC 3-18-10 Safe environment**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 10. (a)** A provider shall provide for a safe environ-

ment by ensuring that firearms and ammunition are secured in a locked area, by key or combination, where children cannot gain access.

(b) A provider shall provide for a safe environment by ensuring that poisons, chemicals, bleach, and cleaning materials are stored in areas that are inaccessible to children. (*Division of Family and Children; 470 IAC 3-18-10*)

#### **470 IAC 3-18-11 Supervision**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 11. The provider shall ensure that each child in the provider's care shall be continually supervised including children related to the provider under seven (7) years of age. (*Division of Family and Children; 470 IAC 3-18-11*)

#### **470 IAC 3-18-12 Emergency plans**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 12. (a) The provider shall have written plans posted in the facility where the provider operates a child care program notifying the parent of the following:

- (1) Illness, serious injury, or death of the provider.
- (2) How care will be provided in an emergency.
- (3) The identity of the person or persons responsible for notifying parents.
- (4) The identity of the person or persons responsible for providing care should the provider be unable to provide care due to an emergency.

(b) The provider must have written emergency evacuation plans posted in the facility where the provider operates a child care program that identify the following:

- (1) Safe shelter in the case of emergency evacuation.
- (2) Safe area or areas for shelter in severe weather.

(*Division of Family and Children; 470 IAC 3-18-12*)

#### **470 IAC 3-18-13 Mantoux tuberculin skin test; requirement**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 13. (a) The following individuals must provide to the verifying agency the results of an intradermal tuberculin skin test with documented results prior to residence, employment, or volunteer service:

- (1) The provider.
- (2) All individuals eighteen (18) years of age or older residing in the home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) An individual with a history of latent or active TB shall provide documentation of an annual health assessment

by a physician reflecting the results of symptom screening. (*Division of Family and Children; 470 IAC 3-18-13*)

#### **470 IAC 3-18-14 Criminal history information**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5; IC 12-17.2-4-35; IC 12-17.2-5-35

Sec. 14. (a) The provider shall, at the provider's expense, provide the verifying agent a statewide criminal history dated within sixty (60) days prior to receipt of initial application by the verifying agency or hire date for the following:

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided or individuals less than eighteen (18) years of age living in the home, if that individual has been waived from juvenile to adult court.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) A provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer caring for children at the facility or no longer resides with the provider, if an individual for whom a limited criminal history is required under this section has been convicted of any of the following:

- (1) A felony.
- (2) A misdemeanor related to the health or safety of a child.
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (4) A misdemeanor for operating child care home without a license under IC 12-17.2-5-35.

(c) As follows, the provider that meets the other eligibility requirements of this rule is temporarily eligible to receive voucher payments even though the provider has not provided the criminal history required under this rule from the state police department if:

- (1) The provider has applied for the limited criminal history required under this rule.
- (2) The provider obtains a local criminal history for the individuals described in this rule.
- (3) The local criminal history does not reveal that an individual has been convicted of any of the following:
  - (A) A felony.
  - (B) A misdemeanor related to the health or safety of a child.
  - (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
  - (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) The provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer cares for children at the facility or no longer

resides with the provider, if an individual for whom a local criminal history is required under this section has been convicted of any of the following:

- (1) A felony.
- (2) A misdemeanor related to the health or safety of a child.
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (4) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(e) The provider shall report to the verifying agency the following information not listed on the criminal history or changes to the criminal history for all persons required by this rule to provide a statewide criminal history:

- (1) Any police investigations.
- (2) Any arrests.
- (3) Any criminal convictions.

(f) The provider shall maintain a written policy requiring an individual providing a criminal history to report any criminal convictions to the provider. (*Division of Family and Children; 470 IAC 3-18-14*)

#### **470 IAC 3-18-15 Drug testing**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 15. (a) The provider shall, at the provider's expense, provide to the verifying agency a copy of drug testing results for the following:

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) If the test results provided under this section indicate the presence of an illegal controlled substance, the provider is ineligible to receive voucher payments until the individual is suspended or dismissed from employment, no longer cares for children at the facility, or no longer resides with the provider.

(c) The provider shall maintain a written policy providing for reinstatement of an individual following rehabilitation and drug testing results that are negative for illegal controlled substances.

(d) Drug tests must meet the following criteria:

- (1) Urine panel that tests for amphetamines, cocaine, opiates, phencyclidine, and THC metabolites.
- (2) Urine collection that is consistent with chain of custody guidelines established by the DOT.
- (3) Specimen processing by a laboratory certified by the Substance Abuse and Mental Health Services Adminis-

tration (SAMHSA).

(4) Evaluation of urine panel results by a certified medical review officer using positive cutoffs established by the DOT.

(5) Completed sixty (60) days prior to receipt of initial application by the verifying agency or employee hire date.

(6) Employees hired prior to July 1, 2002, may provide drug test results that have been completed after July 1, 2002, or no more than sixty (60) days prior to employment.

(e) The provider shall perform or submit to a random drug testing program on a protocol established by or approved by the division.

(f) The division may require the provider to perform additional drug testing.

(g) The verifying agency shall keep drug test results confidential and will not use drug test results for any other purpose other than for this rule. (*Division of Family and Children; 470 IAC 3-18-15*)

#### **470 IAC 3-18-16 State central registry check**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5; IC 31-33-17-6

Sec. 16. (a) The provider must provide evidence that the following individuals have not been named in the state central registry identified at IC 31-33-17-6(7):

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) If information obtained by the verifying agency indicates that an individual has been named in the state central registry, the provider is ineligible to receive voucher payment until the individual named in the state central registry:

- (1) is dismissed from employment with the provider;
- (2) no longer cares for children at the facility; or
- (3) no longer resides with the provider.

(*Division of Family and Children; 470 IAC 3-18-16*)

#### **470 IAC 3-18-17 Immunization records**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 17. (a) The provider shall maintain and annually update documentation provided by a health care professional for each child who is cared for in a facility indicating that the child has received complete age appropriate immunizations as determined by the state department of health including the following:

- (1) Conjugated pneumococcal vaccine.

(2) Varicella vaccine or a demonstrated immunity to varicella.

(b) The provider's records must include the following:

- (1) A current list of all children cared for at the facility.
- (2) The child's date of birth.
- (3) The month, day, and year of each immunization received or:
  - (A) a written statement from the child's physician, updated annually, stating a medical reason the child should not be immunized; or
  - (B) written documentation, updated annually, that the parent objects to immunizations for religious reasons.

(c) The documentation required by this subsection shall be made available to the verifying agency. (*Division of Family and Children; 470 IAC 3-18-17*)

#### **470 IAC 3-18-18 Tobacco and substance policy**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 18. (a) A provider, other than a child care center or child care ministry, shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

- (1) Tobacco.
- (2) Alcohol.
- (3) A potentially toxic substance in a manner other than the substance's intended purpose.
- (4) An illegal substance or the possession of an illegal substance.

(b) A provider that is a child care center or child care ministry shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

- (1) Tobacco.
- (2) Alcohol or the possession of alcohol.
- (3) A potentially toxic substance in a manner other than the substance's intended purpose.
- (4) An illegal substance or the possession of an illegal substance.

(*Division of Family and Children; 470 IAC 3-18-18*)

#### **470 IAC 3-18-19 Records**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 19. The provider shall maintain the following records and documents at the facility, which shall be made available to the verifying agency upon request:

- (1) A current list of all persons living in a child care home.
- (2) A current list of all employees and volunteer caregivers.

(3) Staff records.

(4) Drug test results.

(5) A Mantoux tuberculin test or tuberculin screening, or both, if appropriate.

(6) Statewide criminal history checks.

(7) Current first aid certification.

(8) State central registry results.

(9) Annual infant and child CPR certification.

(10) A signed tobacco/substance policy.

(11) A signed criminal history policy.

(12) A written drug testing policy.

(13) A current list of all children cared for at the facility.

(14) Children's emergency contact information.

(15) Children's immunization records updated annually.

(16) Emergency assistance telephone numbers near a telephone, including the following:

(A) Police.

(B) Fire.

(C) Ambulance.

(D) Poison control.

(17) A posted record of monthly fire drills.

(18) A written and posted plan for notification of serious injury/death of a provider.

(19) A written and posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.

(20) A record of continuous telephone service.

(21) A record of an annual water quality test, if applicable.

(*Division of Family and Children; 470 IAC 3-18-19*)

#### **470 IAC 3-18-20 Application**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 20. (a) A provider must complete the application process prior to participation in the CCDF voucher program.

(b) The provider must apply on forms provided by the verifying agency.

(c) The provider must submit the required information as part of the application.

(d) The provider must submit the information required under this rule to the verifying agency as part of the application process.

(e) The provider must apply annually to continue participation in the CCDF program.

(f) The provider remains eligible to participate in the CCDF program when the provider submits a timely application to renew participation, unless the division issues a notice of order terminating the provider participation in the CCDF program. (*Division of Family and Children; 470 IAC 3-18-20*)

**470 IAC 3-18-21 Incomplete application**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 21. (a)** The verifying agency will not act upon an incomplete application.

**(b)** The verifying agency shall return an incomplete application with a notation as to omissions.

**(c)** The return of an incomplete application shall be without prejudice. (*Division of Family and Children; 470 IAC 3-18-21*)

**470 IAC 3-18-22 Inspections**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 22. (a)** The verifying agency shall conduct at least an annual inspection of the facility for any provider applying for participation in the CCDF voucher program.

**(b)** An announced or unannounced inspection shall be conducted any time during the facility's hours of operation.

**(c)** Activities may include on-site inspections, record review, observation, and interviews.

**(d)** The verifying agency shall require that evidence of compliance with the rules be presented in a form and manner specified by this rule.

**(e)** The CCDF program provider shall maintain and make available verification of the following:

- (1)** A current list of all employees and individuals providing care.
- (2)** A current list of all persons living in a child care home.
- (3)** A current list of all children cared for at the facility.
- (4)** Records documenting that all employees and volunteer caregivers have complied with the requirements of this rule.
- (5)** Records documenting that all household members have complied with the requirements of this rule.
- (6)** Parent or custodial adult contact information for each child in their care.
- (7)** Records documenting that all children have received complete age appropriate immunizations.
- (8)** Emergency assistance telephone numbers posted near the telephone that include the following:
  - (A)** Police.
  - (B)** Fire.
  - (C)** Ambulance.
  - (D)** Poison control.
- (9)** Documentation that water is from an approved water source.
- (10)** Records of continuous phone service.

**(11)** A posted record of monthly fire drills.

**(12)** A posted plan for notification of serious injury/death of a provider.

**(13)** A posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.

**(f)** Failure of a provider to allow the verifying agency access to their facility may result in a denial or decertification from the CCDF program. (*Division of Family and Children; 470 IAC 3-18-22*)

**470 IAC 3-18-23 Denial of application**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 4-21.5-3; IC 12-17.2-3.5

**Sec. 23. (a)** The division shall deny an application when an applicant fails to meet the requirements under this rule.

**(b)** The division shall provide written notification of denial in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the denial.

**(c)** An administrative hearing concerning the denial shall be provided upon written request by the applicant.

**(d)** A request for an administrative hearing for a denial must be made prior to the effective date of the order.

**(e)** The administrative hearing shall be scheduled within sixty (60) calendar days of the written request.

**(f)** The administrative hearing shall be held in accordance with 470 IAC 1-4.

**(g)** The division shall issue a decision within sixty (60) calendar days after the conclusion of the hearing. (*Division of Family and Children; 470 IAC 3-18-23*)

**470 IAC 3-18-24 Grounds for denial**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 24.** Any of the following constitute sufficient grounds for a denial of an application:

- (1)** A failure to meet any of the requirements of this rule.
- (2)** A failure to allow the verifying agency access to the provider's facility during normal business hours.
- (3)** A determination by the division that the applicant made false statements in the provider's application for participation in the CCDF program.
- (4)** A determination by the division that the applicant made false statements in the applicant's records required by the division.

(*Division of Family and Children; 470 IAC 3-18-24*)

**470 IAC 3-18-25 Maintenance of compliance and insufficiencies**

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Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 25. (a)** The provider shall maintain compliance with the requirements of this rule.

**(b)** A provider determined to be not in compliance with this rule may be given up to twenty-one (21) calendar days to correct the insufficiency by the division.

**(c)** The provider's failure to document compliance within the prescribed time shall result in denial or decertification of the provider's participation in the CCDF program. *(Division of Family and Children; 470 IAC 3-18-25)*

### **470 IAC 3-18-26 Decertification**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 4-21.5-3; IC 12-17.2-3.5

**Sec. 26. (a)** The division shall decertify CCDF participation when a provider fails to comply with the requirements under this rule.

**(b)** The division shall provide the provider written notification of decertification in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the decertification.

**(c)** An administrative hearing concerning the revocation shall be provided upon written request by the applicant.

**(d)** A request for an administrative hearing for a decertification must be made prior to the effective date of the order.

**(e)** The administrative hearing shall be scheduled within sixty (60) calendar days after receiving the written request.

**(f)** The administrative hearing shall be held in accordance with 470 IAC 1-4. *(Division of Family and Children; 470 IAC 3-18-26)*

### **470 IAC 3-18-27 Grounds for decertification**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

**Sec. 27.** Any of the following constitute sufficient grounds for decertification as a CCDF program provider:

- (1)** Failure to meet any of the requirements of this rule.
- (2)** Failure to allow the verifying agency access to the facility during normal business hours.
- (3)** A determination by the division that the applicant made false statements in the applicant's application for certification.
- (4)** A determination by the division that the applicant made false statements in the applicant's records required by the division.
- (5)** Failure to correct an insufficiency within the prescribed time.

**(6) Multiple insufficiencies regardless of whether they were corrected within the prescribed time.**

*(Division of Family and Children; 470 IAC 3-18-27)*

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on February 26, 2004, at 8:00 p.m., at the South Bend Public Library, 304 South Main Street, South Bend, Indiana; AND on March 2, 2004 at 8:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana; AND on March 4, 2004 at 8:00 p.m., at the Corydon Presbyterian Church, Community Life Center, 568 Highway 62 West, Corydon, Indiana the Division of Family and Children will hold a public hearing on proposed new rules at 470 IAC 3-18 establishing the eligibility requirements and standards child care providers, who want to participate in the Child Care and Development Fund voucher program, must meet in order to be eligible to receive a voucher payment under the Child Care and Development Fund voucher program. Written comments will be accepted through March 26, 2004, and may be directed to the DFC, Bureau of Child Development, Attention: Janet Deahl, 402 West Washington Street, Room W386, MS 02, Indianapolis, Indiana 46204. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W386 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Stephen E. DeMougin  
Director  
Division of Family and Children

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## **TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD**

### **Proposed Rule**

LSA Document #03-298

### **DIGEST**

Adds 514 IAC to establish criteria for admission of children with hearing disabilities, including children with multiple disabilities, at the Indiana School for the Deaf. Effective 30 days after filing with the secretary of state.

### **514 IAC**

SECTION 1. 514 IAC IS ADDED TO READ AS FOLLOWS:

## **TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD**

### **ARTICLE 1. SCHOOL ADMINISTRATION**



**Rule 1. Admission Criteria**

**514 IAC 1-1-1 Eligibility for admission**

Authority: IC 20-16-3-10  
Affected: IC 20-16-3-10

**Sec. 1. All students seeking enrollment at the Indiana School for the Deaf must meet the eligibility requirements for a hearing impairment as stated in 511 IAC 7-26-7, thereby qualifying for special education instruction. (Indiana School for the Deaf Board; 514 IAC 1-1-1)**

**514 IAC 1-1-2 Placement**

Authority: IC 20-16-3-10  
Affected: IC 20-16-3-10

**Sec. 2. Students will be considered for placement at the Indiana School for the Deaf based on the considerations stated in 511 IAC 7-27-4(c)(5). Placement for all students at the Indiana School for the Deaf, including students with multiple disabilities, will be determined by a case conference committee as defined in 511 IAC 7-17-10. (Indiana School for the Deaf Board; 514 IAC 1-1-2)**

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on March 10, 2004 at 1:00 p.m., at the Indiana School for the Deaf, 1200 East 42nd Street, Indianapolis, Indiana the Indiana School for the Deaf Board will hold a public hearing on a proposed new rule to establish criteria for admission of children with hearing disabilities, including children with multiple disabilities, at the Indiana School for the Deaf. Copies of these rules are now on file at the Indiana School for the Deaf, 1200 East 42nd Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

George M. Stailey  
Superintendent  
Indiana School for the Deaf Board

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**TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

**Proposed Rule**  
LSA Document #03-261  
**DIGEST**

Amends 844 IAC 6-1-4 to incorporate by reference the April 2002 edition of Commission on Accreditation in Physical Therapy Education, Accreditation Handbook. Amends 844 IAC 6-3-1 to revise the requirements for licensure by endorsement for physical therapists and physical therapist's assistants. Amends 844 IAC 6-3-2 to revise the requirements for licensure by examination for physical therapists and physical therapist's

assistants. Amends 844 IAC 6-3-4 to revise the application requirements for licensure as a physical therapist and certification for physical therapist's assistants. Amends 844 IAC 6-3-5 to revise the requirements for a temporary permit. Adds 844 IAC 6-3-6 to establish requirements for the collection and use of the Social Security number for applicants who apply for a license, certificate, or permit under IC 25-27-1. Amends 844 IAC 6-4-3 to change registration to certificate. Amends 844 IAC 6-6 to modify the requirements for the reinstatement of a suspended license to practice as a physical therapist and a certificate to act as a physical therapist's assistant. Amends 844 IAC 6-7 to revise the standards of professional conduct and competent practice of physical therapy and practice as a physical therapist's assistant. Repeals 844 IAC 6-6-1 and 844 IAC 6-6-2. Effective 30 days after filing with the secretary of state.

<b>844 IAC 6-1-4</b>	<b>844 IAC 6-4-3</b>
<b>844 IAC 6-3-1</b>	<b>844 IAC 6-6-1</b>
<b>844 IAC 6-3-2</b>	<b>844 IAC 6-6-2</b>
<b>844 IAC 6-3-4</b>	<b>844 IAC 6-6-3</b>
<b>844 IAC 6-3-5</b>	<b>844 IAC 6-6-4</b>
<b>844 IAC 6-3-6</b>	<b>844 IAC 6-7-2</b>

SECTION 1. 844 IAC 6-1-4, AS AMENDED AT 26 IR 377, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**844 IAC 6-1-4 Accreditation of educational programs**

Authority: IC 25-27-1-5  
Affected: IC 4-22-2-21; IC 25-27-1-1

Sec. 4. (a) The committee shall maintain a list of physical therapy and physical therapist's assistant educational programs **which that** the committee has approved. This list shall be available in written form from the Health Professions Bureau, 402 West Washington Street, Room ~~W041~~, **W066**, Indianapolis, Indiana 46204.

(b) An approved program is one maintaining standards equivalent to those adopted by the Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Handbook, ~~August 2000~~ **April 2002** edition. These standards are hereby adopted as those of the committee and are hereby incorporated by reference under IC 4-22-2-21 and do not include any amendments or subsequent editions. A copy of such standards shall be available for public inspection at the office of the Health Professions Bureau, 402 West Washington Street, Room ~~W041~~, **W066**, Indianapolis, Indiana 46204. Copies of such standards are available from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, Virginia 22314 or at <http://www.apta.org/Education/accreditation>.

(c) An educational program, or a graduate or candidate for graduation from an educational program, which is not on the list of approved programs maintained by the committee, may apply to the committee for approval by petition demonstrating that the



any document that is not in English.

~~(9)~~ **(8)** Meets all other minimum requirements specified in IC 25-27-1.

(b) The committee may issue a license by examination to an applicant who has been educated as a physical therapist in a foreign country who submits the following:

- (1) Information required by subsection (a).
- (2) A certified copy of all academic records and an evaluation, from an accredited evaluation service approved by the committee, of all academic records and credentials for the committee's consideration in determining educational equivalence, such equivalence to be determined by the committee.

~~(c) If repeating the examination,~~ **For an applicant who has failed to pass the examination, in this state or any other state, the following apply:**

- (1) After the first attempt, the applicant may retake the examination at their first available opportunity.**
- (2) After the second attempt, the applicant must wait at least ninety (90) days before reapplying to take the licensure examination.**
- (3) After the third or subsequent attempt, the applicant must wait at least one hundred eighty (180) days before reapplying to take the licensure examination.**
- (4) The applicant must pay the reexamination fee specified in 844 IAC 6-2-1. 844 IAC 6-2-2.**

*(Medical Licensing Board of Indiana; 844 IAC 6-3-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 774; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1939; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2733; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1414; filed Sep 22, 1994, 4:30 p.m.: 18 IR 264; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325)*

SECTION 4. 844 IAC 6-3-4 IS AMENDED TO READ AS FOLLOWS:

**844 IAC 6-3-4 Applications for licensure as a physical therapist or certification as a physical therapist's assistant**

Authority: IC 25-27-1-5  
Affected: IC 25-27-1-6; IC 25-27-1-8

Sec. 4. (a) Persons desiring licensure as a physical therapist or **certification as a physical therapist's assistant** must file a completed application on a form provided by the committee.

(b) All applicants filing to take the examination who are graduates of an approved curriculum for physical therapy or physical therapist's assistants must file a completed application no later than sixty (60) days prior to the examination; except that where such dates are a Saturday, Sunday, or holiday the deadline shall be the next business day immediately following such date. ~~There is no deadline for endorsement applications.~~ Persons submitting a completed application may be issued a temporary

permit as provided by ~~IC 25-27-1-8.~~ **IC 25-27-1-8(d).**

~~(c) Students may be approved to sit for the examination if, on or before the filing date, a recognized official of the student's educational institute states that the student is expected to complete the educational requirements prior to the examination. Prior to the examination, the committee must receive notice from a recognized official of the educational institute, confirming satisfactory completion of all educational requirements. If such notice is not received, the student will be disqualified from taking the examination.~~

~~(d)~~ **(c)** At the time of submitting an original application to the committee, the applicant shall show to a staff member of the bureau, or to a member of the committee, the original physical therapist's or physical therapist's assistant's diploma or a certified copy of the diploma. A photocopy of the diploma may then be made for the files of the committee. In the event that such diploma has been lost or destroyed, the applicant shall submit the following:

- (1) A statement under the signature and seal of the dean of the school from which the applicant graduated verifying that the applicant has satisfactorily completed:
  - (A) the prescribed course of study;
  - (B) the actual degree conferred; and
  - (C) the date ~~thereof.~~ **the degree was conferred.**
- (2) An affidavit made before a duly authorized official to administer ~~oath,~~ **oaths**, fully and clearly stating the circumstances under which the applicant's diploma was lost or destroyed.

~~If a student has not received a diploma, the committee will accept a statement under the signature and seal of the dean of the school or college from which the applicant is expected to receive a diploma. The statement shall verify the date that the applicant is expected to receive a diploma.~~

~~If a student has not received a diploma, the committee will accept a statement under the signature and seal of the dean of the school or college from which the applicant is expected to receive a diploma. The statement shall verify the date that the applicant is expected to receive a diploma.~~

~~(e)~~ **(d)** The fee for an application as specified in ~~844 IAC 6-2-1 + 844 IAC 6-2-2~~ shall be made payable to the health professions bureau. The fee is nonrefundable if the applicant should decide to withdraw the application. *(Medical Licensing Board of Indiana; 844 IAC 6-3-4; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Oct 17, 1986, 2:00 p.m.: 10 IR 433; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2733; filed Sep 22, 1994, 4:30 p.m.: 18 IR 265; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325)*

SECTION 5. 844 IAC 6-3-5, AS AMENDED AT 26 IR 378, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**844 IAC 6-3-5 Temporary permits**

Authority: IC 25-27-1-5  
Affected: IC 25-27-1-6

Sec. 5. (a) For applicants for licensure by endorsement, the committee may **not** issue a **more than two (2) temporary nonrenewable permit permits** to an applicant for a license as a physical therapist or a certificate as a physical therapist's

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assistant where the applicant **submits verification of a valid license to practice physical therapy or a valid certificate to act as a physical therapist's assistant from another jurisdiction and** meets the requirements of section ~~1~~ **1(1) through 1(4) and 1(7)** of this rule, except where

- ~~(1) the applicant has graduated from an educational program in another state, country, or territory, not accredited approved by the committee. or~~
- ~~(2) the applicant has not successfully completed the test required by section 2(a)(4) of this rule.~~

(b) For recent graduates, the committee may issue ~~a not more than two (2) temporary nonrenewable permit permits~~ to an applicant for a license as a physical therapist or a certificate as a physical therapist's assistant who is a graduate of an approved physical therapy program or an approved physical therapist's assistant program that meets the standards set by the committee and who has applied for and been approved by the committee to take the examination for which the applicant has applied for licensure or certification.

(c) A candidate for a license as a physical therapist or for a certificate as a physical therapist's assistant holding a temporary permit ~~hereunder under this section~~ shall only work under the direct supervision of a licensed physical therapist ~~or physician~~, and shall report to the committee, on a form provided by the committee, the name of the facility and supervising physical therapists. ~~or physicians.~~

(d) A temporary permit shall expire on the earliest date that any one (1) of the following events occurs:

- (1) The applicant is licensed or certified.
- (2) The application for licensure or certification is disapproved.
- (3) Ninety (90) days has passed since the issuance of the temporary permit.

*(Medical Licensing Board of Indiana; 844 IAC 6-3-5; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2734; filed Sep 22, 1994, 4:30 p.m.: 18 IR 265; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Oct 7, 2002, 12:02 p.m.: 26 IR 378)*

SECTION 6. 844 IAC 6-3-6 IS ADDED TO READ AS FOLLOWS:

### 844 IAC 6-3-6 Social Security numbers

Authority: IC 4-1-8-1; IC 25-27-1-15  
Affected: IC 25-27-1-6

Sec. 6. (a) An applicant who applies for a license, certificate, or permit under IC 25-27-1 must submit to the committee the applicant's United States Social Security number.

(b) No application for a license, certificate, or permit will be approved before the Social Security number is submitted to the committee.

(c) The bureau and the committee will release the applicant's Social Security number as provided in state or federal law.

(d) The bureau and the boards may allow access to the Social Security number of each person who holds a license, certificate, or permit issued under IC 25-27-1 or has applied for a license, certificate, or permit under IC 25-27-1 to the following:

- (1) A testing service that provides the examination for licensure to the bureau or the boards.
- (2) An individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities between the individual states.

*(Medical Licensing Board of Indiana; 844 IAC 6-3-6)*

SECTION 7. 844 IAC 6-4-3 IS AMENDED TO READ AS FOLLOWS:

### 844 IAC 6-4-3 Reinstatement of delinquent license

Authority: IC 25-27-1-5  
Affected: IC 25-27-1-8

Sec. 3. (a) A physical therapist or physical therapist's assistant who is less than three (3) years delinquent in renewing a license or ~~registration certificate~~ shall be reinstated upon receipt of a renewal application, reinstatement fee, and renewal fees.

(b) If more than three (3) years have elapsed since the expiration of a license or ~~registration certificate~~, the applicant shall meet all requirements of 844 IAC 6-3-1 except that, where the applicant has not practiced for more than three (3) years, the committee may, after an appearance before the committee, require the applicant to retake and pass the examination provided by the committee. *(Medical Licensing Board of Indiana; 844 IAC 6-4-3; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2735; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1414; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325)*

SECTION 8. 844 IAC 6-6-3 IS AMENDED TO READ AS FOLLOWS:

### 844 IAC 6-6-3 Duties of suspended licensees, certificate holders

Authority: IC 25-22.5-2-7; IC 25-27-1-5  
Affected: IC 25-1-9

Sec. 3. In any case where a person's license or ~~registration certificate~~ has been suspended pursuant to IC 25-27-1-10.1(c)(2), under IC 25-1-9, said person shall do the following:

- (1) Within thirty (30) days from the date of the order of suspension, file with the physical therapy committee an affidavit showing ~~that~~ the following:

(A) All active patients then under the licensee's or ~~regis-~~  
~~trant's~~ **certificate holder's** care have been notified in the  
manner and method specified by the committee of the  
licensee's or ~~regis-~~  
~~trant's~~ **certificate holder's** suspension  
and consequent inability to act for or on their behalf in a  
professional capacity. Such notice shall advise all such  
patients to seek the services of another licensee or ~~regis-~~  
~~trant~~ **certificate holder** of good standing of their own  
choice.

(B) All hospitals **and** medical and health care facilities  
where such licensee or ~~regis-~~  
~~trant~~ **certificate holder** has  
privileges or staff status have been informed of the suspen-  
sion order.

(C) Reasonable arrangements were made for the transfer of  
patient records, radiographic studies, and test results, or  
copies thereof, to a succeeding licensee or ~~regis-~~  
~~trant~~ **certificate holder** employed by the patient or those  
responsible for the patient's care.

(2) Prove compliance with this section as a condition prece-  
dent to reinstatement.

*(Medical Licensing Board of Indiana; 844 IAC 6-6-3; filed Aug  
6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed Nov 9, 2001,  
3:16 p.m.: 25 IR 1325)*

SECTION 9. 844 IAC 6-6-4 IS AMENDED TO READ AS  
FOLLOWS:

#### **844 IAC 6-6-4 Protection of patients' interests**

**Authority:** IC 25-22.5-2-7; IC 25-27-1-5

**Affected:** IC 25-1-9

Sec. 4. Whenever a person's license or ~~registration~~ **certificate**  
has been suspended ~~pursuant to IC 25-27-1-10.1(c)(2); under~~  
**IC 25-1-9** and said person has not fully complied with ~~the~~  
~~provisions of 844 IAC 6-6-3 and 844 IAC 6-6-4, section 3 of~~  
**this rule and this section** or if said licensee or ~~regis-~~  
~~trant~~ **certificate holder** has disappeared, ~~or~~ died, or is otherwise  
unable to comply with ~~said sections; section 3 of this rule and~~  
**this section**, the physical therapy committee shall request the  
health professions bureau or the Indiana chapter of the Amer-  
ican Physical Therapy Association to take such action as may be  
appropriate to protect the interests of that person's patients.  
*(Medical Licensing Board of Indiana; 844 IAC 6-6-4; filed Aug  
6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed Nov 9, 2001,  
3:16 p.m.: 25 IR 1325)*

SECTION 10. 844 IAC 6-7-2 IS AMENDED TO READ AS  
FOLLOWS:

#### **844 IAC 6-7-2 Standards of professional conduct and competent practice**

**Authority:** IC 25-27-1-5

**Affected:** IC 16-39-1-1; IC 25-1-9-9; IC 25-27-1; IC 34-6-2-99; IC 34-30-  
15-1

Sec. 2. (a) A practitioner when engaging in the practice of

physical therapy shall abide by, and comply with, the ~~following~~  
standards of professional conduct **in this section**.

(~~a~~) (b) A practitioner shall maintain the confidentiality of all  
knowledge and information regarding a patient, including, but  
not limited to, the patient's:

- (1) diagnosis;
- (2) treatment; and
- (3) prognosis;

of which the practitioner has knowledge during the course of  
the patient-practitioner relationship. Information about a patient  
shall be disclosed by a practitioner when required by law,  
including, but not limited to, the requirements of ~~IC 34-4-12.6-1~~  
**IC 34-30-15-1 et seq.** and ~~IC 16-4-8-1~~ **IC 16-39-1-1 et seq.**,  
and any amendments thereto, or when authorized by the patient  
or those responsible for the patient's care.

(~~b~~) (c) A practitioner shall give a truthful, candid, and  
reasonably complete account of the patient's condition to the  
patient or to those responsible for the patient's care, except  
where a practitioner reasonably determines that the information  
is detrimental to the physical or mental health of:

- (1) the patient; or ~~to the physical or mental health of~~
- (2) those persons responsible for the patient's care.

(~~c~~) (d) The practitioner shall give reasonable written notice to  
the patient and to the referring physician, podiatrist, psycholo-  
gist, chiropractor, or dentist when the practitioner withdraws  
from a case so that another referral may be made by the  
referring physician, podiatrist, psychologist, chiropractor, or  
dentist. A practitioner shall not abandon a patient. A practi-  
tioner who withdraws from a case, except in emergency circum-  
stances, shall, upon written request, comply with the provisions  
of ~~IC 16-4-8-1 through IC 16-4-8-11~~ **IC 16-39-1-1 et seq.**, and  
of any subsequent amendment or revision thereof, when a  
patient requests health records.

(~~d~~) (e) A practitioner shall exercise reasonable care and  
diligence in the treatment of patients based upon generally  
accepted scientific principles, methods, treatments, and current  
professional theory and practice.

(~~e~~) (f) A practitioner shall not:

- (1) represent;
- (2) advertise;
- (3) state or
- (4) indicate;

the possession of any degree recognized as the basis for  
licensure to practice physical therapy unless the practitioner is  
actually licensed on the basis of such degree in the **state or**  
states in which he ~~or~~ she practices.

(~~f~~) (g) A physical therapist shall not delegate to supportive  
personnel any service ~~which that~~ requires the skill, knowledge,  
and judgment of the licensed physical therapist.

## Proposed Rules

~~(g)~~ **(h)** A physical therapist's assistant shall not accept a delegation of a service ~~which that~~ exceeds the scope of practice of their ~~registration certificate~~ as defined in ~~844 IAC 6-1-2(3)~~: **844 IAC 6-1-2(g)(3)**.

~~(h)~~ **(i)** A practitioner who has personal knowledge based upon a reasonable belief that another practitioner holding the same license **or certificate** has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of physical therapy shall promptly report such conduct to a peer review or similar body, as defined in ~~IC 34-4-12.6-1(c)~~ **IC 34-6-2-99 and as provided in IC 34-30-15-1 et seq.**, having jurisdiction over the offending practitioner and the matter. This provision does not prohibit a practitioner from promptly reporting said conduct directly to the physical therapy committee. Further, a practitioner who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of medicine or physical therapy shall promptly report such conduct to the medical licensing board or the physical therapy committee.

~~(2)~~ **(j)** A practitioner who voluntarily submits himself **or** herself to, or is otherwise undergoing a course of treatment for:

- (1)** addiction;
- (2)** severe dependency upon alcohol or other drugs or controlled substances; or ~~for~~
- (3)** psychiatric impairment;

where such treatment is sponsored or supervised by ~~an a~~ **a committee for impaired physical therapists committee practitioners** of a state, regional, or local organization of professional health care providers, or where such treatment is sponsored or supervised by ~~an a committee for impaired physical therapist committee practitioners~~ **a committee for impaired physical therapist committee practitioners** of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection ~~(h)(1)~~ **(i)** or to the physical therapy committee so long as

- ~~(A)~~ the practitioner is complying with the course of treatment
- ~~(B)~~ **the practitioner is and** making satisfactory progress.

If the practitioner fails to comply with or is not ~~benefitted~~ **benefited** by the course of treatment, the practitioner-chief administrative officer, his **or her** designee, or any member of the **committee for impaired physical therapist committee practitioners** shall promptly report such facts and circumstances to the physical therapy committee. **Subsection (i) and** this subsection shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit, or otherwise preclude the physical therapy committee from taking such action as it deems appropriate or as may otherwise be provided by law.

~~(i)~~ **(k)** Fees charged by a practitioner for his **or** her professional services shall be reasonable and shall reasonably compensate the practitioner only for services actually rendered.

~~(2)~~ **(l)** A practitioner shall not enter into agreement for, charge, or collect an illegal or clearly excessive fee.

~~(3)~~ **(m)** Factors to be considered in determining the reason-

ableness of a fee include, but are not limited to, the following:

- ~~(A)~~ **(1)** The difficulty ~~and/or or~~ uniqueness, **or both**, of the services performed and the time, skill, and experience required.
- ~~(B)~~ **(2)** The fee customarily charged in the locality for similar practitioner services.
- ~~(C)~~ **(3)** The amount of the charges involved.
- ~~(D)~~ **(4)** The quality of performance.
- ~~(E)~~ **(5)** The nature and length of the professional relationship with the patient. ~~and~~
- ~~(F)~~ **(6)** The experience, reputation, and ability of the practitioner in performing the kind of services involved.

~~(j)~~ **(n)** A practitioner shall not pay, demand, or receive compensation for referral of a patient except for a patient referral program operated by a professional society or association.

~~(k)~~ **(o)** A practitioner shall be responsible for the conduct of each and every person employed by the practitioner for every action or failure to act by said employee or employees in the course of the employment relationship.

~~(h)~~ **(p)** A practitioner shall not, on behalf of:

- (1)** himself **or** herself;
- (2)** a partner;
- (3)** ~~an~~ associate;
- (4)** ~~a~~ shareholder in a professional corporation; or
- (5)** any other practitioner or specific health care provider affiliated with the practitioner;

use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

~~(2)~~ **(q)** Subject to the requirements of subsection ~~(h)(1)~~ **(p)**, and in order to facilitate the process of informed selection of a practitioner by the public, a practitioner may advertise services through the public media, provided that the advertisement is dignified and confines itself to the existence, scope, nature, and field of practice of physical therapy.

~~(3)~~ **(r)** If the advertisement **in subsection (q)** is communicated to the public by radio, cable, or television, it shall be prerecorded **and** approved for broadcast by the practitioner, and a recording and transcript of the actual transmission shall be retained by the practitioner for a period of five (5) years from the last date of broadcast.

~~(4)~~ **(s)** If a practitioner advertises a fee for:

- (1)** a service;
- (2)** ~~a~~ treatment;
- (3)** ~~a~~ consultation;
- (4)** ~~an~~ examination; or
- (5)** ~~any~~ other procedure;

the practitioner must render that service or procedure for no more than the fee advertised.

~~(5)~~ **(t)** Except as otherwise provided in these rules, a practitioner shall not contact or solicit individual members of the public personally or through an agent in order to offer services to such person or persons unless that individual initiated contact with the practitioner for the purpose of engaging that practitioner's professional services.

~~(m)~~ **(u)** A practitioner may, whenever the practitioner believes it to be beneficial to the patient, and upon approval of the referring physician, podiatrist, psychologist, chiropractor, or dentist, send or refer a patient to a qualified specific professional health care provider for treatment or health care ~~which~~ **that** falls within the specific professional health care provider's scope of practice. Prior to any such referral, however, the practitioner shall examine ~~and/or~~ **or** consult with, **or both**, the patient and the referring physician, podiatrist, psychologist, chiropractor, or dentist to ~~insure~~ **ensure** that a condition exists in the patient ~~which that~~ would be within the scope of practice of the specific professional health care provider to whom the patient is referred or sent.

~~(n)~~ **(+)** **(v)** A practitioner, upon:

- (1)** his **or** her retirement; ~~or upon~~
- (2)** discontinuation of the practice of physical therapy; or ~~upon~~
- (3)** leaving or moving from a community;

shall not sell, convey, or transfer for valuable consideration, remuneration, or ~~for~~ anything of value patient records of that practitioner to any other practitioner.

~~(2)~~ **(w)** A practitioner, upon:

- (1)** retiring from private practice; ~~or upon~~
- (2)** discontinuation of the private practice of physical therapy; or ~~upon~~
- (3)** leaving or moving from a community;

shall notify all of his **or** her active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that he **or** she intends to discontinue his **or** her practice of physical therapy in the community, and shall notify the referring physician, podiatrist, psychologist, chiropractor, or dentist **of each active patient**. The practitioner discontinuing his **or** her practice shall make reasonable arrangements with his **or** her active patients for the transfer of his **or** her records, or copies thereof, to the referring physician, podiatrist, psychologist, chiropractor, or dentist who shall make the records, or copies thereof, available to the succeeding practitioner or to a program conducted by a professional society or association.

~~(3)~~ **(x)** As used herein, "active patient" applies and refers to a person whom the practitioner has:

- (1)** examined;
- (2)** treated;
- (3)** cared for; or
- (4)** otherwise consulted with;

during the two (2) year period prior to retirement, discontinuation of the practice of physical therapy, or leaving or moving from a community.

~~(o)~~ **(y)** A practitioner shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition ~~which that~~ may or may not develop, occur, or happen.

~~(p)~~ **(z)** A practitioner shall not attempt to exonerate himself **or herself** from or limit his **or her** liability to a patient for his **or** her personal malpractice except that a practitioner may enter into agreements ~~which that~~ contain informed, voluntary releases ~~and/or~~ **or** waivers of liability, **or both**, in settlement of a claim made by a patient or by those responsible for a patient's care.

~~(q)~~ **(aa)** A practitioner shall not attempt to preclude, prohibit, or otherwise prevent the filing of a complaint against him **or** her by a patient or other practitioner for any alleged violation of ~~844 IAC or of any alleged violation of this title, IC 25-27-1 et seq., or of any other law.~~

**(bb)** A practitioner shall maintain adequate patient records.

**(cc)** A practitioner shall not interfere with, or refuse to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

**(dd)** A practitioner shall not aid or abet a person not licensed or certified in this state who directly or indirectly performs activities requiring a license or certificate.

**(ee)** A practitioner shall not practice as a physical therapist or work as a physical therapist's assistant when physical or mental abilities are impaired by the use of:

- (1)** controlled substances;
- (2)** other habit-forming drugs;
- (3)** chemicals; or
- (4)** alcohol.

**(ff)** A practitioner shall not engage in the performance of substandard care due to a deliberate or negligent act or failure to act regardless of whether there was actual injury to the patient.

**(gg)** A practitioner shall not engage in sexual misconduct, including the following:

- (1)** Making sexual advances.
- (2)** Requesting sexual favors.
- (3)** Engaging in verbal conduct or physical contact of a sexual nature with patients, clients, or coworkers.

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## Proposed Rules

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(hh) A practitioner who has been convicted of a felony, or who has pled no contest or any other finding of guilt as to such felony, in this or any other state, territory, or country, which demonstrates impaired judgment or risk to the public in the practitioner's future provision of physical therapy service, may be deemed to be in violation of this section.

(†) (ii) Failure to comply with the above standards of professional conduct and competent practice of physical therapy may result in disciplinary proceedings against the offending practitioners. Further, all practitioners licensed in Indiana shall be responsible for having knowledge of these standards of conduct and practice. (*Medical Licensing Board of Indiana; 844 IAC 6-7-2; filed Oct 3, 1988, 2:36 p.m.: 12 IR 386; errata filed Oct 11, 1988, 3:00 p.m.: 12 IR 391; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325*)

SECTION 11. THE FOLLOWING ARE REPEALED: 844 IAC 6-6-1; 844 IAC 6-6-2.

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on February 28, 2004 at 9:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments to incorporate by reference the April 2002 edition of Commission on Accreditation in Physical Therapy Education, Accreditation Handbook, to revise the requirements for licensure by endorsement for physical therapists and physical therapist's assistants, to revise the requirements for licensure by examination for physical therapists and physical therapist's assistants, to revise the application requirements for licensure as a physical therapist and certification for physical therapist's assistants, to revise the requirements for a temporary permit, to establish requirements for the collection and use of the Social Security number for applicants who apply for a license, certificate, or permit under IC 25-27-1, to change registration to certificate, to modify the requirements for the reinstatement of a suspended license to practice as a physical therapist and a certificate to act as a physical therapist's assistant, and to revise the standards of professional conduct and competent practice of physical therapy and practice as a physical therapist's assistant. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

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## TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule  
LSA Document #03-273

### DIGEST

Amends 876 IAC 3-2-7 to revise the fee schedule for the application for the issuance of a permit for temporary practice. Adds 876 IAC 3-5-2.5 to require approval of continuing education courses and to establish the criteria for approval for continuing education courses. Effective 30 days after filing with the secretary of state.

### 876 IAC 3-2-7

### 876 IAC 3-5-2.5

SECTION 1. 876 IAC 3-2-7, AS AMENDED AT 26 IR 1107, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

### 876 IAC 3-2-7 Fee schedule

Authority: IC 25-1-8-2; IC 25-34.1-3-8; IC 25-34.1-3-9  
Affected: IC 25-34.1

Sec. 7. (a) This section establishes the fee schedule for the real estate appraiser licensure and certification program. The fees stated in subsection (b) apply to Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers. However, the fee for licensed trainee appraisers under subsection (b)(2), (b)(3), (b)(5), and (b)(6) shall be one hundred dollars (\$100), because there is not a requirement under federal law to transmit these amounts for licensed trainee appraisers.

(b) The fee schedule is as follows:

- |  |       |
|--|-------|
| (1) Application for admittance to the examination  | \$100 |
| (2) Fee for license or certificate (after passing the examination) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal government)                   | \$150 |
| (3) Fee for license or certificate (after passing the examination) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government)              | \$125 |
| (4) Application for licensure by reciprocity   | \$100 |
| (5) Fee for license or certificate by reciprocity (after approval by the board) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal government)      | \$150 |
| (6) Fee for license or certificate by reciprocity (after approval by the board) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government) | \$125 |
| (7) Application for the renewal of a license or certification (including fifty dollars (\$50) required by federal law to be  |       |



transmitted to the federal government)	\$150
(8) Duplicate license or certificate	\$10
(9) Duplicate pocket card	\$10
(10) Certification of license to another state	\$10
(11) Application by a holder of an Indiana trainee appraiser license to be approved for a regular license	\$25
(12) Application for the issuance of a permit for temporary practice	<del>\$50</del> <b>\$150</b>
(13) Fee for issuance and renewal of approvals for (prelicensure) real estate appraiser schools and courses under 876 IAC 3-4	\$500
(14) Fee for issuance and renewal of approval for real estate appraiser continuing education course providers under 876 IAC 3-5	\$250

(c) All fees are nonrefundable and nontransferable. (*Indiana Real Estate Commission; 876 IAC 3-2-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 8, 1993, 4:00 p.m.: 17 IR 772, eff Jan 2, 1994 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #93-130 was filed Dec 8, 1993.]; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; filed Jun 21, 1996, 10:00 a.m.: 19 IR 3111; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2697; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107*)

SECTION 2. 876 IAC 3-5-2.5 IS ADDED TO READ AS FOLLOWS:

**876 IAC 3-5-2.5 Criteria for approval of continuing education course**

Authority: IC 25-34.1-3-8  
Affected: IC 25-1-11; IC 25-34.1

**Sec. 2.5. (a) Continuing education course providers must obtain approval by the board under this section of all courses. The content of the course must comply with section 1(c) or 1.5(a) of this rule.**

**(b) In order to be an approved continuing education course, a course must satisfy the following criteria:**

- (1) The course must be a current offering of the continuing education course sponsor.**
- (2) The course must involve a minimum of two (2) classroom hours of instruction on real estate appraisal or related topics.**
- (3) The course materials or syllabus must include a course description, which clearly describes the content of the course.**
- (4) The course materials or syllabus must include specific learning objectives that:**
  - (A) are appropriate for a continuing education course;**
  - (B) clearly state the specific knowledge and skills students are expected to acquire by completing the course;**
  - (C) are consistent with the course description;**

- (D) are consistent with the instructional materials; and**
- (E) are reasonably achievable within the number of classroom hours allotted for the course.**

**(5) Instructional materials for students must be provided unless the applicant demonstrates that such materials are not needed to accomplish the stated course objectives. Any such instructional materials must:**

- (A) be appropriate in view of the stated course learning objectives;**
- (B) reflect current knowledge and practice;**
- (C) contain no significant errors;**
- (D) reflect correct grammatical usage and spelling;**
- (E) effectively communicate and explain the information presented;**
- (F) be suitable in layout and format; and**
- (G) be suitably bound or packaged and be produced in a quality manner.**

**(6) For courses containing examinations, course examinations may consist of either a series of examinations or a comprehensive final examination, or both. The course examination must comply with the following criteria:**

- (A) The examination must contain a sufficient number of questions to adequately test the subject matter covered in the course.**
- (B) The amount of time devoted to examinations must be appropriate for the course.**
- (C) Examination questions must, individually and collectively, test at a difficulty level appropriate to measure attendee achievement of the stated course learning objectives.**
- (D) The subject matter tested by examination questions must be adequately addressed in the course instructional materials.**
- (E) Examination questions must be written in a clear and unambiguous manner.**
- (F) Examination questions must be accurate, and the intended correct answer must clearly be the best answer choice.**

**(7) The continuing education provider must have a written policy regarding instructor qualifications that requires the use of instructors who meet at least one (1) of the requirements in section 7 of this rule.**

**(8) The continuing education provider must have a written attendance policy that requires the student attendance to be verified.**

**(9) If the course involves more than eight (8) classroom hours, the continuing education provider must have established a policy on course scheduling that provides for a maximum of (8) classroom hours of instruction in any given day and for appropriate breaks during each class session.**

(*Indiana Real Estate Commission; 876 IAC 3-5-2.5*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on February*

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## Proposed Rules

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26, 2004 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to revise the fee schedule for the application for the issuance of a permit for temporary practice, to require approval of continuing education courses, and to establish the criteria for approval of continuing education courses. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley  
Executive Director  
Professional Licensing Agency

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### TITLE 910 CIVIL RIGHTS COMMISSION

#### Proposed Rule LSA Document #03-254

#### DIGEST

Adds 910 IAC 2-4-6 through 910 IAC 2-4-10 concerning housing intended and operated for persons at least 55 years of age. Effective 30 days after filing with the secretary of state.

**910 IAC 2-4-6**                      **910 IAC 2-4-9**  
**910 IAC 2-4-7**                      **910 IAC 2-4-10**  
**910 IAC 2-4-8**

SECTION 1. 910 IAC 2-4-6 IS ADDED TO READ AS FOLLOWS:

#### **910 IAC 2-4-6 Housing for persons who are at least 55 years of age**

Authority: IC 22-9.5-3-4; IC 22-9.5-4-2; P.L.89-2003  
Affected: IC 22-9.5-1-2

Sec. 6. (a) The provisions regarding familial status shall not apply to housing intended and operated for persons fifty-five (55) years of age or older. Housing qualifies for this exemption if the alleged violation occurred:

- (1) before July 1, 2003, and the housing community or facility complied with the rules of the ICRC in effect at the time of the alleged violation; or
- (2) on or after July 1, 2003 and the housing community or facility complies with:
  - (A) IC 22-9.5-3-4; and
  - (B) this section and sections 7 through 10 of this rule.

(b) For purposes of this rule, "housing facility or community" means any dwelling or group of dwelling units governed by a common set of rules, regulations, or restric-

tions. A portion or portions of a single building shall not constitute a housing facility or community. Examples of a housing facility or community include, but are not limited to, the following:

- (1) A condominium association.
- (2) A cooperative.
- (3) A property governed by a homeowners' or resident association.
- (4) A municipally zoned area.
- (5) A leased property under common private ownership.
- (6) A mobile home park.
- (7) A manufactured housing community.

(c) For purposes of this rule, "older person" means a person who is at least fifty-five (55) years of age. (*Civil Rights Commission; 910 IAC 2-4-6*)

SECTION 2. 910 IAC 2-4-7 IS ADDED TO READ AS FOLLOWS:

#### **910 IAC 2-4-7 80 percent occupancy**

Authority: IC 22-9.5-3-4; IC 22-9.5-4-2; P.L.89-2003  
Affected: IC 22-9.5-1-2

Sec. 7. (a) In order for a housing facility or community to qualify as housing for older persons under IC 22-9.5-3-4(a)(3) at least eighty percent (80%) of its occupied units must be occupied by at least one (1) person who is at least fifty-five (55) years of age.

(b) For purposes of this rule, "occupied unit" means:

- (1) a dwelling unit that is actually occupied by one (1) or more persons on the date that the exemption is claimed; or
- (2) a temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.

(c) For purposes of this section, "occupied by at least one (1) person who is at least fifty-five (55) years of age" means that on the date the exemption for housing designed for persons who are at least fifty-five (55) years of age is claimed:

- (1) at least one (1) occupant of the dwelling unit is at least fifty-five (55) years of age; or
- (2) if the dwelling unit is temporarily vacant, at least one (1) of the occupants immediately prior to the date on which the unit was temporarily vacated was at least fifty-five (55) years of age.

(d) Newly constructed housing for first occupancy after March 12, 1989, need not comply with the requirements of this section until at least twenty-five percent (25%) of the units are occupied. For purposes of this section, "newly constructed housing" includes a facility or community that has been wholly unoccupied for at least ninety (90) days

prior to reoccupancy due to renovation or rehabilitation.

(e) Housing satisfies the requirements of this section even though, as follows:

(1) On September 13, 1988, under eighty percent (80%) of the occupied units in the housing facility or community were occupied by at least one (1) person who is at least fifty-five (55) years of age, provided that at least eighty percent (80%) of the units occupied by new occupants after September 13, 1988, are occupied by at least one (1) person who is at least fifty-five (55) years of age.

(2) There are unoccupied units, provided that at least eighty percent (80%) of the occupied units are occupied by at least one (1) person who is at least fifty-five (55) years of age.

(3) There are units occupied by employees of the housing facility or community (and family members residing in the same unit) who are under fifty-five (55) years of age, provided the employees perform substantial duties related to the management or maintenance of the facility or community.

(4) There are units occupied by persons who are necessary to provide a reasonable accommodation to disabled residents as required by 910 IAC 2-3-5 and who are under fifty-five (55) years of age.

(5) For a period expiring one (1) year from the effective date of this section, there are insufficient units occupied by at least one (1) person who is at least fifty-five (55) years of age, but the housing facility or community, at the time the exemption is asserted:

(A) has reserved all unoccupied units for occupancy by at least one (1) person who is at least fifty-five (55) years of age until at least eighty percent (80%) of the units are occupied by at least one (1) person who is at least fifty-five (55) years of age; and

(B) meets the requirements of sections 6 and 8 through 10 of this rule.

(f) For purposes of the transition provision described in subsection (e)(5), a housing facility or community may not evict, refuse to renew leases, or otherwise penalize families with children who reside in the facility or community in order to achieve occupancy of at least eighty percent (80%) of the occupied units by at least one (1) person who is at least fifty-five (55) years of age.

(g) Where application of the eighty percent (80%) rule results in a fraction of a unit, that unit shall be considered to be included in the units that must be occupied by at least one (1) person who is at least fifty-five (55) years of age.

(h) Each housing facility or community may determine the age restriction, if any, for units that are not occupied by at least one person who is at least fifty-five (55) years of age, so long as the housing facility or community complies with

section 8 of this rule. (*Civil Rights Commission; 910 IAC 2-4-7*)

SECTION 3. 910 IAC 2-4-8 IS ADDED TO READ AS FOLLOWS:

**910 IAC 2-4-8 Intent to operate as housing designed for persons who are at least 55 years of age**

Authority: IC 22-9.5-3-4; IC 22-9.5-4-2; P.L.89-2003

Affected: IC 22-9.5-1-2

Sec. 8. (a) In order for a housing facility or community to qualify as housing designed for persons who are at least fifty-five (55) years of age, it must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons who are at least fifty-five (55) years of age. The following factors, among others, are considered relevant in determining whether the housing facility or community has complied with this requirement:

(1) The manner in which the housing facility or community is described to prospective residents.

(2) Any advertising designed to attract prospective residents.

(3) Lease provisions.

(4) Written rules, regulations, covenants, deed, or other restrictions.

(5) The maintenance and consistent application of relevant procedures.

(6) Actual practices of the housing facility or community.

(7) Public posting in common areas of statements describing the facility or community as housing for persons who are at least fifty-five (55) years of age.

(b) Phrases such as "adult living", "adult community", or similar statements in any written advertisement or prospectus are not consistent with an intent to operate as housing for persons at least fifty-five (55) years of age.

(c) If there is language in deeds or other community or facility documents that is inconsistent with the intent to provide housing for persons who are fifty-five (55) years of age or older, the ICRC shall consider documented evidence of a good faith attempt to remove such language in determining whether the housing facility or community complies with the requirements of this section in conjunction with other evidence of intent.

(d) A housing facility or community may allow occupancy by families with children as long as it meets the requirements of section 7 of this rule and subsection (a). (*Civil Rights Commission; 910 IAC 2-4-8*)

SECTION 4. 910 IAC 2-4-9 IS ADDED TO READ AS FOLLOWS:

**910 IAC 2-4-9 Verification of occupancy**

Authority: IC 22-9.5-3-4; IC 22-9.5-4-2; P.L.89-2003

Affected: IC 22-9.5-1-2

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## Proposed Rules

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Sec. 9. (a) In order for a housing facility or community to qualify as housing for persons who are at least fifty-five (55) years of age, it must be able to produce, in response to a complaint filed under this article, verification of compliance with section 7 of this rule through reliable surveys and affidavits.

(b) A facility or community shall, within one hundred eighty (180) days of the effective date of this section, develop procedures for routinely determining the occupancy of each unit, including the identification of whether at least one (1) occupant of each unit is at least fifty-five (55) years of age. Such procedures may be part of a normal leasing or purchasing arrangement.

(c) The procedures described in subsection (b) must provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. Such updates must take place at least once every two (2) years. A survey may include information regarding whether any units are occupied by persons described in section 7(e)(1), 7(e)(3), and 7(e)(4) of this rule.

(d) Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:

- (1) Driver's license.
- (2) Birth certificate.
- (3) Passport.
- (4) Immigration card.
- (5) Military identification.
- (6) Any other state, local, national, or international official documents containing a birth date of comparable reliability.
- (7) A certification in a lease, application, affidavit, or other document signed by any member of the household eighteen (18) years of age or older asserting that at least one (1) person in the unit is at least fifty-five (55) years of age.

(e) A facility or community shall consider any one (1) of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

(f) The housing facility or community must establish and maintain appropriate policies to require that occupants comply with the age verification procedures required by this section.

(g) If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one (1) person who is at least fifty-five (55) years of age. Such evidence

may include the following:

- (1) Government records or documents, such as a local household census.
- (2) Prior forms or applications.
- (3) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.

(h) Surveys and verification procedures that comply with the requirements of this section shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy.

(i) A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person. (*Civil Rights Commission; 910 IAC 2-4-9*)

SECTION 5. 910 IAC 2-4-10 IS ADDED TO READ AS FOLLOWS;

### 910 IAC 2-4-10 Good faith defense against money damages

Authority: IC 22-9.5-3-4; IC 22-9.5-4-2; P.L.89-2003

Affected: IC 22-9.5-1-2; IC 22-9.5-6-15; IC 22-9.5-7-2; IC 22-9.5-8.1-2

Sec. 10. (a) A person shall not be held personally liable for monetary damages for discriminating on the basis of familial status if the person acted with the good faith belief that the housing facility or community qualified for a housing for older persons exemption under this rule.

(b) A person claiming the good faith belief defense must have actual knowledge that the housing facility or community has, through an authorized representative, asserted in writing that it qualifies for a housing for older persons exemption.

(c) Before the date on which the discrimination is claimed to have occurred, a community or facility, through its authorized representatives, must certify, in writing and under oath or affirmation, to the person subsequently claiming the defense that it complies with the requirements for such an exemption as housing for persons at least fifty-five (55) years of age in order for such person to claim the defense.

(d) For purposes of this section, "authorized representative", of a housing facility or community, means the individual, committee, management company, owner, or other entity having the responsibility for adherence to the requirements established by this rule.

(e) For purposes of this section, "person" means a natural person.

(f) A person shall not be entitled to the good faith defense

**if the person has actual knowledge that the housing facility or community does not, or will not, qualify as housing for persons at least fifty-five (55) years of age. Such a person will be ineligible for the good faith defense regardless of whether the person received the written assurance described in subsection (b).** (*Civil Rights Commission; 910 IAC 2-4-10*)

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on February 27, 2004 at 2:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Civil Rights Commission will hold a public hearing on proposed new rules to implement IC 22-9.5-3-4 as amended by P.L.89-2003 concerning housing operated and intended for persons at least 55 years of age. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N103 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Sandra Leek  
Director  
Civil Rights Commission

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# Indiana Register

**Intent to Readopt Rules**

Fire Prevention and Building Safety Commission . . . . .	1650
Indiana Dietitians Certification Board . . . . .	1650
Alcohol and Tobacco Commission . . . . .	1650

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## Readopted Rules

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Notice of Intent  
LSA Document #04-19

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

**OVERVIEW:** Rules to be readopted without changes are as follows:

- |                   |   |
|-------------------|---|
| 675 IAC 22-2.2-3  | NFPA 10; standard for portable fire extinguishers   |
| 675 IAC 22-2.2-4  | NFPA 15; standard for water spray fixed systems for fire protection                                   |
| 675 IAC 22-2.2-5  | NFPA 25; standard for the inspection, testing, and maintenance of water-based fire protection systems |
| 675 IAC 22-2.2-6  | NFPA 33; standard for spray application using flammable and combustible materials                     |
| 675 IAC 22-2.2-7  | NFPA 34; dipping and coating processes using flammable or combustible liquids                         |
| 675 IAC 22-2.2-8  | NFPA 50; standard for bulk oxygen systems at consumer sites   |
| 675 IAC 22-2.2-9  | NFPA 50B; standard for liquefied hydrogen systems at consumer sites                                   |
| 675 IAC 22-2.2-10 | NFPA 51; oxygen-fuel gas system for welding, cutting, and allied processes                            |
| 675 IAC 22-2.2-11 | NFPA 51A; standard for acetylene cylinder charging plants   |
| 675 IAC 22-2.2-12 | NFPA 51B; standard for fire prevention in use of cutting and welding processes                        |
| 675 IAC 22-2.2-13 | NFPA 52; standard for compressed Natural gas (CNG) vehicular fuel systems                             |
| 675 IAC 22-2.2-15 | NFPA 59; standard for storage and handling of liquefied petroleum gases at utility gas plants         |
| 675 IAC 22-2.2-16 | NFPA 59A; standard for production, storage, and handling of liquefied Natural gas (LNG)               |
| 675 IAC 22-2.2-17 | NFPA 72; National fire alarm code   |
| 675 IAC 22-2.2-18 | NFPA 86; standard for ovens and furnaces  |
| 675 IAC 22-2.2-21 | NFPA 385; standard for tank vehicles for flammable and combustible liquids                            |
| 675 IAC 22-2.2-22 | NFPA 386; standard for portable shipping tanks for flammable and combus-                              |

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|--------------------|--|
|                    | tible liquids  |
| 675 IAC 22-2.2-23  | NFPA 407; standard for aircraft fuel servicing   |
| 675 IAC 22-2.2-24  | NFPA 704; standard system for the identification of the fire hazards of materials for emergency response |
| 675 IAC 22-2.2-25  | NFPA 1123; code for public display of fireworks  |
| 675 IAC 22-2.2-183 | Section 2506; haunted houses and similar temporary installations   |

Questions or comments are invited and may be directed by mail to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by electronic mail to: [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

Notice of Intent  
LSA Document #04-6

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration date for one year. Executive Order #03-53 (printed at 27 IR 1663), issued December 30, 2003, extends the rules listed in this document to expire January 1, 2005.* Effective 30 days after filing with the secretary of state.

**OVERVIEW:** Rule to be readopted without changes is as follows:

#### 830 IAC 1-1 Definitions

Questions or comments on the readoption may be directed by mail to the Indiana Dietitians Certification Board, Health Professions Bureau, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail to [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us). Statutory authority: IC 25-14.5-2-5.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

Notice of Intent  
LSA Document #04-14

Readopts rules in anticipation of IC 4-22-2.5-2, providing that



an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration date for one year. Executive Order #03-53 (printed at 27 IR 1663), issued December 30, 2003, extends the rules listed in this document to expire January 1, 2005. Effective 30 days after filing with the secretary of state.*

**OVERVIEW:** Rule to be readopted without changes is as follows:

905 IAC 1-43 Excursion and Adjacent Landsite Permits

The commission intends to readopt 905 IAC 1-43-1, et seq., regarding excursion permits and adjacent landsite permits. No change in the rule is contemplated. Questions concerning the proposed rule may be directed to Mark C. Webb, Executive Secretary, Alcohol and Tobacco Commission, at (317) 232-2472. Statutory authority: IC 7.1-2-3-7.

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**60 Day Requirement (IC 4-22-2-19)****TITLE 357 INDIANA PESTICIDE REVIEW BOARD**

LSA Document #02-332

December 12, 2003

Chairman  
c/o George Angelone  
Administrative Rules Oversight Committee  
302 Statehouse  
Indianapolis, Indiana 46204

**RE: 357 IAC 1-11**

Dear Mr. Chairman:

In 1975 Ind. Code 15-3-3.6-6.3 and Ind. Code 15-3-3.6-4 became law. These sections provided that a person required to be certified or registered under this chapter may not use or supervise the use of any pesticide, unless that person complies with the certification or registration requirements under this chapter and the Indiana Pesticide Review Board may adopt rules prescribing policies and procedures relating to the use and application of pesticides. A variety of rules regarding pesticide use and application and certification and registration of applicators have been adopted and amended by the board since that time.

During 2002 it was determined that there is a need to extend the applicator certification and competency requirements to all individuals who apply insecticides to large publicly accessible areas. Community-wide mosquito control, by its very nature, involves the intentional application of pesticides to both public and private property on a frequent basis. These applications are often made in a manner in which the public can be exposed directly to the pesticide. The recent increase in the spread of West Nile Virus by mosquitoes has caused more individuals of uncertain competency to become involved in area wide pesticide application activities. The Indiana Pesticide Review Board worked cooperatively with the Indiana Department of Health, representative county health departments involved in mosquito control activities, and citizen groups to develop 357 IAC 1-11 to address this issue of public safety and effective mosquito control.

The Indiana Pesticide Review Board adopted 357 IAC 1-11, a rule to extend certification and licensing requirements to all pesticide applicators engaged in area wide mosquito abatement operations on September 10, 2003. Currently the rule is being reviewed by the Attorney General's office and is being considered for final rule promulgation.

Under Ind. Code 4-22-2-19 an agency that adopts a rule must

begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule. In the case of this rule we could not comply with this statute because the general rulemaking statute that authorizes this rule was effective many, many years ago. The necessity for this rule did not arise until this past year when the board became aware of the need for it and took immediate action.

While the board believes that the circumstances of the adoption of this rule do not fall within the intent of Ind. Code 4-22-2-19, the board is providing this written notification to the committee explaining why this rule could not be adopted within the time frame specified in Ind. Code 4-22-19.

If you need additional information please contact David Scott at (765) 494-1587 or [scottde@purdue.edu](mailto:scottde@purdue.edu).

Sincerely,  
David E. Scott, Secretary  
Indiana Pesticide Review Board

Cc: Gordon White, Office of the Indiana Attorney General

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**TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION**

LSA Document #03-186

December 16, 2003

VIA HAND DELIVERY  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
State House, Room 301  
Indianapolis, IN 46204  
Attn: George Angelone

**Re: LSA Doc. #03-186**

Dear Members of the Committee,

Pursuant to the provisions of IC 4-22-2-19(c), this letter shall serve as written notification that section 19 of the above-captioned rule does not comply with IC 4-22-2-19(c)(1). This section creates a new certification of Hazardous Materials-Incident Command. The reasons for the noncompliance are as follows:

1. Pursuant to IC 22-14-2-7(c)(7), the Board of Firefighting Personnel Standards and Education is authorized to adopt rules to create a program of voluntary certification for fire service personnel and programs. This statute was effective in 1987.

2. The addition to the Board's rules contained in the section cited above creates a classification based on the growing

importance of qualified personnel to take command of incidents involving the use of chemical and biological weapons, and the rapidly increasing number of incidents associated with the discovery and destruction of clandestine drug (e.g. methamphetamine) laboratories. This classification was not contemplated at the time of the 1987 statute, and is extremely important to ensure that appropriately trained fire and emergency response personnel are able to respond effectively and efficiently to the emergency needs of Indiana in the 21st century.

Please feel free to call me at (317) 232-2226 should you have any questions or require further information concerning these certifications.

Sincerely,  
M. Tracy Boatwright  
State Fire Marshal  
Board of Firefighting Personnel  
Standards and Education

The notice of intent for this rule was published in the May 1, 2003 issue of the Indiana Register at 26 IR 2651. Due to issues regarding timing of publication of the rule prior to the hearing date, the rule was recalled and is being reheard on January 26, 2004. Due to the permissible statutory approval process, the possibility exists that the rule would not be approved or effective before the May 1, 2004 deadline. We believe that the additional year will give adequate time to complete this process, although all efforts will be made to do so sooner.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or via email at mwebb@atc.state.in.us. Thank you very much for your kind attention in this regard.

Very truly yours,  
Mark C. Webb  
Executive Secretary

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<b>365 Day Notice (IC 4-22-2-25)</b>
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**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

LSA Document #03-96

December 31, 2003

Chairman  
c/o George Angelone  
Administrative Rules Oversight Committee  
302 Statehouse  
Indianapolis, Indiana 46204

RE: 905 IAC 1-35.1

Dear Mr. Chairman:

On behalf of the Alcohol & Tobacco Commission (ATC), this letter is to notify the Administrative Rules Oversight Committee of changes in progress to the above rule, which establishes procedures governing the issuance of annual race track permits in accordance with IC 7.1-3-6-16 and IC 7.1-3-14-6. Under Ind. Code 4-22-2-25, an agency that adopts a rule must complete the process within one (1) year after the publication of the notice of intent to adopt the rule change. Pursuant to this statute, the ATC is requesting up to an additional one (1) year from May 1, 2004 in order to have the rule adopted and effective. A request of this kind must be made within two hundred fifty (250) days following the publication of the notice of intent to adopt the rule change. Our records show that the deadline for this notice expires on or about January 15, 2004.

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**SECOND NOTICE OF COMMENT PERIOD**

#03-282(APCB)

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING DEARBORN COUNTY SULFUR DIOXIDE EMISSION LIMITATIONS**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 7-4-13 concerning Dearborn County sulfur dioxide (SO<sub>2</sub>) emission limitations. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**HISTORY**

First Notice of Comment Period: November 1, 2003, Indiana Register (27 IR 573).

**CITATIONS AFFECTED:** 326 IAC 7-4-13.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

In response to a request from American Electric Power (AEP), IDEM proposes to remove obsolete rule language in the Dearborn County sulfur dioxide (SO<sub>2</sub>) emission limitations in 326 IAC 7-4-13 for Indiana Michigan Power Tanners Creek Station. Specifically, AEP has requested the removal of the requirement that restricts coal delivered to the Tanners Creek Station to not exceed an SO<sub>2</sub> emission rate equivalent to six and six-tenths (6.6) pounds per million British Thermal Units (Btu).

The current SO<sub>2</sub> emission limitations in 326 IAC 7-4-13 are based on air quality modeling conducted in response to a proposed disapproval of the Dearborn County SO<sub>2</sub> state implementation plan (SIP) by U.S. EPA in 1987. The Tanners Creek Station emission limitations include interim requirements that are no longer necessary because Unit 4 has been limited to an emission limitation of five and twenty-four hundredths (5.24) pounds per million Btu since August 1, 1991. IDEM proposes to remove all obsolete language and emission limitations for Tanners Creek Station.

IDEM also proposes to update other information in this section at this time. Three other companies are currently listed in 326 IAC 7-4-13: Schenley Distillers, Inc., Joseph E. Seagram and Sons, Inc., and Diamond Thatcher Glass. Schenley Distillers, Inc. closed in 1998 and can be removed from the rule. The name of Joseph E. Seagram and Sons, Inc. changed to Pernod Ricard USA, Seagram Lawrenceburg Distillery, and the company has removed one boiler listed in the current rule, and renamed the remaining boiler. The furnaces formerly owned by Diamond Thatcher Glass now belong to Anchor Glass Container Corporation. IDEM proposes to amend the rule language to reflect these changes.

Indiana is required to have rules approved into the state implementation plan that will protect the National Ambient Air Quality Standards for SO<sub>2</sub> in Dearborn County. The existing emission limitations in 326 IAC 7-4-13 meet this requirement. The amendments to this rule will not cause an increase in SO<sub>2</sub> emissions in the area because no existing limits are being changed in this rulemaking. In addition, updating the requirements in 326 IAC 7-4-13 will allow any future Title V permits

to include the correct information about the sources.

**IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

**Potential Fiscal Impact**

There would be no anticipated fiscal impact as a result of this rulemaking because the types of amendments to be made are only to update information in the rule and they would not change any requirements for the sources.

**Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Christine Pedersen, Rules Development Section, Office of Air Quality at (317) 233-6868 or (800) 451-6027 (in Indiana).

**SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from November 1, 2003, through December 1, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

American Electric Power (AEP)

Pernod Ricard USA, Seagram Lawrenceburg Distillery (PER)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* We appreciate IDEM's response to our request to remove obsolete language contained in 326 IAC 7-4-13 for Indiana Michigan Power Tanners Creek Station. AEP proposes the following language for Source (1) of this section which applies to Tanners Creek Station:

Sec. 13. The following sources and facilities located in Dearborn County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

Source	Facility Description	Emission Limitations	
(1)	Indiana Michigan Power Tanners Creek Station	(A) Units 1, 2, and 3	1.2 each
		(B) Unit 4	5.24

(AEP)

*Response:* IDEM concurs with the suggested language and has incorporated it into the draft rule.

*Comment:* The name Joseph E. Seagram & Sons, Inc. has been changed to Pernod Ricard USA, Seagram Lawrenceburg Distillery. (PER)

*Response:* The draft rule language reflects the new company name as requested.

**REQUEST FOR PUBLIC COMMENTS**

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to: #03-282(APCB) Dearborn Co. SO<sub>2</sub> Limits

Christine Pedersen  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana, 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the Tenth Floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

#### COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by March 3, 2004.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

#### DRAFT RULE

SECTION 1. 326 IAC 7-4-13 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 7-4-13 Dearborn County sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
Affected: IC 13-15; IC 13-17

Sec. 13. The following sources and facilities located in Dearborn County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

Source	Facility Description	Emission Limitations	
(1)	Indiana Michigan Power Tanners Creek Station,	(A) Units 1, 2, and 3 (B) Unit 4	1.2 each <b>5.24</b>
		Prior to October 1, 1989	8.3
	Source Identification No. 00002	Beginning October 1, 1989	6.6
		Beginning August 1, 1991	5.24

Beginning July 1, 1988, coal delivered to the Tanners Creek Station shall not exceed a sulfur dioxide emission rate equivalent to an emission limit of six and six-tenths (6.6) pounds per million Btu.

(2)	Schenley Distillers, Inc.	(A) Boilers 1, 2, 3, 6, 7, and 8 (B) Boilers 4, 5, and 9 (C) Boilers 6, 7, and 8 (D) Monthly reports of total sulfur dioxide emissions from Boilers 6, 7, and 8 for the previous twelve (12) consecutive months shall be submitted to the department at the end of each quarter. Sulfur dioxide emissions shall be based on monthly fuel oil usage, average sulfur content, and heating value.	0.6 each natural gas only 40 tons per year total
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(3) (2) Joseph E. Seagram and Sons, Inc. Per-Boiler EU-96  
nod Ricard USA, Seagram  
Lawrenceburg Distillery, Source Identification No. 00005  
(A) Boilers 5 and 6 Steam  
(B) If Boilers 5 and 6 are being operated at the same time, only one (1) of the boilers may use coal or fuel oil. Seagram shall maintain a record of the fuel type used at Boilers 5 and 6 in order to demonstrate compliance with the requirements of this rule. When both boilers are operating simultaneously, daily logs shall be kept. Such records shall be made available to the department upon request. Within thirty (30) days following the end of the calendar quarter in which both Boilers 5 and 6 operated simultaneously, Seagram shall report to the department the fuels used, including daily information for each day during which both boilers operated simultaneously.

1.92 each

(4) (3) Diamond Thatcher Glass Anchor Corporation, Source Identification No. 00007  
Furnaces 1 and 2  
1.4 each

(Air Pollution Control Board; 326 IAC 7-4-13; filed Aug 28, 1990, 4:50 p.m.: 14 IR 77; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

#### Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **June 2, 2004** at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 7-4-13.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015

or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.

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## **TITLE 327 WATER POLLUTION CONTROL BOARD**

### **FIRST NOTICE OF COMMENT PERIOD**

#04-13(WPCB)

#### **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING DRINKING WATER STANDARDS, SPECIFICALLY CONCERNING RADIONUCLIDES, LONG TERM 1 ENHANCED SURFACE WATER TREATMENT, ARSENIC, MINOR CORRECTIONS TO INTERIM ENHANCED SURFACE WATER TREATMENT; DISINFECTANTS AND DISINFECTION BYPRODUCTS; LEAD AND COPPER; PUBLIC NOTIFICATION AND ANALYTICAL METHODS FOR PUBLIC DRINKING WATER SYSTEMS**

#### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 327 IAC 8-2 concerning radionuclides, long term 1 enhanced surface water treatment, arsenic, minor corrections to interim enhanced surface water treatment, disinfectants and disinfection byproducts, lead and copper, public notification, and analytical methods for public drinking water systems. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 327 IAC 8-2.

**AUTHORITY:** IC 13-13-5-1; IC 13-14-8-1; IC 13-14-8-2; IC 13-18-3-2; IC 13-18-16-9.

#### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

##### **Basic Purpose and Background**

On December 7, 2000, U.S. EPA published National Drinking Water Regulations for radionuclides. Amendments to existing Indiana drinking water rules would not change existing IDEM standards for radionuclides but would add a standard for uranium which currently is not regulated. The amendments would also change existing IDEM requirements for monitoring, reporting, and public notification for radionuclides in drinking water. The purpose of these rule changes is to reduce cancer and toxicity risks from radioactive constituents in drinking water, and the changes affect only community public drinking water systems.

On January 22, 2001, U.S. EPA published National Drinking Water Regulations for arsenic. Amendments to existing Indiana drinking water rules would require community and nontransient noncommunity public drinking water systems to comply with an arsenic standard more stringent than presently exists in rule. Only community systems are currently required to comply with the existing standard. These changes would reduce cancer and toxicity risks from arsenic in drinking water. Additionally, the amendments would clarify monitoring and compliance requirements for chemical contaminants that are detected in

samples from public drinking water systems.

On January 14, 2002, U.S. EPA published National Drinking Water Regulations for Long Term 1 Enhanced Surface Water Treatment. Amendments to existing Indiana drinking water rules would make changes to the Indiana surface water treatment rule as published April 12, 1993. These changes would affect all public drinking water systems using surface water and serving fewer than ten thousand (10,000) people. The changes are very similar to the changes recently adopted in the interim enhanced surface water treatment rule for surface water systems serving ten thousand (10,000) people or more. The intended effect of the rule is to strengthen microbial protection, including provisions specifically to address *Cryptosporidium*, and to address risk trade-offs with disinfection byproducts.

This rulemaking will also include revisions to correct minor errors in the following: (1) the existing interim enhanced surface water treatment rule; (2) the stage 1 disinfection and disinfection byproducts rule; (3) the lead and copper rule; (4) the drinking water public notification rule; and (5) analytical methods.

##### **Alternatives To Be Considered Within the Rulemaking**

IDEM has primary enforcement responsibility, or primacy, for implementation of U.S. EPA regulations for public drinking water systems in Indiana. The federal Safe Drinking Water Act (SDWA) allows states to obtain primacy from U.S. EPA for implementation of these regulations. However, primacy states must adopt and enforce regulations that are at least as stringent as U.S. EPA regulations. Additionally, the SDWA requires that primacy states adopt each new regulation within a defined time period or risk losing primacy for all SDWA regulations.

IDEM is not proposing to consider alternatives that are different or impose additional requirements beyond the corresponding federal regulations for each of the rule subjects that are part of this rulemaking.

##### **Applicable Federal Law**

The applicable federal law is 42 U.S.C. s/s 300f et seq., Safety of Public Water Systems (also known as the Safe Drinking Water Act). The law gives the U.S. EPA responsibility for implementation of the SDWA. The federal law and regulations allow consideration of alternative proposals by states, but alternative proposals must be at least as stringent as U.S. EPA regulations.

##### **Potential Fiscal Impact**

Fiscal impact analyses developed by the U.S. EPA for the new regulations that Indiana must adopt in order to maintain primacy for the drinking water program may be found in the Federal Register as indicated below:

- 1. Radionuclides rule:** Federal Register: December 7, 2000, Volume 65, Number 236, Part II, Pages 76733-76737.
- 2. Arsenic rule:** Federal Register: January 22, 2001, Volume 66, Number 14, Part VIII, Pages 6975-7066.
- 3. Long term 1 enhanced surface water treatment rule (LT1ESWTR):** Federal Register: January 14, 2002, Volume 67, Number 9, Part II, Pages 1822-1827.

##### **Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact MaryAnn Stevens, Rules Section, Office of Water Quality at (317) 232-8635 or (800) 451-6021 (in Indiana).

##### **STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the

character of the uses of surrounding areas.

(3) Zoning classifications.

(4) The nature of the existing air quality or existing water quality, as the case may be.

(5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

(6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

#### **REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

(1) The submission of alternative ways to achieve the purpose of the rule.

(2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#04-13(WPCB) Amendments to Drinking Water Standards

MaryAnn Stevens, Senior Rulewriter

Rules Section

Office of Water Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by March 1, 2004.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or technical information concerning drinking water standards may be obtained from Al Lao, Drinking Water Branch, (317) 308-3283 or (800) 451-6027 (in Indiana).

Tim Method

Deputy Commissioner

Indiana Department of Environmental Management

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**NATURAL RESOURCES COMMISSION**

LSA Document #02-104(F)

LSA Document #02-104(F), as published at 26 IR 3860, provides that each section of the rule takes effect upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register. Notice of approval has been received and is published at 68 FR 75418 (December 31, 2003).

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-47**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, STANLEY ISAACS was convicted in Fayette County Circuit Court on May 4, 1977, for the offense of Voluntary Manslaughter and received a sentence of 2 to 25 years. The sentence was commuted on February 6, 1979, by Judge George L. Kerrigan. His sentence was modified by the Fayette County Circuit Court and commuted to time served. Petitioner was never placed on probation and was not released to parole; and

**WHEREAS**, the Petitioner has remained crime free since his arrest in 1977; and

**WHEREAS**, Petitioner has several letters of support and recommendation from family, friends, and acquaintances, is considered to be responsible, honest, dedicated to his job and family and a caring citizen of Jackson County, Kentucky; and

**WHEREAS**, Petitioner requests a pardon to clear his name and states he has been a law abiding citizen, has worked steady for the past 22 years, working for his present employer for 17 years; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted; and

**NOW, THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to STANLEY ISAACS.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 31st day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-48**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, RICHARD E. RHYMER, was convicted in Allen County Circuit Court on November 7, 1977, for the offense of Second Degree Burglary; and was sentenced to 2 - 5 years to the Indiana Department of Correction, suspended, and placed on 2 years probation. Effective October 1, 1979, he received a satisfactory discharge from Probation; and

**WHEREAS**, the petitioner actively supports the American Legion through various fundraisers, has volunteered in other community activities throughout his years living in Monroeville, Indiana. He has a long-time career as a semi-driver and recently purchased a

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## Executive Orders

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business which he handles the finances of said business; and

**WHEREAS**, the petitioner has numerous letters of support and recommendation for a pardon, stating “after all this time a pardon should be granted as it appears he’s earned it,... everyone is capable of changing his life”; and

**WHEREAS**, the petitioner requests a pardon in stating “there is no excuse for what I did and I am sorry, I want my record clean. I feel this felony is no longer a problem since I’ve learned a valuable lesson. I have worked 29 years for the same company and I have also started my own business. As I look toward retirement, I hope to buy a bar and with this on my record I’ve heard I can’t have a liquor license. So please pardon the felony conviction since I served no jail time”; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommends that this pardon be granted.

**NOW, THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to RICHARD E. RHYMER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 31st day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-49

**FOR:** PARDON

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, TIMOTHY McCARTHY was convicted in Monroe County Superior Court on October 13, 1983, for the offense of Possession of a Controlled Substance, LSD and received a sentence of 2 years suspended, all but 60 days and placed on 2 years probation, to be served in Lake County Indiana; and

**WHEREAS**, Petitioner has remained crime free since his arrest in 1983; and

**WHEREAS**, Petitioner has several letters of support and recommendation from his professors at Case Western Reserve University, Cleveland, Ohio, stating “he is very direct, open, honest and will be an honorable member of the bar; he has developed into an unusually mature and decent person, a people person, good listener and a facilitator”; and

**WHEREAS**, Petitioner states his reason to request a pardon, “I will need to take the bar exam next year and will be looking for employment. A pardon would fully complete my effort to turn my life around, learn from my mistakes and finally put them behind me”; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommends that this pardon be granted.

**NOW, THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the

Constitution and the laws of said State, hereby issue a pardon to TIMOTHY McCARTHY.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 31st day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-50**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, CHERYL ANN WUENSCH, was convicted in Marion County Superior Court, Criminal Division #15, Indianapolis, Indiana on October 10, 1995 for the offense of Obtaining a Controlled Substance by Fraud. She was sentenced to 365 days with 365 days suspended to probation; and

**WHEREAS**, the petitioner is presently married with two children. She and her husband attend church on a regular basis. She has grown into a mature and sincere mother and wife. She along with her husband have given a lot of thought to their children's upbringing and are attempting to instill morals and ethics as they grow; and

**WHEREAS**, the petitioner has several letters of support to grant a pardon; and

**WHEREAS**, the petitioner requests a pardon stating "I am very ashamed of my conviction and it always haunts me. I have become the mother to two little girls over the past three (3) years and I have given a lot of thought to their upbringing. I do not want them to think of their mother as a criminal and have doubts about the morals and ethics which my husband and I are attempting to instill in them as they grow. I would like them to be proud of their mother rather than be ashamed. It is this thought more than any other that drove me to seek clemency for my actions. Please take my petition and the accompanying letters and attachments into consideration. I would like very much to be granted a pardon for my conviction if you could find it possible to recommend one"; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to CHERYL ANN WUENSCH.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 5th day of December 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**Executive Orders**

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-51**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, JOSEPH HENRY HUMMER, was convicted in Howard County Superior Court, Kokomo, Indiana in March, 1962 for the offense of Check Deception. He was sentenced to a term of 1-5 years with 3 years suspended to probation. He successfully completed his probation term; and

**WHEREAS**, the petitioner is actively involved in his community. Is a member of the Family Worship Center, Kokomo, Indiana and also of the Church of Nazarene, Adams, County, Indiana. He is also a member of the VFW; and

**WHEREAS**, the petitioner served in the U.S. Marine Corps from 1951 to 1953, has maintained long-term employment and has remained a law-abiding citizen since 1986; and

**WHEREAS**, the petitioner requests a pardon stating "I am now 70 years old and would like to have a pardon. I don't wish to have it on my record any longer. It has caused me problems in the past. I was very young and in some ways very stupid. I made mistakes. I regret it. I would like to have a clean slate."

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JOSEPH HENRY HUMMER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 5th day of December 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-52**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, THOMAS ELMER ASHLEY, was convicted in Grant County Superior Court, Marion, Indiana on October 4, 1974 for the offense of Violation of Uniform Narcotic Act, Possession, Count I, and Sale Count 2 to a term of 2-10 years. Petitioner served six (6) months in the Department of Correction, Indiana State Prison and on April 24, 1975, was released on shock probation. He successfully completed three (3) years of probation; and

**WHEREAS**, the petitioner has been active in various organizations in his community. He has participated or contributed to Action Inc. of Delaware County. He also participated in the Partner and Partnership for Progress. He served with distinction as an adult probation officer for over 20 years and received a Lifetime Member Award in 2000 from the Indiana Correctional Association. He was Adult Probation Officer of the Year in 1995 in Delaware County, Indiana. He has been a trail blazer in achievement and contribution to the Black Community of Muncie, Indiana. He received recognition from the Muncie Black Hall of Fame for Criminal Justice on November 4, 1979; and

**WHEREAS**, the petitioner has numerous letters of support from friends, and former associates from his service as a probation officer for over 20 years; and

**WHEREAS**, the petitioner requests a pardon, as he retired in June 2002, and would like consideration for a pardon because he is an example of success of the judicial and correctional systems in rehabilitation. A pardon would complete the rehabilitation process.

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to THOMAS ELMER ASHLEY.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 5th day of December 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-53**

**FOR:** POSTPONEMENT OF THE DATE OF EXPIRATION OF RULES UNTIL ONE YEAR AFTER DATE SPECIFIED IN IC 4-22-2.5.

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, IC 4-22-2.5-2 provides that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule has an earlier expiration date; and

**WHEREAS**, IC 4-22-2.5-5 provides that if a rule is not readopted before the expiration date of the rule and the governor finds that the failure to readopt a rule causes an emergency to occur, the governor may by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one (1) year after the date specified in IC 4-22-2.5-2,

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The following rules, as designated by their citations to the Indiana Administrative Code, were submitted for consideration for an extension of one (1) year:
  - a. Title 35 IAC 9 – Compensation Limits (Public Employees Retirement Fund);
  - b. Title 326 IAC 2-9-2.5, through 2-9-3, 2-9-5, 2-9-7 through 2-9-14 – Source Specific Operating Agreements (Department of Environmental Management);
  - c. Title 326 IAC 2-10-2 through 2-10-6 – Permit by Rule (Department of Environmental Management);

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- d. Title 326 IAC 2-11-1 through 2-11-4 – Permit by Rule for Specific Source Categories (Department of Environmental Management);
  - e. Title 830 IAC 1-1 – Dieticians; Certification (Health Professions Bureau);
  - f. Title 905 IAC 1-43 – Excursion and Adjacent Landsite Permits (Alcohol and Tobacco Commission).
2. The rules cited in paragraph 1 of this executive order were not readopted before the expiration date of the rule.
  3. The failure to readopt the rules cited in paragraph 1 of this executive order would cause an emergency to occur.
  4. The expiration date of the rules cited in paragraph 1 of this executive order shall be extended until January 1, 2005.

IN TESTIMONY WHEREOF, I Joseph E. Kernan, have hereto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 30th day of December, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**NATURAL RESOURCES COMMISSION****Information Bulletin #38****February 1, 2004****SUBJECT: Implementation of the Indiana Groundwater Quality Standards at Coal Mines Regulated under IC 14-34****I. PURPOSE**

The purpose of this nonrule policy is to provide guidance and added explanation of rules adopted by the Natural Resources Commission for implementation by the Department of Natural Resources, Division of Reclamation. These rules were given final adoption by the Commission on May 20, 2003 as amendments to 312 IAC 25 and are more particularly described as Legislative Services Document #02-104(F). They help implement the Indiana ground water standards established through the rules adopted by the Water Pollution Control Board that became effective March 6, 2002.

As required by IC 13-18-17-5, an agency with jurisdiction over an activity must adopt rules to apply the ground water quality standards adopted by the Water Pollution Control Board. As described in 327 IAC 2-11-2(b), when adopting rules an agency shall "...ensure that facilities, practices, and activities are designed and managed to eliminate or minimize, to the extent feasible, potential adverse impacts to the existing ground water quality by applying preventative action levels, design standards, a monitoring framework, or other regulatory methods." The amendments to 312 IAC 25 were developed in this context.

The amendments to 312 IAC 25 assist in the implementation of IC 14-34 (the Indiana Surface Mining Control and Reclamation Act or "Indiana SMCRA") governing surface coal mining and reclamation activities. The rules contain criteria for ground water classification, monitoring, and compliance that apply at sites regulated under Indiana SMCRA. This information bulletin has been developed to provide information concerning procedures and issues regarding the implementation of the rule amendments.

The following sections include a discussion of the background for the rulemaking, a section that describes the mines and associated activities that are subject to the rules, ground water classification, standards to be met, the establishment of a ground water management zone (or "GMZ"), the location at which the standards must be met, requirements for additional monitoring wells to serve as early detection wells, and the plans or actions that must occur if a standard is exceeded.

**II. REGULATORY FRAMEWORK**

The rules and their interpretations were developed within the context of existing state and federal mandates concerning coal mining. The existing program requires compliance with state water quality standards (IC 14-34-10-2(13), 312 IAC 25-6-12(c) and 25-6-76(c)). Coal mine operations are required to minimize disturbances to the prevailing hydrologic balance on the mine site and associated off site areas (IC 14-34-10-2(13)). Further, surface and underground coal mining activities must be planned, conducted, and designed to minimize changes to the prevailing hydrologic balance in the permit area and adjacent areas, to prevent material damage to the hydrologic balance outside the permit area, in order to prevent long term adverse changes in that balance which could result from those activities (312 IAC 25-6-12(a) and 25-6-76(a)). It is clear that this language recognizes the possibility of impacts beyond the permitted area. It is also clear that any such impacts, should they occur, must be minimized and must not materially damage the hydrologic balance outside the permit boundaries.

Indiana SMCRA and rules developed under Indiana SMCRA recognize the potential for impacts to occur beyond the permit area or to uncontrolled properties within the permit area. Existing standards already require replacement of any water supply when used for any legitimate purpose is diminished, contaminated, or interrupted by mining activities. The rules do not grant anyone a right to cause impacts to adjacent or uncontrolled properties. Rather, Indiana SMCRA and rules developed under Indiana SMCRA recognize that a permittee may follow its approved plan, comply with all legal mandates, conduct operations in accordance with best management practices, and yet still have an impact on ground water off-site. Wide-scale off-site impacts in Indiana are very uncommon and, consequently, the rule amendments are not being developed to correct a problem. The rule amendments require that a specific standard be met at a specific distance or location.

Although impacts to water wells off the permitted area do occasionally occur, existing standards at 312 IAC 25-4-33, 25-4-78, 25-6-25, and 25-6-88 adequately address these problems. When an impact does occur, an alternate source of water is provided by the permittee. Moreover, the rule amendments in LSA Document #02-104(F) do not impart a permittee with any additional rights to intentionally or unintentionally cause impacts to adjacent areas and uncontrolled properties. The rights of property owners to take action against a permittee as a result of an impact to their property, beyond requirements imposed by these rule amendments, remain unaffected.

**III. APPLICABILITY**

The rule amendments apply to coal extraction areas where surface and underground coal mining and reclamation permits are issued under Indiana SMCRA. For the purposes of the rule amendments, coal extraction areas include augering, coal processing, coal processing waste disposal, spoil deposition, or underground development waste deposition that occurs after the effective date of the amendments or on which a disposal activity subject to IC 13-19-3-3 has occurred and the area is not fully released from the performance bond required by IC 14-34-6.

**IV. GROUND WATER CLASSIFICATION**

Ground water must be classified according to 327 IAC 2-11-4 to determine the appropriate narrative and numeric criteria and

level of protection that applies to the ground water. The classification of the ground water at the boundary of the GMZ is drinking water class unless it has been classified as limited class ground water or impaired class drinking water by 327 IAC 2-11. It should be noted, the limited class ground water classified according to 327 IAC 2-11-4(d) must meet the requirements found at 327 IAC 2-11-7(b) which include only the constituent concentrations attributable to coal mining, not those associated with the disposal of coal combustion waste. See 327 IAC 2-11-5 through 327 IAC 2-11-8 for further information on the criteria for all ground water, drinking water class ground water, limited class ground water, and impaired drinking water class ground water.

Should a permittee wish to propose a reclassification of ground water, the IDEM Ground Water Section should be contacted to discuss the IDEM procedures, specific information requirements, and the criteria for limited class ground water and impaired drinking water class ground water.

## **V. STANDARDS**

Surface and underground coal mining and reclamation operations must be planned and conducted to prevent violations of the ground water quality standards found in 327 IAC 2-11. Mining and reclamation operations are to be performed to minimize the effects of mining and reclamation on the hydrologic balance in the permit area and adjacent areas and to prevent material damage to the hydrologic balance outside the permit area. Once the ground water has been classified, the monitoring framework has been established, and a plan has been included in the permit application to indicate the location the standards will be met, a demonstration including the measures that will be taken to ensure the protection of the hydrologic balance is to be made.

The standards found in 327 IAC 2-11 are point specific. The rules require that a specific standard be met at a specific distance or location. An exceedance at one point, even if that point is outside the permitted area, may not constitute material damage to the hydrologic balance, a concept that by definition at 312 IAC 25-1-67 involves a hydrologic system existing in an area. Both the rules and this information bulletin have been developed in this context.

## **VI. GROUND WATER MANAGEMENT ZONE (the “GMZ”)**

The point of compliance in 327 IAC 2-11 is the boundary of the ground water management zone (“GMZ”). The standards established by 327 IAC 2-11 must be met at and beyond the GMZ as established in 312 IAC 25-6-12.5(d) and 312 IAC 25-6-76.5(d). The boundary of the GMZ will be established during initial permit review and may be modified in response to changes in operations plans or alterations of permit boundaries throughout the life of the mine. Ground water monitoring plans included in the permit application will provide the manner in which water quality at the GMZ boundary will be measured. The location of the boundary of the GMZ will be based on the location of drinking water wells or a distance from mining related activities identified in subdivision (1) of 312 IAC 12.5(d) or 312 IAC 25-6-76.5(d) of the rules. In general, the GMZ boundary will be established three hundred (300) feet from the edge of:

- (1) coal extraction areas;
- (2) coal mine processing waste disposal sites if not within coal extraction areas;
- (3) areas where coal is extracted by auger mining methods;
- (4) locations at which coal is crushed, washed, screened, stored, and loaded at or near the mine site unless the locations are within the coal extraction areas; or
- (5) spoil deposition areas.

An exception to this condition will occur when the permit boundary or the extent of property controlled by the permittee is located at a distance less than three hundred (300) feet from areas requiring a GMZ. While the standards will apply at the boundary of the GMZ, ground water monitoring wells will be required at locations within the control of the mining company that are within the GMZ (i.e. less than 300 feet from the mining activities that define the GMZ). To minimize confusion, DOR will refer to those wells established within the GMZ as “interception wells.” Likewise, in the event a drinking water well is located within three hundred (300) feet of areas requiring a GMZ, and there is a likelihood of impact, a monitoring well (interception well) may be required between the drinking water well or wells and the activities that define the GMZ.

For underground mines, the GMZ boundary will normally be established at a distance of three hundred (300) feet from the edge of the area containing the surface effects of the mining operation. These include:

- (1) coal mine processing waste disposal sites;
- (2) locations at which coal is crushed, washed, screened, stored, and loaded at or near the mine site; or
- (3) underground development waste and spoil deposition areas.

As with the surface mines, a monitoring well will be required within the GMZ when the GMZ boundary falls on uncontrolled properties. When coal refuse is disposed in the underground works, the GMZ boundary will be modified to incorporate any area in which this activity occurred.

## **VII. Effective Date**

This information bulletin is effective February 1, 2004.



**DEPARTMENT OF STATE REVENUE  
COMMISSIONER'S DIRECTIVE #22  
January 2004**

**DISCLAIMER:** Commissioner's Directives are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Delivery and Installation Charges Subject to Indiana Sales and Use Tax

**I. INTRODUCTION**

Effective January 1, 2004, Indiana enacted legislation to bring Indiana's sales and use tax statutes into conformity with the Streamlined Sales and Use Tax Agreement.

**II. STATUTORY CHANGES**

P.L.257-2003 amended IC 6-2.5-1-5 concerning the definition of "gross retail income". The amendment includes delivery and installation in the definition of gross retail income.

**III. DELIVERY CHARGES**

Delivery charges are now included in gross retail income and subject to tax regardless of shipping terms. Delivery that is made by or on the behalf of the seller of tangible personal property will be taxable whether or not the delivery charge is separately stated.

**IV. INSTALLATION CHARGES**

- A. An installation charge is defined as a charge to add something new or different to tangible personal property. Before January 1, 2004, installation charges that were separately stated were generally not subject to Indiana sales tax. Effective January 1, 2004, installation charges by a seller to install tangible personal property are subject to Indiana sales tax, even if the installation charges are separately stated.
- B. Installation charges billed and furnished by a third party are exempt.
- C. If the tangible personal property that is sold is not subject to sales tax because of an available exemption, then the installation charges will not be subject to sales tax.
- D. Charges to incorporate tangible personal property into a permanent attachment to real property are not subject to sales tax. An improvement to realty takes place whenever tangible personal property is permanently attached to land or attached to a structure that is permanently attached to land. Such charges are not subject to sales tax regardless of whether the contract is a "lump sum" contract or a "time and materials" contract.

- 1. Examples of non-taxable installations that constitute improvements to realty are: doors, garage doors, garage door openers, windows, cabinets, garbage disposals, water heaters, water softeners, alarms, furnaces, central air conditioning units, gutters, and carpeting.

- 2. Examples of taxable installations that do not constitute improvements to realty are: personal computers, home stereos, televisions, refrigerators, stoves, dishwashers, garbage compactors, washers, dryers, and window air conditioning units.

**NOTE:** The purchase and installation of new home appliances does not constitute repair or replacement per Section V below.

**Example 1.** A department store sells drapes and charges to install them. The drapes are taxable and the installation charge is also taxable.

**Example 2.** A department store sells blinds, but an independent contractor does the installation and bills the customer directly. The installation charge is not taxable because it is not part of the sales price.

**Example 3.** A store sells and installs modular workstations. Two separate contracts are drawn up by the store. One contract is for the sale of the workstations, and one for the installation. Sales tax applies to both the sale and the installation. Separate invoices do not make the installation exempt.

**Example 4.** An individual purchases running boards for their truck from an auto parts dealer and takes them to an unrelated dealership to have them installed. The charge to install the running boards is not taxable because the transaction between the dealership and the individual did not include the sale of the property being installed.

**Example 5.** An individual takes their car to a dealership to have a sunroof added to their car. The installation charges are taxable even if they are separately stated because it is an addition to tangible personal property.

**V. REPAIR/REPLACEMENT CHARGES**

**Repair Charges.** Repair charges are charges to restore an item so that it can be used for its original purpose. Separately stated charges for repair services are not taxable. Labor charges for replacement items are also not subject to sales tax.

**Example 6.** The charge to reupholster a sofa is \$500 (\$200 material, \$300 labor). The labor is for removing the old fabric and replacing it with new fabric. Since the sofa is being restored to its original form, tax will only be charged on the \$200 for material,

if the material and labor charges are separately stated.

**Example 7.** A person takes their car to be repaired as the result of an automobile accident. The repair or replacement of fenders, auto glass (etc) will require that the sales tax be paid on the materials that are replaced or repaired, but the labor will be exempt if it is separately stated.

**Replacement Charges.** Replacement charges are charges for replacing an item that is part of another item of tangible personal property. Charges to install replacement items are exempt from tax if they are separately stated. Replacement charges will not be subject to tax even if the replacement item were to be considered an "upgrade." In order to be considered an upgrade, an item must be of the exact same nature as the item it is replacing.

**Example 8.** A person has the oil and filter changed on their car. The oil and filter are taxable, but the charge to install them is exempt if it is separately stated.

**Example 9.** A person has the heating element on a clothes dryer replaced. The heating element is taxable, but the labor to install the element is exempt if separately stated.

**Example 10.** A person has a new set of after market wheels installed on their car. The installation charges are not subject to tax because the wheels are considered an upgrade.

**Example 11.** A person has a new car stereo with a cd player installed in their car. The original stereo did not have a cd player. The charges to install the new stereo with a cd player would not be subject to sales tax because the new stereo is still of the exact same nature as the car's original stereo even though it has additional capabilities.

**Example 12.** A person has a subwoofer installed in their car. The charges to install the subwoofer are subject to sales tax because it is additional equipment and not a replacement or upgrade.

Kenneth L. Miller  
Commissioner

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## DEPARTMENT OF STATE REVENUE

### IN REGARDS TO THE MATTER OF:

**MS. ALENE KAPPEL**

**DOCKET NO. 29-2002-0180**

### PROPOSED ORDER

The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Boys and Girls Club of Indianapolis. As a result of the investigation, on March 27, 2002, the Petitioner was prohibited from having any involvement with charity gaming in Indiana for a period of ten (10) years. The Petitioner, Alene Kappel, was represented by Fred D. Scott, Counselor at Law, 55 Monument Circle, Indianapolis, Indiana 46204. Attorney Steve Carpenter, appeared on behalf of the Indiana Department of State Revenue.

### FINDINGS OF FACTS

- 1) Petitioner protested the Department's proposed actions on April 1, 2002.
- 2) The Department acknowledged, by certified mail return receipt requested, the Petitioner's appeal in a letter dated April 2, 2002.
- 3) The Department contacted the Petitioner a second time regarding setting a hearing on May 10, 2002.
- 4) Petitioner's hearing set for July 25, 2002 was continued.
- 5) The Department on December 30, 2002 contacted the Petitioner again in regards to setting a hearing date and time.
- 6) On January 9, 2003 Petitioner's counsel advised the Department that his client wishes to continue her appeal.
- 7) On January 25, 2003 the Petitioner's hearing was set for February 19, 2003.
- 8) Once again the Petitioner's hearing was postponed.
- 9) The Department sent Petitioner a letter dated May 21, 2003 regarding the legislative changes that directly affected the procedures governing the administrative hearing.
- 10) Pursuant to IC 4-21.5-3-1, notice was given to Petitioner's counsel on September 4, 2003 regarding a possible dismissal of her appeal if no response was received by the Department on or before November 7, 2003.
- 11) Petitioner's counsel has repeatedly failed to respond to the Department's correspondence.

### STATEMENT OF LAW

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:
  - (1) file a responsive pleading required by statute or rule;
  - (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
  - (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a

statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

#### **CONCLUSIONS OF LAW**

1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

2) The Petitioner's failure to respond to the Department's numerous letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

#### **PROPOSED ORDER**

The Administrative Law Judge orders the following:

Petitioner's appeal is dismissed pursuant to IC 4-21.5-3-24.

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: November 17, 2003

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Bruce R. Kolb / Administrative Law Judge

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#### **DEPARTMENT OF STATE REVENUE**

#### **IN REGARDS TO THE MATTER OF:**

**MS. BESSIE P. CLARK**

**DOCKET NO. 29-2002-0181**

#### **PROPOSED ORDER**

The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Boys and Girls Club of Indianapolis. As a result of the investigation, on March 27, 2002, the Petitioner was prohibited from having any involvement with charity gaming in Indiana for a period of ten (10) years. The Petitioner, Bessie P. Clark, was represented by Fred D. Scott, Counselor at Law, 55 Monument Circle, Indianapolis, Indiana 46204. Attorney Steve Carpenter, appeared on behalf of the Indiana Department of State Revenue.

#### **FINDINGS OF FACTS**

1) Petitioner protested the Department's proposed actions on April 1, 2002.

2) The Department acknowledged, by certified mail return receipt requested, the Petitioner's appeal in a letter dated April 2, 2002.

3) The Department contacted the Petitioner a second time regarding setting a hearing on May 10, 2002.

4) Petitioner's hearing set for July 25, 2002 was continued.

5) The Department on December 30, 2002 contacted the Petitioner again in regards to setting a hearing date and time.

6) On January 9, 2003 Petitioner's counsel advised the Department that his client wishes to continue her appeal.

7) On January 25, 2003 the Petitioner's hearing was set for February 19, 2003.

8) Once again the Petitioner's hearing was postponed.

9) The Department sent Petitioner a letter dated May 21, 2003 regarding the legislative changes that directly affected the

procedures governing the administrative hearing.

10) Pursuant to IC 4-21.5-3-1, notice was given to Petitioner's counsel on September 4, 2003 regarding a possible dismissal of her appeal if no response was received by the Department on or before November 7, 2003.

11) Petitioner's counsel has repeatedly failed to respond to the Department's correspondence.

#### **STATEMENT OF LAW**

1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:

(1) file a responsive pleading required by statute or rule;

(2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or

(3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;

the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

#### **CONCLUSIONS OF LAW**

1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

2) The Petitioner's failure to respond to the Department's numerous letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

#### **PROPOSED ORDER**

The Administrative Law Judge orders the following:

Petitioner's appeal is dismissed pursuant to IC 4-21.5-3-24.

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: November 17, 2003

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Bruce R. Kolb / Administrative Law Judge

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#### **DEPARTMENT OF STATE REVENUE**

**IN REGARDS TO THE MATTER OF:**

**MS. CHRISTINE F. SCHAPKER**

**DOCKET NO. 29-2002-0182**

#### **PROPOSED ORDER**

The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Boys and Girls Club of Indianapolis. As a result of the investigation, on March 27, 2002, the Petitioner was prohibited from having any involvement with charity gaming in Indiana for a period of ten (10) years. The Petitioner, Christine F. Schapker, was represented by Fred D. Scott, Counselor at Law, 55 Monument Circle, Indianapolis, Indiana 46204. Attorney Steve Carpenter, appeared on behalf of the Indiana Department of State Revenue.

**FINDINGS OF FACTS**

- 1) Petitioner protested the Department's proposed actions on April 1, 2002.
- 2) The Department acknowledged, by certified mail return receipt requested, the Petitioner's appeal in a letter dated April 2, 2002.
- 3) The Department contacted the Petitioner a second time regarding setting a hearing on May 10, 2002.
- 4) Petitioners hearing set for July 25, 2002 was continued.
- 5) The Department on December 30, 2002 contacted the Petitioner again in regards to setting a hearing date and time.
- 6) On January 9, 2003 Petitioner's counsel advised the Department that his client wishes to continue her appeal.
- 7) On January 25, 2003 the Petitioner's hearing was set for February 19, 2003.
- 8) Once again the Petitioner's hearing was postponed.
- 9) The Department sent Petitioner a letter dated May 21, 2003 regarding the legislative changes that directly affected the procedures governing the administrative hearing.
- 10) Pursuant to IC 4-21.5-3-1, notice was given to Petitioner's counsel on September 4, 2003 regarding a possible dismissal of her appeal if no response was received by the Department on or before November 7, 2003.
- 11) Petitioner's counsel has repeatedly failed to respond to the Department's correspondence.

**STATEMENT OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:

- (1) file a responsive pleading required by statute or rule;
- (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
- (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;

the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

**CONCLUSIONS OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.
- 2) The Petitioner's failure to respond to the Department's numerous letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

**PROPOSED ORDER**

The Administrative Law Judge orders the following:

Petitioner's appeal is dismissed pursuant to IC 4-21.5-3-24.

- 1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

- 2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: November 17, 2003

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Bruce R. Kolb / Administrative Law Judge

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**DEPARTMENT OF STATE REVENUE**

**IN REGARDS TO THE MATTER OF:**  
**LATIN AMERICAN SPORTS CLUB, INC.**  
**DOCKET NO. 29-2002-0379**

**PROPOSED ORDER**

The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Latin American Sports Club, Inc. As a result of the investigation, on January 7, 2002, the Petitioner was assessed civil penalties of four thousand five hundred dollars (\$4,500). The Petitioner, Latin American Sports Club, Inc., was represented by Charles F. Leonard of Tremper, Bechert, Leonard & Terrill, 800 South Calhoun Street, Fort Wayne, Indiana 46802. Attorney Steve Carpenter, appeared on behalf of the Indiana Department of State Revenue.

**FINDINGS OF FACTS**

- 1) The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Latin American Sports Club, Inc. on January 2, 2002.
- 2) As a result of the investigation, on July 11, 2002, the Petitioner was assessed civil penalties of four thousand five hundred dollars (\$4,500).
- 3) Petitioner protested the Department's proposed actions on August 1, 2002.
- 4) The Department acknowledged the Petitioner's appeal in a letter dated August 7, 2002.
- 5) The Department contacted the Petitioner a second time regarding setting a hearing on August 29, 2002.
- 6) On October 2, 2002, the Petitioner requested that the Department contact his attorney Charles F. Leonard.
- 7) The Department sent a letter addressed to Petitioner's Attorney on October 8, 2002 in regards to setting a hearing date and time. Copies of all prior correspondence were also sent in that same letter.
- 8) The Department sent Petitioner's Attorney a letter dated May 21, 2003 regarding the legislative changes that directly affected the procedures governing the administrative hearing.
- 9) Pursuant to IC 4-21.5-3-1, notice was given to Petitioner's counsel on September 4, 2003 regarding a possible dismissal of the appeal if no response was received by the Department on or before November 7, 2003.
- 10) Petitioner's counsel has repeatedly failed to respond to the Department's correspondence.

**STATEMENT OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:

- (1) file a responsive pleading required by statute or rule;
- (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
- (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;

the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

**CONCLUSIONS OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.
- 2) The Petitioner's failure to respond to the Department's numerous letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

**PROPOSED ORDER**

The Administrative Law Judge orders the following:  
Petitioner's appeal is dismissed pursuant to IC 4-21.5-3-24.

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: November 24, 2003

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Bruce R. Kolb / Administrative Law Judge

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**DEPARTMENT OF STATE REVENUE**

02-990653.LOF

**LETTER OF FINDINGS NUMBER: 99-0653**

**ADJUSTED GROSS INCOME TAX**

**For Years 1995, 1996, and 1997**

**NOTICE:** Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES**

**I. Adjusted Gross Income Tax—Holding companies as part of a unitary business**

**Authority:** 45 IAC 3.1-1-153(c); 45 IAC 3.1-1-153(b); *Allied-Signal Inc. v. Director, Div.. of Taxation*, 504 U.S. 768 (1992); *F.W. Woolworth v. Taxation and Revenue Dep't. of New Mexico*, 458 U.S. 354 (1982); *Asarco, Inc. v. Idaho State Tax Comm'n.*, 458 U.S. 307 (1982); *Exxon Corp. v. Dep't. of Revenue of Wisconsin*, 447 U.S. 207 (1982); *Mobil Oil Corp. v. Commissioner of Taxes of Vermont*, 445 U.S. 425 (1980); *Container Corp. v. Franchise Tax Board*, 463 U.S. 159, 180, n.19 (1983)

Taxpayer, an out-of-state corporation, protests the imposition of the adjusted gross income tax on distributions it received from an Indiana partnership.

**STATEMENT OF FACTS**

Taxpayer, an out-of-state corporation, is a general partner in an Indiana general partnership (hereafter "partnership"). The partnership is a joint venture between two corporations and is engaged in the business of the manufacture and wholesale distribution of agrichemicals used by the agricultural industry. Taxpayer has a 34% interest in the partnership.

**DISCUSSION**

**I. Gross Income Tax—Partnership income in a unitary or non-unitary business**

The audit determined that there was no unitary relationship between taxpayer and the partnership and that the partnership's "income" was entirely attributable to the partnership's home state (Indiana) under 45 IAC 3.1-1-153(c). Taxpayer maintains that there is a unitary relationship and that, as a result, the partnership's "income" should be apportioned.

45 IAC 3.1-1-153(b) determines whether or not a unitary relationship exists between a taxpayer and its partnership interests. In part, the regulation states that if a "corporate partner's activities and partnership's activities constitute a unitary business under established standards, disregarding ownership requirements, the business income of the unitary business attributable to Indiana shall be determined by a three (3) factor formula...." Taxpayer must demonstrate that the relationship between itself and the holding company partnership exhibits the characteristics of a unitary relationship.

The Supreme Court has developed a three-part test to determine the existence of a unitary relationship; common ownership, common management, and common use or operation. *Allied-Signal Inc. v. Director, Div.. of Taxation*, 504 U.S. 768 (1992); *F.W. Woolworth v. Taxation and Revenue Dep't. of New Mexico*, 458 U.S. 354 (1982); *Asarco, Inc. v. Idaho State Tax Comm'n.*, 458 U.S. 307 (1982); *Exxon Corp. v. Dep't. of Revenue of Wisconsin*, 447 U.S. 207 (1982); *Mobil Oil Corp. v. Commissioner of Taxes of Vermont*, 445 U.S. 425 (1980).

45 IAC 3.1-1-153(b) gives no indication of the precise degree of ownership required to demonstrate common ownership. However, the record indicates that taxpayer owns 34 percent of the holding company partnership. Therefore, the evidence does not establish a significant amount of common ownership between the parties.

The second relevant criteria is that of common management. Common management is demonstrated when the parent company provides a management role that is "grounded in [the parent company's] own operational expertise and its overall operational strategy." *Container Corp. v. Franchise Tax Board*, 463 U.S. 159, 180, n.19 (1983). Taxpayer has offered no proof to indicate common management. Rather, taxpayer has merely asserted that, as a general partner, it should be taken for granted that taxpayer

participates in the management functions of the partnership. It is true that taxpayer is allotted an equal share of seats on the board of directors of the partnership as that of its corporate partner. However, mere participation in management does not suffice to show common management. Finally, there is nothing to indicate what decisions were made by the partnership or what degree of involvement taxpayer has in the day-to-day operation of the partnership's business.

The third relevant criteria is that of common operation or use. There is no question that taxpayer operates and uses the partnership. However, there is little or no substantive information regarding the degree or extent to which taxpayer either operates or uses the partnership and no basis presented to conclude that there is *common* operation or use.

Regardless of the relevance of the three criteria and to what degree taxpayer can demonstrate its compliance with those criteria, taxpayer is entitled to a consideration of whether requiring taxpayer to employ the standard apportionment formula accurately portrays taxpayer's Indiana adjusted gross income or whether, by doing so, taxpayer's Indiana income is distorted. IC 6-3-2-2(p). However, taxpayer has not proffered any formulae that would potentially more accurately portray taxpayer's income.

#### **FINDINGS**

The taxpayer is respectfully denied.

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### **DEPARTMENT OF STATE REVENUE**

04-20000202.LOF

#### **LETTER OF FINDINGS NUMBER: 00-0202**

##### **Sales and Use Tax**

##### **For The Period: 1996-1998**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

##### **I. Sales/Use Tax: Labels**

**Authority:** IC 6-2.5-5-9(d); IC 6-2.5-5-6; 45 IAC 2.2-5-14; 45 IAC 2.2-5-8(d)

The taxpayer protests the taxation of labels.

##### **II. Sales/Use Tax: Pricing Equipment**

**Authority:** IC 6-2.5-5-6; 45 IAC 2.2-5-14

The taxpayer protests the taxation of pricing equipment.

##### **III. Tax Administration: Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

The taxpayer protests the imposition of a negligence penalty.

#### **STATEMENT OF FACTS**

The taxpayer is a wholesaler in the film photo processing business. The taxpayer develops film that was dropped off by customers at various retail stores (e.g., drug stores). After the film is processed, it is sent back to the retail store. The taxpayer has development centers around the country where film is processed.

##### **I. Sales/Use Tax: Labels**

#### **DISCUSSION**

As noted, the taxpayer is in the photofinishing business. The portion of the taxpayer's business at issue involves the following: (1) customers drop off film at a retail store (that is, customers drop off their film rolls at a store and fill out an envelope (wherein the film is placed)); (2) the store in turn forwards the film for processing to the taxpayer; (3) the taxpayer receives the store's "dealer bag" (the individual film is still in its envelope); (4) the taxpayer splices the film with other film rolls and bar codes the film for identification; (5) the taxpayer then begins the film development process; (6) the film print and negatives are placed in a wallet and put back in the envelope—labels are placed on the envelopes "to communicate information to the consumer"; (7) the prints and negative are sent back to the retail store.

The taxpayer argues that the labels are packaging material and are tax exempt under the Indiana Code. The relevant statute is IC 6-2.5-5-9(d), which governs wrapping materials, and states:

(d) Sales of wrapping material and empty containers are exempt from the state gross retail tax if the person acquiring the material or containers acquires them for use as nonreturnable packages for selling the contents that he adds.

IC 6-2.5-5-6 and 45 IAC 2.2-5-14 are also of import, since both require tangible personal property to be incorporated into the final product in order to be exempt. The former statute stating that "incorporation as a material part of other tangible personal property which the purchaser manufactures, assembles, refines, or processes for sale in his business" is required for exemption, and



the latter regulation stating in pertinent part “material must be physically incorporated into and become a component of the finished product.” Additionally, 45 IAC 2.2-5-8(d) notes that the production process is an integrated series of steps that “ends at the point that the production has altered the item to its completed form, *including packaging*, if required.” (*Emphasis added*) The issue then is whether the labels become a material part of the finished product.

The taxpayer’s envelopes are not part of the production process and are not part of the finished product. In terms of chronology (pre-production, production, post-production), the envelopes are *pre-production* (i.e., the customer puts the roll of film into an envelope at a retail store, long before the actual production process starts—the production being the taxpayer’s business of developing film), and then at the end of production (post-production) the envelopes are used to ship the finished products back to the retail store. The envelopes (and the labels affixed to the envelopes) are not incorporated into, nor are they a component, of the prints. Thus the labels are not part of production, and are therefore taxable.

**FINDING**

Taxpayer’s protest is denied.

**II. Sales/Use Tax: Pricing Equipment**

The taxpayer also protests the taxation of pricing equipment. The taxpayer argues that the pricing equipment is part and parcel of its production process:

Pricing occurs before the sorting process, which is where photographs are sorted and inserted into the appropriate dealer envelope. ... Since pricing occurs before sorting, we feel that pricing should be considered an integral part of an integrated manufacturing process.

Taxpayer describes the pricing machinery as scanning/reading bar codes and then printing the appropriate price to be affixed to the envelope.

Since, under IC 6-2.5-5-6 and 45 IAC 2.2-5-14, the price does not become incorporated as a material part of the taxpayer’s product, the taxpayer is not entitled to the exemption. The pricing station does not perform any packaging functions that are exempt in the direct production process.

**FINDING**

The taxpayer’s protest is denied.

**III. Tax Administration: Penalty**

**DISCUSSION**

The Department imposed a 10% negligence penalty (IC 6-8.1-10-2.1), which the taxpayer argues should be abated. The taxpayer states that the “underpayment of tax was due to [a] clerical error in the normal course of business.” The taxpayer also argues that given the size of its organization “a certain amount of error can be expected.”

The statutory authority for the penalty is IC 6-8.1-10-2.1, which provides, in pertinent part, that:

If a person subject to the penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person’s return, timely remit tax held in trust, or pay the deficiency determined by the department was due to *reasonable cause* and not due to willful neglect, the department shall waive the penalty. (*Emphasis added*)

Beyond the above statements of clerical error and organizational size, the taxpayer did not elaborate on how the failure to properly accrue use tax was due to reasonable cause. 45 IAC 15-11-2(c) requires for abatement for “reasonable cause” that the taxpayer demonstrate that it “exercised ordinary business care and prudence in carrying out or failing to carry out a duty....” The taxpayer has failed to meet its burden of demonstrating that the underpayments were due to reasonable cause and not due to negligence.

**FINDING**

Taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20000220.LOF

**LETTER OF FINDINGS NUMBER: 00-0220**

**Sales and Use Tax**

**For The Period: 1996-1998**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

**ISSUES**

**I. Sales/Use Tax: Lump Sum Contracts**

**Authority:** 45 IAC 2.2-4-26(a)

The taxpayer protests the imposition of tax on a contract that it characterizes as a lump sum contract.

**II. Sales/Use Tax: Application Server Kit****Authority:** 45 IAC 2.2-5-8(c)(5)

The taxpayer protests the taxation of a computer and its software.

**III. Sales/Use Tax: Pricing Station****Authority:** IC 6-2.5-5-3(b); IC 6-2.5-5-6; 45 IAC 2.2-5-14

The taxpayer protests the taxation of a pricing station.

**STATEMENT OF FACTS**

The taxpayer is a wholesaler in the photo processing business. The taxpayer has development centers around the country where film is processed.

**I. Sales/Use Tax: Lump Sum Contracts****DISCUSSION**

The taxpayer protests the taxation of a lump sum contract for heating and air conditioning work done at an Indiana facility. Taxpayer has provided the Department with the heating and air conditioning company's specifications and estimates for the work. The document states that:

All materials, labor, *taxes*, permits and support equipment for the sum of [a price is given] ... (Emphasis added)

Taxpayer in its protest letter then cites 45 IAC 2.2-4-26(a):

A person making a contract for the improvement to real estate whereby the material becoming a part of the improvement and the labor are quoted as one price is liable for the payment of sales tax on the purchase price of all material so used.

In other words, the contractor is responsible and liable for the payment of sales tax in a "lump sum" contract. The documentation submitted by the taxpayer evidences that the contract was a lump sum contract.

**FINDING**

Taxpayer's protest is sustained.

**II. Sales/Use Tax: Application Server Kit**

The taxpayer also protests the taxation of an "application server kit"—i.e., a computer and the "software that enables the processing of APS (Advanced Photo System) film by passing information between different pieces of manufacturing equipment." (The information passed by APS to the equipment can be information like classic, wide, or panoramic).

45 IAC 2.2-5-8(c)(5) states that computer equipment (including related terminals, printer, and memory, data storage, and input/output devices) is exempt if used in a manner "integral and essential" in the "integrated production process."

The computer and the software are necessary for the processing of the film, and thus are an essential and integral part of an integrated manufacturing process.

**FINDING**

The taxpayer's protest is sustained.

**III. Sales/Use Tax: Pricing Station****DISCUSSION**

The taxpayer describes the pricing station thusly:

The pricing station [a piece of equipment with a computer attached] receives a dealer envelope, the outermost package containing customers processed photographs, with a bar code printed on it. It scans the bar code and then uses information obtained by the computer to print the appropriate pricing information on the envelope. The computer obtains its information directly from the billing system. The pricing process occurs before the sorting process, which is where photographs are sorted and inserted into the appropriate dealer envelope.

The taxpayer goes on to make the conclusion that since the "photographs cannot be sold without the pricing information printed on the dealer envelope" that the station is therefore "an essential and integral part of an integrated manufacturing process."

At issue here is a piece of machinery, the pricing station, and its role (if any) in the production process. Indiana Code 6-2.5-5-3(b) states that machinery and equipment are exempt if used in the "direct production, manufacture, fabrication, assembly, ... processing, refining, or finishing of other tangible personal property."

Indiana Code 6-2.5-5-6 is also relevant:

Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for incorporation as a material part of other tangible personal property which the purchaser manufactures, assembles, refines, or processes for sale in his business. ...

And 45 IAC 2.2-5-14 in pertinent part says, "[M]aterial must be physically incorporated into and become a component of the finished product."

The pricing station acts upon the *dealer* envelope, and not the prints/photographs. The photographs are the taxpayer's product, and the envelopes are not part of the production process. Since the pricing station does not act upon the product (i.e., prints/photographs), but acts upon the dealer envelopes (which are not part of production), and the price is not incorporated into the product, the pricing station is taxable.

## FINDING

Taxpayer's protest is denied.

## DEPARTMENT OF STATE REVENUE

0220000379.LOF

## LETTER OF FINDINGS: 00-0379

## Indiana Corporate Income Tax

## For the Years 1994, 1995, 1996, and 1997

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

## ISSUES

**I. Delaware Holding Company – Adjusted Gross Income Tax.**

**Authority:** IC 6-3-2-2(l); IC 6-3-2-2(m); Gregory v. Helvering 293 U.S. 465 (1935); Bethlehem Steel Corp. v. Ind. Dept of State Revenue, 597 N.E.2d 1327 (Ind. Tax Ct. 1992); Horn v. Commissioner of Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Marshalk v. Green, 746 F.2d 927 (2d Cir. 1984); PepsiCo, Inc. v. Grapette Co., 416 F.2d 825 (9th Cir. 1969); Commissioner v. Transp. Trading and Terminal Corp., 176 F.2d 570 (2nd Cir. 1949); J. Gilson, Trademark Protection and Practice (2001); Del. Code Ann. tit. 30, § 1902(b)(8).

Taxpayer takes issue with the audit's decision to include a Delaware Holding Company and its trademark royalty income within taxpayer's Indiana consolidated income tax returns.

**II. Unitary Relationship – Foreign Partnership.**

**Authority:** Allied-Signal, Inc. v. Director, Div. Of Taxation, 504 U.S. 768 (1992); Container Corp. of America v. Franchise Tax Bd., 463 U.S. 159 (1983); ASARCO, Inc. v. Idaho State Tax Comm'n., 458 U.S. 307 (1982); Bell v. Clark, 670 N.E.2d 1290, 1293 (Ind. 1996); 45 IAC 3.1-1-153; 45 IAC 3.1-1-153(b); Black's Law Dictionary p. 1142 (7th ed. 1999)

Taxpayer argues that the Department erred when it determined that it had a "non-unitary" relationship with a "silent partner."

## STATEMENT OF FACTS

Taxpayer is an out-of-state company in the business of selling food and food-related specialty products to retail stores and industrial food processors. Taxpayer has a manufacturing facility in Indiana. Delaware holding company is taxpayer's wholly-owned subsidiary.

The Department of Revenue (Department) conducted an audit of taxpayer's business records and tax returns. During that audit, a number of adjustments were made which resulted in an assessment of additional corporate income tax. Taxpayer disagreed with certain of the adjustments and submitted a protest to that effect. The Department agreed with a number of the taxpayer's arguments. However, two issues remained unresolved. An administrative hearing was conducted during which taxpayer's representatives set forth their concerns, and this Letter of Findings results.

## DISCUSSION

**I. Delaware Holding Company – Adjusted Gross Income Tax.**

During the audit review, the Department determined that taxpayer's Delaware holding company should be included in taxpayer's combined Indiana return. The effect of this decision was to increase taxpayer's allocable Indiana income.

Taxpayer's Delaware holding company received approximately \$10,000 in interest income during 1994. In 1995, taxpayer's board of directors approved amendments to Delaware holding company's certificate of incorporation. These amendments facilitated the transfer of taxpayer's trademarks to Delaware holding company. Simultaneously, a licensing agreement was entered into between taxpayer and Delaware holding company. The agreement provided taxpayer the right to make continued use of its trademarks; in return, taxpayer paid royalties to Delaware holding company. According to the audit report, "This resulted in a royalty expense that the taxpayer would not normally incur reducing [taxpayer's] apportionable income and royalty income free of state tax for [Delaware holding company]." Delaware holding company's royalty income was not taxable because that state does not tax income attributable to intangibles. *See* Del. Code Ann. tit. 30, § 1902(b)(8).

Following the amendments to Delaware holding company's certificate of incorporation and execution of the royalty agreement, Delaware holding company's income increased. In 1995, Delaware holding company received approximately \$38,000,000 in royalties. In 1996, Delaware holding company received approximately \$58,000,000 in royalties. During 1995, taxpayer reported royalty expenses of approximately \$35,000,000 and – in 1996 – reported royalty expenses of approximately \$53,000,000.

The audit review concluded that – in calculating taxpayer's Indiana income – the Delaware holding company should be included in taxpayer's combined return thereby effectively ignoring Delaware holding company's separate existence and the

taxpayer's royalty expenses.

Taxpayer disagrees maintaining that the Delaware holding company is a "viable corporation having as its valid business purpose the protection, maintenance, and management of valuable intangible assets." In effect, taxpayer argues that the Delaware holding company – because it has a legitimate and independent purpose and because it has no ties with the state of Indiana – should not have been included in taxpayer's combined Indiana return.

Taxpayer manufactures and sells various food products. Associated with those products taxpayer over the years has developed certain trademarks. In 1995, taxpayer transferred ownership of the trademarks to Delaware holding company. In 1996, taxpayer and Delaware holding company entered into a "Trademark Licensing Agreement" in which taxpayer obtained the "exclusive license to use the Licensed Marks in connection with the manufacture, distribution, promotion, advertising and sale of products in the United States." In exchange for the right to use the trademarks, taxpayer agreed to pay Delaware holding company five percent of the trademarked food product net sales.

Four days before Delaware holding company and taxpayer entered into the licensing agreement, the parties entered into an "Agreement" whereby taxpayer agreed to administer Delaware holding company's trademarks, enforce trademark protection, monitor the illegal use of the trademarks, and "[r]etain outside trademark counsel on [Delaware holding company's] behalf." In exchange, Delaware holding company agreed to pay taxpayer approximately \$600,000 each year.

Summarizing, taxpayer transferred its trademarks to Delaware holding company; taxpayer licensed the trademarks back from Delaware holding company in exchange for ongoing royalty payments; taxpayer agreed to assume responsibility for the monitoring and protection of the trademarks in exchange for which Delaware holding company agreed to make monthly payments to taxpayer.

During 1996 and 1997 taxpayer paid Delaware holding company approximately \$90,000,000 in royalty payments. However, based upon the information available, Delaware holding company did not retain the \$90,000,000. Based upon a pre-existing 1991 "Loan Agreement," Delaware holding company – as a "wholly owned subsidiary of [taxpayer]" – agreed to make loans to taxpayer "from time to time" and for "any amount requested by [taxpayer]."

Although the details of any loans made pursuant to the "Loan Agreement" are unavailable, it is apparent that the royalty payments were not retained by Delaware holding company but were loaned to taxpayer. In addition – as previously noted – Delaware holding company paid taxpayer monthly "fees for services" because taxpayer had reassumed responsibility for protecting and monitoring the trademarks.

On the ground that the trademark arrangement was entered into "for the sole purpose of transferring allocable income from [taxpayer] to [Delaware holding] thru the creation of an expense that would not normally be incurred," the audit review imposed a unitary filing requirement under authority of IC 6-3-2-2(m) which provides as follows:

In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interest, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

In addition, IC 6-3-2-2(l) vests both taxpayers and the Department with authority to allocate and apportion a taxpayer's income within and among the members of a unitary group of related entities.

If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable;

- (1) separate accounting;
- (2) the exclusion of any one (1) or more of the factors;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

It is apparent from the language contained with IC 6-3-2-2(l) that the standard apportionment filing method is the preferred method of representing a taxpayer's income derived from Indiana sources. The alternate methods of allocation and apportionment – including the unitary reporting method of which taxpayer complains – are only employed when the standard apportionment formula does not fairly reflect the taxpayer's Indiana income.

The audit was clearly justified in determining that permitting the taxpayer to classify the royalty payments as business expenses artificially distorted taxpayer's Indiana income. The plain language of IC 6-3-2-2(l) states that "[i]f the allocation and apportionment provisions of this article do not fairly represent that taxpayer's income derived from sources within the state of Indiana... the department may require, in respect to *all or any part of the taxpayer's business activity*... the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income." (*Emphasis added*). Other than the hoped-for favorable tax consequences, the transfer of the trademarks to Delaware holding company and the subsequent licensing agreement appear to have no discernible business purpose. There is nothing to indicate that taxpayer's business operation was in any way affected by the transfer of the trademarks. There is nothing to indicate that the Delaware holding company exercised any independent

ownership of the trademarks. There is nothing to indicate the Delaware holding company had any experience in or was qualified to develop, manage, or exploit intellectual property such as these trademarks. There is nothing to indicate that Delaware holding did anything to manage these trademarks, work to enhance the value of the trademarks, or protect the trademarks. Indeed by the terms of the parties' ancillary 1996 agreement, taxpayer had reassumed the responsibility for administering and protecting the trademark properties.

In addition, the audit – in determining taxpayer's taxable income – would have been justified in simply ignoring the \$90,000,000 royalties payments on the ground that the payments stemmed from a "sham transaction."

The "sham transaction" doctrine is well established both in state and federal tax jurisprudence dating back to Gregory v. Helvering 293 U.S. 465 (1935). In that case, the Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. Id. at 469. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and "[t]o hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose." Id. at 470. The courts have subsequently held that "in construing words of a tax statute which describe [any] commercial transactions [the court is] to understand them to refer to transactions entered upon for commercial or industrial purposes and not to include transactions entered upon for no other motive but to escape taxation." Commissioner v. Transp. Trading and Terminal Corp., 176 F.2d 570, 572 (2<sup>nd</sup> Cir. 1949), *cert denied*, 338 U.S. 955 (1950). "[t]ransactions that are invalidated by the [sham transaction] doctrine are those motivated by nothing other than the taxpayer's desire to secure the attached tax benefit" but are devoid of any economic substance. Horn v. Commissioner of Internal Revenue, 968 F.2d 1229, 1236-37 (D.C. Cir. 1992). In determining whether a business transaction was an economic sham, two factors can be considered; "(1) did the transaction have a reasonable prospect, ex ante, for economic gain (profit), and (2) was the transaction undertaken for a business purpose other than the tax benefits?" Id. at 1337.

Taxpayer maintains that the royalty/trademark/license/loan agreement[s] all had an "economic substance," that Delaware holding company "incurs operating costs, contracts in its own name, and holds and manages intangible assets." Further, taxpayer maintains that the royalty payments amounts - \$90,000,000 in two years – are "based on arms length and commercial rates and terms." The Department has no reason to doubt taxpayer's veracity or its good faith; however, it is evident that the royalty payments were made for no other discernible "motive but to escape taxation." Commissioner 176 F.2d at 572. There is no evidence that these various transactions entered into by taxpayer and Delaware holding company added anything of value to the trademarks, increased taxpayer's profits, or had any other business purpose outside of obtaining tax benefits. The Department would have been justified in ignoring the trademark transfers and subsequent royalty payments because they were based on a "sham transaction."

Further, the notion that the trademarks in questions – essentially, a collection of approximately 120 brand names attached to various foods items – have any transferable value once severed from the food items, is unsupported in law, practice, or simple business reality. Taxpayer's assumption that it can sever the trademarks from their associated products and then transfer those marks is flawed because a trademark "is merely a symbol of goodwill; it has no independent significance apart from the goodwill it symbolizes." Marshalk v. Green, 746 F.2d 927, 929 (2d Cir. 1984). "There are no rights in a trademark apart from the business with which the mark has been associated; they are inseparable." Id. The trademarks themselves have no independent value because the trademarks are simply advertising tools symbolizing customer good will and the customer's willingness to purchase – and repurchase – the taxpayer's products. J. Gilson, Trademark Protection and Practice 1.03[6][a] (2001). The fact that the independent evaluation placed a "value" on the trademarks, is insufficient to establish that the transfer of the trademarks to the Delaware holding company was anything more than an exercise in empty legal formalism.

The audit was justified in including the Delaware holding company in taxpayer's combined Indiana return in order to more fairly reflect taxpayer's Indiana income. The audit would have been equally justified in ignoring the tax effects of the royalty payment and interest deductions because the royalty payments, license agreement, loan agreement were all part of a "sham transaction." In addition the audit would have been justified in ignoring the tax consequences of the royalty and interest payments because the initial transfer of the trademarks and the consequent royalty payments was entirely illusory. The transfer of the trademarks to the Delaware holding company was illusory because the trademarks have no value distinct from the taxpayer's goodwill. The royalty payments were illusory because the taxpayer was paying for something which had no existence independent from the taxpayer's own commercial activity. PepsiCo, Inc. v. Grapette Co., 416 F.2d 825, 288 (9<sup>th</sup> Cir. 1969). The transfer of the trademarks to the Delaware holding company was illusory because the holding company was incapable of managing or exploiting the intellectual property irrespective of the subsidiaries' business activities. The royalty payments were illusory because the holding companies simply "loaned" the money back to the taxpayer.

With all due respect to taxpayer best intentions, the entire arrangement – the "Trademark License Agreement," the "Loan Agreement," the trademark protection "Agreement," the substantial royalty payments – constitute nothing more than an elaborate form of corporate three-card monte. Taxpayer is, of course, entitled to structure its business affairs in any manner it deems appropriate and to vigorously pursue any tax advantage attendant upon the management of those affairs. However, in determining the nature of a business transaction and the resultant tax consequences, the Department is required to look at "the substance rather than the form of the transaction." Bethlehem Steel Corp. v. Ind. Dept. of State Revenue, 597 N.E.2d 1327, 1331 (Ind. Tax Ct. 1992).

**FINDING**

Taxpayer's protest is respectfully denied.

**II. Unitary Relationship – Foreign Partnership.**

Taxpayer has a partnership arrangement with a foreign company. The foreign company has no Indiana presence. According to taxpayer, it is a "limited partner" in the foreign company. Taxpayer states that the foreign company is dormant and has conducted no business for a number of years. However, because the partners wish to keep this foreign company in good standing, the foreign company incurs routine ongoing administrative expenses. Taxpayer contributes cash to pay for these costs. According to the terms of the partnership agreement, taxpayer is entitled to 100 percent of the foreign company's losses up to the amount of contributed capital.

The audit found that the foreign company was a "limited partnership" and also describes the foreign company as a "silent partnership." Therefore, the audit concluded that taxpayer and foreign company did not have a unitary relationship and that the partnership losses – the money paid to pay the administrative expenses necessary to maintain the foreign company's existence – should be deducted from schedule B of the taxpayer's Indiana return and be treated as non-business income or loss.

45 IAC 3.1-1-153 is determinative of whether or not a unitary relationship exists. "If the corporate partner's activities and the partnership's activities constitute a unitary business under established standards, disregarding ownership requirements, the business income of the unitary business attributable to Indiana shall be determined by a three (3) factor formula...." 45 IAC 3.1-1-153(b). Therefore, in order to establish a unitary operation, the taxpayer must demonstrate that the relationship between itself and the partnership meet the established standards of a unitary relationship.

The unitary principal has been addressed repeatedly by the Supreme Court; while no single definition exists, one characteristic appears to be essential – day-to-day operational control. Allied-Signal, Inc. v. Director, Div. Of Taxation, 504 U.S. 768 (1992); Container Corp. of America v. Franchise Tax Bd., 463 U.S. 159, 166 (1983); ASARCO, Inc. v. Idaho State Tax Comm'n., 458 U.S. 307 (1982). To establish that taxpayer does have a unitary relationship with the partnerships, taxpayer must establish taxpayer has operational control of the partnerships or that management of the partnerships is centralized with the taxpayer.

The foreign company is a "limited partnership," and the taxpayer is a "limited partner." A limited partnership is one in which some of the partners control the business and are personally responsible for the partnership's debits. Black's Law Dictionary p. 1142 (7<sup>th</sup> ed. 1999). The other participants – such as taxpayer – are limited partners who "contribute capital and share profits but who cannot manage the business and are liable only for the amount of their contribution." Id. Such an arrangement enables the limited partners "to invest their money in a business without taking an active part in managing the business, and without risking more than the sum originally contributed...." Id. at p. 1143. See also Bell v. Clark, 670 N.E.2d 1290, 1293 (Ind. 1996).

Because taxpayer is a limited partner in the foreign business, by definition it exercises no day-to-day operational control. Operational control is an essential element in establishing a unitary relationship. Container Corp. of America 463 U.S. at 165-66. Therefore, because the taxpayer does not have a unitary relationship with the foreign company, the audit review correctly determined that the losses were "non-business income" and should be eliminated from the taxpayer's Indiana return.

**FINDING**

Taxpayer's protest is respectfully denied.

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**DEPARTMENT OF STATE REVENUE**

0420010088.LOF

**LETTER OF FINDINGS NUMBER: 01-0088****Sales and Use Tax****For the Years 1998-1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****I. Sales and Use Tax- Manufacturing Exemption**

**Authority:** IC 6-8.1-5-1 (b), IC 6-2.5-3-2 (a), IC 6-2.5-5-3, 45 IAC 2.2-5-10 (c), 45 IAC 2.2-5-8 (k), *Gross Income Tax Division v. National Bank and Trust Co.*, 79 N.E. 2d 651 (Ind. 1948). *Indiana Department of Revenue v. Cave Stone*, 457 N.E. 2d 520, (Ind. 1983), *Indiana Department of Natural Resources v. United Minerals, Inc.*, 686 N.E.2d 851, 857, (Ind. Ct., App. 1<sup>st</sup> Dist. 1997), *Accord, Hartford Acc. & Indem. Company v. Dana Corporation*, 690 N.E.2d 285, (Ind. Ct. App. 2d Dist. 1997).

The taxpayer protests the imposition of use tax on certain equipment.

## II. Sales and Use Tax-Public Transportation Exemption

**Authority:** IC 6-2.5-3-2, IC 6-2.5-5-27, National Serv-All, Inc. v. Indiana Department of State Revenue, 644 N.E. 2d 960 (Ind. Tax 1994), Indiana Waste Systems of Indiana, Inc. v. Indiana Department of State Revenue, 644 N.E. 2d 960 (Ind. Tax 1994), Panhandle Eastern Pipeline Company and Trunkline Gas Company v. Indiana Department of State Revenue, 741 N.E.2d 816 (Ind. Tax 2001).

The taxpayer protests the assessment of tax on certain trucks, a trailer, and parts.

## III. Tax Administration- Penalty

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b)

The taxpayer protests the imposition of the negligence penalty.

### STATEMENT OF FACTS

The taxpayer is a manufacturer of ready-mix concrete for sale to retail customers. It manufactures concrete in its batch plant, and then delivers it to customers in trucks specially designed for the mixing and delivery of concrete. After an audit, the Indiana Department of Revenue, hereinafter referred to as the “department,” assessed additional sales and use tax, interest, and penalty. The taxpayer protested the assessment of tax on the Bob Cat Dozer, Kawasaki Loader, hydraulic excavator, several trucks, a trailer, related parts and the penalty. A hearing was held.

## I. Sales and Use Tax- Manufacturing Exemption

### DISCUSSION

IC 6-8.1-5-1 (b) provides that all departmental tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect.

Pursuant to IC 6-2.5-3-2 (a), Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana when the sales tax was not paid. A number of exemptions are available from use tax, including those collectively referred to as the manufacturing exemptions. All exemptions must be strictly construed against the party claiming the exemption. *Gross Income Tax Division v. National Bank and Trust Co.*, 79 N.E. 2d 651 (Ind. 1948). IC 6-2.5-5-3 provides for the exemption of “manufacturing machinery, tools and equipment which is to be directly used by the purchaser in the direct production, manufacture, fabrication... of tangible personal property.” In *Indiana Department of Revenue v. Cave Stone*, 457 N.E. 2d 520, (Ind. 1983) the Indiana Supreme Court found that a piece of equipment qualifies for the manufacturing exemption if it is essential and integral to the production process. 45 IAC 2.2-5-10 (c) further describes manufacturing machinery and tools as exempt if they have an immediate effect on the property in production. The manufacturing process starts when there is a change “... in a form, composition, or character different from that in which it was acquired.” Pursuant to 45 IAC 2.2-5-8 (k), the use of the machinery and the time of its use then determines whether or not it qualifies for exemption.

In the taxpayer’s operation, the raw materials, including cement, sand, aggregate and gravel, water and other chemicals, are delivered by vendors to the taxpayer’s site by various means. Aggregate, sand, and gravel are all stored in piles near the batch plant.

The Kawasaki loader and hydraulic excavator pick up the aggregate, sand, and gravel off the ground and “charge” or load the bin of the cement batch plant. These pieces of equipment are necessary for loading the initial bin of the plant since the materials are stored approximately ten to fifteen feet above ground level. Often, some of the material being added to the bins spills on the ground around the batch plant. The taxpayer then uses the smaller Bob Cat Dozer to pick up the spilled material and return it to the batch plant bin. Once the initial bin of the batch plant has been charged, the materials are transported upwards from that bin onto a conveyor belt and transported to a second bin, which measures the correct quantities of each material for a particular batch of concrete. The proportions for each component material change with weather conditions, temperature, and the desired properties of the finished concrete.

The taxpayer protests the department’s assessment of use tax on the Kawasaki Loader, the Bob Cat Dozer, and hydraulic excavator. The taxpayer contends that the charging of the bins by the use of the loaders, excavator, and dozer constitutes the first operation in a series of operations that collectively comprise the integrated production process for the manufacture of its product, concrete. The taxpayer argues that the charging process is an integral part of the production process, and that the equipment used in that process should be exempt from the use tax as machinery directly used in the direct production. The taxpayer bases its argument on the Indiana Tax Court’s holding in an unpublished decision concerning a similar industry. That case is not valid authority for the proposition that the taxpayer’s equipment is exempt from the use tax. The case cited by the taxpayer is a trial court judgment from which no appeal was taken. Although the Indiana Supreme Court has not ruled on the question, a majority of the panels of the Indiana Court of Appeals have held that a cited unpublished judgment has no effect as precedent. “[A] conclusion of law by a circuit court in a case from which no appeal has been taken is not binding precedent...” *Indiana Department of Natural Resources v. United Minerals, Inc.*, 686 N.E.2d 851, 857, (Ind. Ct., App. 1<sup>st</sup> Dist. 1997). *Accord, Hartford Acc. & Indem. Company v. Dana Corporation.*, 690 N.E.2d 285, (Ind. Ct. App. 2d Dist. 1997).

The taxpayer’s production process begins when the computer measures and blends the taxpayer’s various ingredients for the formulation of cement. Any equipment used prior to this time in the production process is pre-production equipment. Since the Kawasaki Loader, Bob Cat Dozer, and hydraulic excavator are used prior to the computer measurement and blending of the ingredients, these items are pre-production equipment and do not qualify for exemption from the sales and use tax.

**FINDING**

The taxpayer's protest is denied.

**II. Sales and Use Tax-Public Transportation Exemption****DISCUSSION**

Pursuant to IC 6-2.5-3-2 (a), the department assessed use tax on the taxpayer's purchase and use of several trucks, a trailer, and replacement parts. These items are used to haul aggregate for the taxpayer and others. The taxpayer protests this assessment contending that the items qualify for the public transportation exemption pursuant to the following provisions of IC 6-2.5-5-27:

Transactions involving tangible personal property and services are exempt from the state gross retail tax, if the person acquiring the property or service directly uses or consumes it in providing public transportation for persons or property.

The Indiana Tax Court has addressed the issue of public transportation in several cases. The first two cases involved contract hauling of garbage. In National Serv-All, Inc. v. Indiana Department of State Revenue, 644 N.E. 2d 960 (Ind. Tax 1994), the Court stated that although National Serv-All "engaged in 'public transportation' when it hauled Contract garbage," nonetheless National Serv-All did not prove "that its hauling of Contract garbage was the *predominant share* of its use of the items at issue." Id. At 959. (Emphasis in the original). The Court concluded: "Although National engaged in the public transportation of property within the meaning of IC 6-2.5-5-27 when it hauled Contract garbage, it did not prove it predominantly engaged in public transportation." Id. at 960.

The Court faced a similar issue concerning the applicability of the public transportation exemption to the contract hauling of garbage in Indiana Waste Systems of Indiana, Inc. v. Indiana Department of State Revenue, 644 N.E. 2d 960 (Ind. Tax 1994). In that case the Court held as follows:

Waste Management's maximum annual revenue from public transportation was 17.7 percent of its total revenue, and therefore, the remaining 80 percent of its revenue came from non-public transportation. The predominant use of Waste Management's trucks and other items, therefore, is not exempt...

Id. at 962.

The third case dealing with this issue in Panhandle Eastern Pipeline Company and Trunkline Gas Company v. Indiana Department of State Revenue, 741 N.E.2d 816 (Ind. Tax 2001). The petitioners were pipeline companies that transported natural gas belonging to third parties and natural gas belonging to the petitioners. In each case, the predominate use of the pipelines was to transport natural gas belonging to others. The Court, after noting the relevance of its two previous cases on public transportation, stated the following.

If a taxpayer acquires tangible personal property for predominate use in providing public transportation for third parties, then it is entitled to the exemption. If a taxpayer is not predominately engaged in transporting the property of another, it is not entitled to the exemption.

Id. at 819.

The Indiana Tax Court has set out a two-pronged test to determine if a particular business qualifies for the public transportation exemption from sales and use tax. First the taxpayer must be predominately engaged in public transportation of the property of another. Secondly, the taxpayer's property must be predominately used for providing public transportation.

The first prong looks at the taxpayer itself. A determination must be made whether or not the taxpayer is engaged in public transportation. The second prong looks at the individual units to determine how they are used. Both prongs must be satisfied for the taxpayer to qualify for the public transportation exemption.

In this situation, the taxpayer is primarily engaged in the production of concrete. It is not predominately engaged in public transportation. Therefore, having failed the first prong of the test, the taxpayer does not qualify for the public transportation exemption from the sales and use tax for any of the years of the audit.

**FINDING**

The taxpayer's protest is denied.

**III. Tax Administration-Negligence Penalty****DISCUSSION**

The taxpayer also protested the imposition of the ten percent negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer did not self assess or remit any use tax during the audit period. This disregard of the taxpayer's statutory duty constitutes negligence. The penalty was properly imposed.



**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20020058.LOF

**LETTER OF FINDINGS NUMBER: 02-0058****TAX ADMINISTRATION****For Years 1997 and 1998**

**NOTICE:** Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES****I. Tax administration – Credit for Prior Tax Paid**

**Authority:** 45 IAC 2.2-3-16; 45 IAC 2.2-3-12

Taxpayer protests the imposition of Indiana use tax on transactions for which Kentucky sales tax had previously been paid by a third party contractor.

**STATEMENT OF FACTS**

Taxpayer is a Kentucky corporation that owns and operates several restaurants in Kentucky and that opened a restaurant in Indiana in 1998. The restaurant was built by a Kentucky-based contractor. Said contractor purchased the materials used in the construction of the restaurant in Kentucky, paid Kentucky sales tax on the materials, and brought them into Indiana for the construction project.

The contractor, through a time and materials contract signed by taxpayer, did not bill taxpayer directly for the sales tax it paid in Kentucky. Rather the contractor incorporated the Kentucky sales tax into the materials charges and charged taxpayer accordingly.

**DISCUSSION****I. Tax administration – Credit for Prior Tax Paid**

Taxpayer believes that, because the contractor that built its restaurant had previously paid sales tax to the state of Kentucky, it should be credited for such against its own use tax liability through 45 IAC 2.2-3-16, which states:

Liability for Indiana use tax shall be reduced by a credit for the amount of any sale, purchase, or use tax paid to any other state, territory or possession of the United States with respect to the tangible personal property on which Indiana use tax applies.

The auditor believes that this credit should not be given when the tax paid to another state is made in error. While this reasoning is sound, such a conclusion need not be reached because the sales tax paid to Kentucky by the contractor is irrelevant to the liability of the taxpayer.

Taxpayer invites the Department to examine the tax laws of Kentucky to determine whether or not the contractor properly paid the Kentucky sales tax. The Department respectfully refuses this request as the contractor's payment of Kentucky sales tax is not at issue in the present case. What are at issue are the taxpayer's transactions with the contractor that took place in Indiana.

When the contractor sold the items in question to taxpayer, it did so in Indiana and without charging the taxpayer Indiana sales tax. Because the taxpayer did not pay sales tax to the contractor, it became liable for use tax under 45 IAC 2.2-3-12, which provides:

(a) Tangible personal property purchased to become a part of an improvement to real estate under a contract with an organization entitled to exemption is eligible for exemption when purchased by the contractor.

(b) In order to be exempt on such purchases, the contractor must be registered as a retail merchant, must obtain an exemption certificate from the exempt organization, and must issue an exemption certificate to his supplier.

(c) Utilities, machinery, tools, forms, supplies, equipment, or any other items used or consumed by the contractor and which do not become a part of the improvement to real estate are not exempt regardless of the exempt status of the person for whom the contract is performed.

(d) A person making a contract for the improvement to real estate whereby the material becoming a part of the improvement and the labor are quoted as one price is liable for the payment of sales tax on the purchaser [sic.] price of all material so used.

(e) A person selling tangible personal property to be used as an improvement to real estate may enter into a completely separate contract to furnish the labor to install or construct such improvement, in which case the sales tax shall be collected and remitted by such seller on the materials sold for this purpose. Such sale of materials must be identifiable as a separate transaction from the contract for labor. The fact that the seller subsequently furnished information regarding the charges for labor and material used under a flat bid quotation shall not be considered to constitute separate transactions for labor and material.

Taxpayer may not step into the shoes of its contractor and make use of its credits, be they meritorious or not.

**FINDINGS**

The taxpayer is respectfully denied.

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**DEPARTMENT OF STATE REVENUE**

0120020528.LOF

**LETTER OF FINDINGS: 02-0528****Indiana Individual Income Tax****For the 1999 Tax Year**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****I. Distributions from S Corporation to Shareholder – Individual Adjusted Gross Income.**

**Authority:** IC 6-3-1-3.5; 45 IAC 3.1-1-1; Harris v. United States, 902 F.2d 439 (5<sup>th</sup> Cir. 1990); Estate of Leavitt v. Commissioner, 875 F.2d 420 (4<sup>th</sup> Cir. 1989); I.R.C. § 1368(b).

Taxpayer disagrees with the audit's conclusion that taxpayer – as sole shareholder – received distributions in excess of the taxpayer's basis in the S Corporation and in excess of the taxpayer's salary. Instead, taxpayer argues that the excess distributions were in fact a shareholder loan and that the excess distributions were not, in fact, taxable income.

**STATEMENT OF FACTS**

Taxpayer works as a healthcare provider. Taxpayer's practice is organized as an "S Corporation." To finance the business, taxpayer signed a promissory note with a bank in 1998.

The Department of Revenue (Department) conducted an audit review of taxpayer and the S Corporation. At that time, the audit review came to a preliminary conclusion that the taxpayer had received distributions from the S Corporation in excess of her stock basis in the corporation and in excess of her salary. In arriving at that conclusion, the audit concluded that although it was taxpayer who signed for the bank loan, "this appeared to be a substance-over-form type issue where the corporation was taking responsibility for the debt used to buy the [corporation's] assets."

The taxpayer disagreed with the audit's preliminary conclusions arguing that the purported excess distributions were misclassified on the S Corporation's 1999 Form 1120S. Taxpayer argued that the purported distributions were – in reality – payments for the bank loan. Taxpayer maintained that the payments were, as a matter of convenience, made to the taxpayer but that the taxpayer turned around and directed the payments to the bank.

The audit concluded that taxpayer's explanation would be acceptable if it could be demonstrated that taxpayer forwarded the amounts to the bank as payments on the original 1998 bank loan. Thereafter, the audit was informed that the amounts were not forwarded to the bank but that amounts – originally classified by the S Corporation as "excess distributions" – were actually loans to the taxpayer. Despite the turnaround in position, the audit determined that this would be a "workable solution." Taxpayer offered to provide amended returns reflecting that "workable solution."

However, when the amended returns were submitted, the returns did not include a shareholder (taxpayer) loan receivable on the S Corporation's books. Instead the amended returns included a reduction in the bank note payable by the corporation and an equal reduction in shareholder distributions. In effect, taxpayer argues that the note payable was, in actuality, a note payable to the taxpayer; therefore, a netting of the receivable and payable took place.

The audit rejected taxpayer's characterization of the arrangement between taxpayer, S Corporation, and the originating bank concluding that "[y]ou cannot distribute debt."

Taxpayer challenged the audit report's conclusion and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer's representative further explained the reasons for the protest. This Letter of Findings follows.

**DISCUSSION****I. Distributions from S Corporation to Shareholder – Individual Adjusted Gross.**

When taxpayer began her health care practice, she did so in the form of an "S Corporation." Taxpayer was the sole shareholder of the S Corporation. To fund the startup costs, taxpayer arranged for a bank loan. This amount was invested in the S Corporation and formed the "basis" of the taxpayer's interest in the S Corporation.

The Indiana tax rules piggyback on the federal income tax regulations. IC 6-3-1-3.5 states as follows: "When used in IC 6-3, the term 'adjusted gross income' shall mean the following: (a) In the case of all individuals 'adjusted gross income' (as defined in Section 62 of the Internal Revenue Code)..." See also 45 IAC 3.1-1-1.

Therefore, the federal rules are used to determine whether the "distributions" were received as taxable income by taxpayer.

Most distributions from an S Corporation are tax free to the shareholder or shareholders. Tax is imposed on the shareholder's "distributive share" of the S Corporation's income. However, any such distributions reduce the basis of the taxpayer's corporate stock. If the distribution amounts ever exceed the amount of "basis" – the amount originally invested – the amount received is treated as a capital gain. I.R.C. § 1368(b).

Originally the payments at issue were classified as distributions on the taxpayer's return and in the taxpayer's general ledger. However, taxpayer filed amended returns reclassifying the amounts and now argues that the payments were – in reality – tax free loan repayments directed toward reducing the amount owed to the bank. Additionally, taxpayer argues that the payments were distributions of the S Corporation's debt and that these "debt distributions" were also tax exempt.

The Department is unable to agree that an S Corporation can distribute its debt in the form of tax-free payments made to the sole shareholder. In addition, the Department is unable to find an indication that any of the payments made to the taxpayer (as sole shareholder) were actually intended as loan payments and that – having received the payments – taxpayer turned around and paid the money to the bank. Instead, there is nothing to refute the audit review's conclusion that the S Corporation "appears to make all loan payments and the loan has been treated as a corporate loan even though the original loan was executed in the [taxpayer's] name individually." What taxpayer appears to be suggesting is that taxpayer increased its basis in the S Corporation by making the loan payments via the taxpayer. However, the courts have held that a "shareholders' guarantees of loans to their Subchapter S corporation could not increase their bases in their stock in the corporation unless the stockholders made an economic outlay by satisfying at least a portion of the guaranteed debt." *Harris v. United States*, 902 F.2d 439, 442 (5<sup>th</sup> Cir. 1990). Unless the loan guarantee "cost" the shareholder something – i.e. constituted an economic outlay on the part of the shareholder personally – the shareholder's basis in the S Corporation remained unaffected. *See Estate of Leavitt v. Commissioner*, 875 F.2d 420, 422 & n.9 (4<sup>th</sup> Cir. 1989).

Following the filing of the initial returns in which payments were characterized as distributions in excess of basis, taxpayer has recharacterized and re-recharacterized the payments. The Department is unable to conclude that any of the subsequent clarifications and explanations is entirely satisfactory. At the end of the day, taxpayer's original reported explanation of the payments as distributions in excess of basis appears to comport most closely with the arrangement between taxpayer, the S Corporation, and the originating bank.

#### **FINDING**

Taxpayer's protest is respectfully denied.

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### **DEPARTMENT OF STATE REVENUE**

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#### **LETTER OF FINDINGS: 02-0571**

##### **Withholding Taxes**

##### **For the Year 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE**

##### **I. Withholding Tax Levies Against Taxpayer as Responsible Corporate Officer.**

**Authority:** IC 6-3-4-8(g); IC 6-8.1-5-1(b); *Indiana Dept. of Revenue v. Safayan*, 654 N.E.2d 270 (Ind. 1995).

Taxpayer protests the assessment of tax levies based upon the presumption that taxpayer, as corporate vice president, functioned as a responsible officer for a now bankrupt computer software corporation. Taxpayer maintains that during the year in which he held the office of vice president, he was not responsible for decisions regarding payment of bills, payroll, or any other financial matters and should not now be held responsible for the unpaid withholding taxes.

#### **STATEMENT OF FACTS**

In 1999, a now-defunct computer software company was formed in Indiana. One thousand shares of common stock were issued. The president of the company and his family owned the majority of the shares. The secretary/treasurer owned 30 percent of the shares. Taxpayer owned the remaining 13 percent of the shares. The president and secretary/treasurer were full-time employees of the company. Taxpayer indicates that the company failed, ceased operations, and entered into bankruptcy approximately eight months after it was formed.

In 2002, the Department of Revenue (Department) sent taxpayer notices of unpaid withholding taxes apparently on the ground that taxpayer was a responsible officer of the company. Taxpayer submitted a protest, and an administrative hearing was conducted during which taxpayer explained the basis for his protest. This Letter of Findings results.

**DISCUSSION****I. Withholding Tax Levies Against Taxpayer as Responsible Corporate Officer.**

Withholding taxes may be assessed against a responsible officer under the provisions of IC 6-3-4-8(g) which state that “[i]n the case of a corporate or partnership employer, every officer, employee, or member of such employee, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.”

Taxpayer raises the issue of whether, under IC 6-3-4-8(g), taxpayer was a responsible corporate officer who had the authority to see that the withholding taxes were paid.

Pursuant to *Indiana Dept. of Revenue v. Safayan*, 654 N.E.2d 270, 273 (Ind. 1995), three factors are relevant in determining if taxpayer had that authority. The court looks to the person’s position within the power structure of the corporation. Where that person is a high ranking corporate officer within the power structure, that officer is presumed to have had sufficient control over the company’s finances to give rise to a duty to remit trust taxes. The presumption may be rebutted by a showing the officer did not in fact have that authority.

Second, the court will look to the authority of the officer as established by the articles of incorporation, bylaws, or employment contract.

Third, the court will consider whether the person actually exercised control over the finances of the business including whether the person controlled the corporate bank account, signed corporate check and tax returns, or determined when and in what order to pay creditors.

Under IC 6-8.1-5-1(b), the “notice of proposed assessment is prima facie evidence that the department’s claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.” Therefore, taxpayer has the burden on demonstrating that as a high-ranking officer of the defunct software company, he is not now responsible for the company’s unpaid withholding taxes.

The available documentation indicates that taxpayer advanced money in the form of start-up loans to the company. That same information indicates taxpayer eventually purchased 13 percent of the company’s common stock. At some time early in the company’s brief history, taxpayer was designated – at the behest of the company’s other officers – as “vice president of operations.” Shortly thereafter, taxpayer agreed to counter-sign for a substantial bank loan for which – following the company’s demise – taxpayer found himself personally and solely liable.

This appears to be the extent of taxpayer’s involvement with the company. Taxpayer apparently had no knowledge of the manner in which the company’s assets were dissipated. There is evidence to indicate that the company’s two operating officers and full-time employees – the president and the secretary/treasurer – unilaterally authorized loans, salaries, and unidentified payments in their favor. These salaries, loans, and payments largely depleted the company’s financial resources and were made without the consent or knowledge of the taxpayer. There is information to indicate that the two operating officers hired employees, agreed to pay the employees liberal salaries, and – on at least one occasion – awarded a large severance payment. This is no indication taxpayer ever received any benefit – financial or otherwise – from the company.

From the day-to-day financial records, it is possible to arrive at a conclusion that the company’s assets were mismanaged from the date of the company’s inception; the company never made a single sale of its software product; the two operating officers used company assets for their personal benefit; and the taxpayer did not agree to or have knowledge of the decisions which – on their face – rapidly brought about the failure of the company.

Despite taxpayer’s corporate officer status, the available information indicates that taxpayer had no knowledge of and was uninvolved in the company’s day-to-day financial arrears. Taxpayer did not have access to or sign company checks. There is nothing which indicates taxpayer authorized any company disbursements. There is no indication taxpayer had access to the company’s day-to-day financial records during his involvement with the company. Indeed, the information indicates that taxpayer was able to obtain the company’s financial records only after the company failed and only after agreeing to take individual responsibility for paying the company accountant’s unpaid fees.

Taxpayer has supplied an affidavit describing the extent of his involvement with the company. Taxpayer has also supplied an affidavit prepared by the company’s independent accountant. The accountant’s affidavit indicates that taxpayer “was only an investor in the [company] and did not participate in [the] company’s business decisions.” The accountant states that taxpayer was only given the “vice president” title “because the bank required that as a guarantor of the bank loan [taxpayer] had to hold a title of a corporate officer.” The affidavit stipulates that the president and secretary/treasurer made “substantially all business decisions....”

Under IC 6-3-4-8(g), taxpayer was not a responsible officer and is not personally responsible for the company’s unpaid withholding taxes. Although taxpayer was a high ranking company officer, there is nothing to indicate taxpayer had any knowledge of, or exercised any control over, the company’s finances. Taxpayer did not have access to or control the company’s bank account, did not sign or authorize company checks, and had no say-so in determining when and what order to pay the company’s creditors.

Under the standard set out by the Supreme Court in *Safayan* and under IC 6-8.1-5-1(g), taxpayer has met his burden of proving that the proposed assessment of withholding taxes is wrong. The withholding tax assessments levied against taxpayer should be abated in their entirety.

**FINDING**

Taxpayer's protest is sustained.

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**DEPARTMENT OF STATE REVENUE**

#04-20020600.LOF

**LETTER OF FINDINGS NUMBER: 02-0600****SALES TAX****For Years 1999 and 2000**

**NOTICE:** Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES****I. Sales Tax—Imposed on materials used on construction jobs**

**Authority:** 45 IAC 2.2-3-12(c)

Taxpayer protests the imposition of sales tax on materials used on construction jobs but not incorporated into the final product.

**STATEMENT OF FACTS**

Taxpayer acts as a fabricator of tangible personal property with or without related installation. Taxpayer also performs jobs for improvement to realty and has performed some smaller repair jobs. Taxpayer considers itself to be a contractor. A large portion of taxpayer's work has been exempt due to customer use in direct production. A majority of taxpayer's jobs are done through lump-sum contracts.

**DISCUSSION****I. Sales Tax—Imposed on materials used on construction jobs**

The transactions in question all revolve around the renting of tangible personal property for use on the construction site. This property includes booms, pick boards, and scaffolding, none of which were consumed or incorporated into the final product during the construction process. Taxpayer claims that because its customers issue exemption certificates, those certificates should cover taxpayer's rental of equipment used to finish its jobs.

However, 45 IAC 2.2-3-12(c) provides an exception to the general applicability of exemption certificates. It reads, in relevant part:

Utilities, machinery, tools, ... equipment, or any other items used or consumed by the contractor *and which do not become a part of the improvement to real estate* are not exempt regardless of the exempt status of the person for whom the contract is performed. (*Emphasis added*).

The booms, pick boards, and scaffolds in question did not become a part of the improvement to the real estate upon which construction was taking place, and taxpayer has not advanced the argument that they were. Therefore, taxpayer has failed to provide a basis for taking the transactions out of the governing regulation, and the transactions are therefore subject to applicable sales tax.

**FINDINGS**

The taxpayer is respectfully denied.

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**DEPARTMENT OF STATE REVENUE**

0420030072.LOF

**LETTER OF FINDINGS NUMBER: 03-0072****Sales and Use Tax****For the Years 1999-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****I. Tax Administration- Ten Percent (10%) Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

The taxpayer is a not-for-profit corporation operating a golf course. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax, interest, and penalty. The taxpayer protested a portion of the assessment and the penalty. After the hearing was scheduled, the taxpayer withdrew its protest to the tax assessment. The taxpayer requested that the determination on the applicability of the penalty be made on the basis of the contents of the file.

**I. Tax Administration- Ten Percent (10%) Negligence Penalty****DISCUSSION**

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer failed to collect and remit sales tax on soft drinks, snacks, and sandwiches based on its incorrect interpretation of the effects of not-for-profit status. The department makes easily available the rules and regulations concerning the collection and remittance of sales tax on food for immediate consumption. The taxpayer failed to read and follow the instructions related to the collection and remittance of sales tax by not-for-profit corporations on sales of food for immediate consumption. This breach of the taxpayer's duty constitutes negligence.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420030087P.LOF

**LETTER OF FINDINGS NUMBER: 03-0087P****Sales and Use Taxes****Calendar Year 2001 and Months January through June, 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on the date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

The taxpayer protests the penalties assessed for failure to file sales tax returns in a timely manner.

**II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10-1

The taxpayer protests the assessment of interest.

**STATEMENT OF FACTS**

The taxpayer is a corporation engaged in the sale of real estate. The taxpayer filed its sales tax returns after their respective due dates for each month of 2001 and the first six months of 2002. Accordingly, the Department assessed a penalty and interest on each of these returns for the taxpayer's failure to timely remit Indiana sales tax. In its letter of protest, the taxpayer requested that the penalties and interest be abated due to reasonable cause.

**I. Tax Administration – Penalty**

The taxpayer protests the imposition of penalty based upon the following:

- The taxpayer's former executive team violated its fiduciary duties by failing to file tax returns in a timely manner.
- The taxpayer's funds have been depleted, and payment of the penalties would impede the taxpayer's ability to continue its business activities.

Administrative Rule 45 IAC 15-11-2 (b) states the following:

"Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the

listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer submitted documentation to substantiate its claim that past members of its management team were negligent. However, according to the taxpayer's letter of protest, this prior management team has been replaced by one which is, "...committed to being in full compliance with all rules and regulations relating to sales and use tax..." Indeed, the Department notes that the taxpayer's filing record since July 2002 has greatly improved. As commendable as that is, however, in determining negligence, the Department must evaluate the taxpayer's filing behavior during the period under review: January 2001 through June 2002. Clearly, the taxpayer was negligent throughout this period of time.

Regarding the taxpayer's assertion that payment of the penalties will exacerbate its present financial hardship, the Department has no authority to waive penalties on this basis.

#### **FINDING**

The taxpayer's protest is denied.

#### **II. Tax Administration – Interest**

The Department does not have the authority to waive interest.

#### **FINDING**

The taxpayer's protest is denied.

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### **DEPARTMENT OF STATE REVENUE**

0320030101P.LOF

#### **LETTER OF FINDINGS NUMBER: 03-0101P**

##### **Withholding Tax**

##### **Calendar Year 2001 and the Months of January Through May 2002 and July 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on the date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

##### **I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

The taxpayer protests the penalties assessed for failure to file an annual reconciliation and monthly returns in a timely manner.

#### **STATEMENT OF FACTS**

The taxpayer is a corporation that operates a not-for-profit school. The taxpayer filed the following documents after their respective due dates:

- Annual withholding reconciliation (WH-3) for 2001
- Indiana Employer's Withholding Tax Returns (WH-1s) for these months of 2002: January through May and July

Accordingly, the Department assessed a penalty on each of these documents. In its letter of protest, the taxpayer requested that the penalties be abated due to reasonable cause.

##### **I. Tax Administration – Penalty**

In its letter of protest, the taxpayer requests that the penalties be waived because it experienced a change in personnel. In January 2002, the taxpayer's accountant resigned from her position. The director of the school assumed the accounting function.

At about the same time, an independent accountant commenced an audit of the school. The independent accountant retained custody of the taxpayer's financial records until July 2002. Without these records, the director did not have the information required to file returns and remit taxes. The present treasurer of the taxpayer assumed that position in September 2002.

Administrative Rule 45 IAC 15-11-2 (b) states the following:

"Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The Department notes that the taxpayer's filing record since September 2002 has improved. As commendable as that is, however, in determining negligence, the Department must evaluate the taxpayer's filing behavior during the period under review.

The Department acknowledges the confusion created by the loss of vital personnel and the performance of an audit by an independent accountant. However, the possibility of such events should have been anticipated by the taxpayer; procedures should have been in place to assure that tax obligations were timely met.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20030281P.LOF

**LETTER OF FINDINGS NUMBER: 03-0281P**

**Sales and Use Tax**

**For Tax Years 1998 through 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superceded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Tax Administration—Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests a ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments, ten percent (10%) negligence penalty and interest. Taxpayer protests the imposition of penalty. Further facts will be provided as necessary.

**I. Tax Administration—Negligence Penalty**

**DISCUSSION**

The Department issued proposed assessments, a ten percent (10%) negligence penalty and interest for the tax years in question. Taxpayer protests the imposition of penalty. The Department refers to IC 6-8.1-10-2.1(a), which states in relevant part:

If a person:

...

(3) incurs, upon examination by the department, a deficiency that is due to negligence;

...

the person is subject to a penalty.

The Department refers to 45 IAC 15-11-2(b), which states:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

In this case, taxpayer incurred a deficiency which the Department determined was due to negligence under 45 IAC 15-11-2(b), and so was subject to a penalty under IC 6-8.1-10-2.1(a). Taxpayer offered no explanation and did not affirmatively establish that its failure to pay the deficiency was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

02-20030282P.LOF

**LETTER OF FINDINGS NUMBER: 03-0282P****Income Tax****For Tax Years 1998 through 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****I. Tax Administration—Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests a ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments, ten percent (10%) negligence penalty and interest. Taxpayer protests the imposition of penalty. Further facts will be provided as necessary.

**I. Tax Administration—Negligence Penalty****DISCUSSION**

The Department issued proposed assessments, a ten percent (10%) negligence penalty and interest for the tax years in question. Taxpayer protests the imposition of penalty. The Department refers to IC 6-8.1-10-2.1(a), which states in relevant part:

If a person:

...

(3) incurs, upon examination by the department, a deficiency that is due to negligence;

...

the person is subject to a penalty.

The Department refers to 45 IAC 15-11-2(b), which states:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

In this case, taxpayer incurred a deficiency which the Department determined was due to negligence under 45 IAC 15-11-2(b), and so was subject to a penalty under IC 6-8.1-10-2.1(a). Taxpayer offered no explanation and did not affirmatively establish that its failure to pay the deficiency was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20030349P.LOF

**LETTER OF FINDINGS NUMBER: 03-0349P****Failure to File Penalty****For Years 1999, 2000, and 2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****I. Tax Administration - Twenty Percent (20%) Failure to File Penalty**

**Authority:** § 6-8.1-10-3; 45 IAC 2.2-3-9; IC 6-2.5-3-5.

The taxpayer protests the imposition of the twenty percent (20%) failure to file penalty.

**STATEMENT OF FACTS**

Taxpayer, an S corporation, is an Illinois contractor that makes improvements to real property. Taxpayer sells and installs windows, siding, doors, and sunrooms. Taxpayer subcontracts all construction labor. Taxpayer has no property in Indiana, but does business with Indiana customers.

**I. Tax Administration - Twenty Percent (20%) Failure to File Penalty****DISCUSSION**

The taxpayer protests the imposition of the twenty percent (20%) failure to file penalty pursuant to IC § 6-8.1-10-3. Said statute reads:

- (a) If a person fails to file a return on or before the due date, the department shall send him a notice, by United States mail, stating that he has thirty (30) days from the date the notice is mailed to file the return. If the person does not file the return within the thirty (30) day period, the department may prepare a return for him, based on the best information available to the department. The department prepared return is prima facie correct.
- (b) If the department prepares a person's return under this section, the person is subject to a penalty of twenty percent (20%) of the unpaid tax. In the absence of fraud, the penalty imposed under this section is in place of and not in addition to the penalties imposed under any other section.

Taxpayer claims it believes, under the tax statutes of Illinois, that it was properly paying sales tax on items it was purchasing for materials incorporated into real property in Indiana. The auditor assessed Indiana use tax on those materials pursuant to 45 IAC 2.2-3-9. Taxpayer believes that if it correctly paid the sales tax to Illinois, it would be entitled to an offsetting credit to the use tax assessed against it by Indiana pursuant to IC 6-2.5-3-5.

The Department declines taxpayer's invitation to determine whether or not Illinois sales tax was correctly paid. The Department normally makes no rulings with regard to the laws of other states, nor does it interpret the application of those laws. And while an analysis that would tend to show that taxpayer was correct in its payment of Illinois sales tax might alter the assessment for underpayment, taxpayer has not filed an Indiana tax return through which it could claim the credit granted by IC 6-2.5-3-5. Therefore, the Department also need not determine whether or not credit would have been granted pursuant to that statute.

As such, taxpayer's failure to file an Indiana return leaves it without a basis for protesting the penalties assessed against it.

**FINDING**

The taxpayer's protest is respectfully denied.

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**DEPARTMENT OF STATE REVENUE**

04-20030359P.LOF

**LETTER OF FINDINGS NUMBER: 03-0359P****Sales and Use Tax****For Tax Years 2000 through 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****I. Tax Administration—Negligence Penalty and Interest**

**Authority:** IC 6-8.1-10-1; IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests a ten percent (10%) negligence penalty and interest.

**STATEMENT OF FACTS**

As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments, ten percent (10%) negligence penalty and interest. Taxpayer protests the imposition of penalty and interest. Further facts will be provided as necessary.

**I. Tax Administration—Negligence Penalty and Interest****DISCUSSION**

The Department issued proposed assessments, a ten percent (10%) negligence penalty and interest for the tax years in question. Taxpayer protests the imposition of penalty and interest. The Department refers to IC 6-8.1-10-2.1(a), which states in relevant part:

If a person:

...  
(3) incurs, upon examination by the department, a deficiency that is due to negligence;

...  
the person is subject to a penalty.

The Department refers to 45 IAC 15-11-2(b), which states:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

In this case, taxpayer incurred a deficiency which the Department determined was due to negligence under 45 IAC 15-11-2(b), and so was subject to a penalty under IC 6-8.1-10-2.1(a). Taxpayer offered no explanation and did not affirmatively establish that its failure to pay the deficiency was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

Also taxpayer protests imposition of interest. The Department refers to IC 6-8.1-10-1(e), which states:

Except as provided by IC 6-8.1-5-2(e)(2), the department may not waive the interest imposed under this section.

Taxpayer has not provided any documentation in support of its protest of the imposition of interest and the Department may not waive interest under IC 6-8.1-10-1(e).

#### **FINDING**

Taxpayer's protest is denied.

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### **DEPARTMENT OF STATE REVENUE**

0120030378.LOF

#### **LETTER OF FINDINGS: 03-0378**

##### **Indiana Individual Income Tax**

##### **For 1999 Tax Year**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE**

##### **I. Gambling Losses – Individual Adjusted Gross Income Tax.**

**Authority:** Ind. Const. art. 10, § 8; IC 6-2.1-1-2(a); IC 6-2.1-2-2; IC 6-3-1-1 et seq.; IC 6-3-1-3.5; 45 IAC 3.1-1-1; I.R.C. § 61; I.R.C. § 62; I.R.C. § 165; I.R.C. § 165(d); 2002 U.S. Master Tax Guide (CCH 2002); Black's Law Dictionary (7<sup>th</sup> ed. 1999).

Taxpayer challenges an assessment of additional adjusted gross income tax on the ground that the additional taxes are based upon gambling earnings and that taxpayer should be permitted to offset the gambling losses against these particular earnings.

#### **STATEMENT OF FACTS**

Taxpayer received a notice of "Proposed Assessment" indicating that taxpayer owed an amount of additional Indiana income tax for 1999. This proposed assessment was apparently issued after the Internal Revenue Service notified the Department of Revenue (Department) that taxpayer had previously been billed for additional federal income tax based upon unreported 1999 income. Taxpayer challenged the assessment of the additional Indiana taxes, a hearing was conducted during which taxpayer's representatives explained the basis for the protest, and this Letter of Findings results.

#### **DISCUSSION**

##### **I. Gambling Losses – Individual Adjusted Gross Income Tax.**

Taxpayer argues that in reporting his gambling earnings, he is entitled to offset his gambling losses against his gambling earnings. According to taxpayer, if he won \$5,000 gambling but lost \$4,000, taxpayer should only be required to pay taxes on \$1,000 in winnings. However, taxpayer contends that he should be permitted to offset gambling losses only to the extent that his gambling

earnings exceed the losses. Thus, if taxpayer won \$2,000 but lost \$3,000, he would be entitled to offset the entire \$2,000 in earnings; taxpayer pays taxes on \$0 in gambling income.

Taxpayer's argument is based on the contention that, "The Gross Income Tax imposed by the State of Indiana is unconstitutional under Article 10, Section 8 of the Indiana Constitution." That constitutional provision permits the Indiana General Assembly to "levy and collect a tax upon income from whatever source derived, at such rates, in such manner, and with such exemptions as may be prescribed by law." Ind. Const. art. 10, § 8. Specifically, taxpayer challenges IC 6-2.1-1-2(a) which states that, "Except as expressly provided in this article, 'gross income' means all the gross receipts a taxpayer receives...." Taxpayer takes this to mean that gambling winnings are not "income" to the extent that the winnings are offset by gambling losses. As taxpayer summarizes, "The Indiana Gross Income tax, to the extent that it taxes beyond income is unconstitutional under the Indiana Constitution and contrary to Indiana case law, and therefore [taxpayer] should be allowed to deduct his losses to the extent of his winnings."

Taxpayer believes that the proposed assessment is incorrect because the state legislature exceeded its constitutional mandate in imposing a gross income tax on "gross receipts," that the Indiana Constitution allows only a tax on "income," and that gambling losses are inherently not part of a taxpayer's "income." (e.g. \$800 in gambling earnings + \$200 in gambling losses = \$600 in taxable income.)

Metaphorically speaking, taxpayer is barking up the wrong tree. It is not necessary to determine if gambling losses should be excluded from "gross receipts" because taxpayer was not assessed gross income tax. Indiana's gross income tax is imposed exclusively on corporate entities which are either residents or domiciliaries of Indiana or on non-resident business entities which nonetheless derive income from doing business within the state. IC 6-2.1-2-2. The proposed assessment was issued pursuant to the provisions of the individual adjusted gross income tax provisions set out in IC 6-3-1-1 et seq.

IC 6-3-1-3.5 states as follows: "When used in IC 6-3, the term 'adjusted gross income' shall mean the following: (a) In the case of all individuals 'adjusted gross income' (as defined in Section 62 of the Internal Revenue Code)...." Thereafter, the statute specifies addbacks and deductions, peculiar to Indiana, which modify the Federal adjusted gross income amount. The Department's regulation concisely restates the formulary principal. 45 IAC 3.1-1-1 defines individual adjusted gross income as follows:

Adjusted Gross Income for Individuals Defined. For individuals, "Adjusted Gross Income" is "Adjusted Gross Income as defined in Internal Revenue Code § 62 modified as follows:

- (1) Begin with gross income as defined in section 61 of the Internal Revenue Code.
- (2) Subtract any deductions allowed by section 62 of the Internal Revenue Code.
- (3) Make all modifications required by IC 6-3-1-3.5(a).

Both the statute, IC 6-3-1-3.5, and the accompanying regulation, 45 IAC 3.1-1-1, require that an Indiana taxpayer employ the Federal adjusted gross income calculation, as determined under I.R.C. § 62, as the starting point for determining the taxpayer's Indiana adjusted gross income.

I.R.C. § 62 states that, "For purposes of this subtitle, the term 'adjusted gross income' means, in the case of an individual, gross income minus the following deductions...." The deductions specified under I.R.C. § 62 contain no provision permitting an individual to deduct gambling losses from his gross income. However, the federal law does permit the deduction of gambling losses to the extent of the taxpayer's gains from similar transactions. I.R.C. § 165(d). "Nonbusiness gambling losses are deductible only as deductions itemized on schedule A of Form 1040." 2002 U.S. Master Tax Guide para. 788, p. 248 (CCH 2002). Thereafter, the total amount of itemized deductions from Schedule A is then subtracted from the amount of federal adjusted gross income yielding federal "taxable income."

Nevertheless, I.R.C. § 165 does not get taxpayer where he wants to go. Although Indiana's income tax piggybacks on the federal tax, it piggybacks on federal "adjusted gross income" and not on "taxable income." The deduction permitted by I.R.C. § 165(d) is a "below the line adjustment" – taken after determining adjusted gross income – and is irrelevant in determining the amount of Indiana income tax.

"Gross income" is "[t]otal income from all sources before deductions, exemptions, or other tax reductions." Black's Law Dictionary p. 766 (7<sup>th</sup> ed. 1999). I.R.C. § 61 defines "gross income" as "all income from whatever source derived" Gambling winnings are merely one portion of any taxpayer's "income from all sources." The specific deductions listed under I.R.C. § 62 are then subtracted from the amount of "gross income" to yield a number called "adjusted gross income." It is that particular number which is the jumping off point for determining Indiana adjusted gross income. Under IC 6-3-1-3.5, Indiana permits a number of additional, state-specific modifications but, as in I.R.C. § 62, there is nothing in IC 6-3-1-3.5 which permits an Indiana taxpayer to deduct an amount for gambling losses.

Under Ind. Const. art. 10, § 8, the state legislature has seen fit to adopt a taxing scheme which taxes gambling earnings as one part of a taxpayer's adjusted gross income. It has also decided that there is no deduction, exemption, or exclusion for associated gambling losses. Therefore, the Department does not accept taxpayer's assertion that the state's income tax scheme is unconstitutional. For whatever reasons, the state legislature has determined that Indiana residents may not deduct gambling losses from that citizen's adjusted gross income. There is nothing to indicate that the legislature exceeded its constitutional authority in

making that determination. The Department must decline the opportunity to unilaterally carve out an adjusted gross income modification where none exists.

**FINDING**

Taxpayer's protest is respectfully denied.

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**DEPARTMENT OF STATE REVENUE**

0120030416P.LOF

**LETTER OF FINDINGS NUMBER: 03-0416P**

**Income Tax**

**For the Calendar Year 2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the underpayment penalty for estimated tax.

**II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10-1

The taxpayer protests the interest assessment.

**STATEMENT OF FACTS**

The underpayment penalty along with interest was assessed on the filing of the annual income tax return for the calendar year 2001.

The taxpayer is an individual residing in Indiana.

**I. Tax Administration – Penalty**

**DISCUSSION**

The taxpayer requests the underpayment penalty be waived or reduced as the penalty is excessive in relation to what the taxpayer usually pays in taxes. The penalty is \$1,031.70 and the taxpayer has paid an average in taxes over the last several years of about \$1,000.

The Department points out the taxpayer underpaid the estimated taxes as a result of misreading the income tax instructions.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

**FINDING**

The taxpayer's penalty protest is denied.

**II. Tax Administration – Interest**

Interest may not be waived according to IC 6-8.1-10-1.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20030427P.LOF

**LETTER OF FINDINGS NUMBER: 03-0427P**

**Sales and Use Tax**

**For Tax Years 2000 through 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE**

##### **I. Tax Administration—Negligence Penalty and Interest**

**Authority:** IC 6-8.1-10-1; IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests a ten percent (10%) negligence penalty and interest.

#### **STATEMENT OF FACTS**

As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments, ten percent (10%) negligence penalty and interest. Taxpayer protests the imposition of penalty and interest. Further facts will be provided as necessary.

##### **I. Tax Administration—Negligence Penalty and Interest**

#### **DISCUSSION**

The Department issued proposed assessments, a ten percent (10%) negligence penalty and interest for the tax years in question. Taxpayer protests the imposition of penalty and interest. The Department refers to IC 6-8.1-10-2.1(a), which states in relevant part:

If a person:

...

(3) incurs, upon examination by the department, a deficiency that is due to negligence;

...

the person is subject to a penalty.

The Department refers to 45 IAC 15-11-2(b), which states:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

In this case, taxpayer incurred a deficiency which the Department determined was due to negligence under 45 IAC 15-11-2(b), and so was subject to a penalty under IC 6-8.1-10-2.1(a). Taxpayer offered no explanation and did not affirmatively establish that its failure to pay the deficiency was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

Also taxpayer protests imposition of interest. The Department refers to IC 6-8.1-10-1(e), which states:

Except as provided by IC 6-8.1-5-2(e)(2), the department may not waive the interest imposed under this section.

Taxpayer has not provided any documentation in support of its protest of the imposition of interest and the Department may not waive interest under IC 6-8.1-10-1(e).

#### **FINDING**

Taxpayer's protest is denied.

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#### **DEPARTMENT OF STATE REVENUE**

04980736.SLOF  
01980734.SLOF  
04980737.SLOF

#### **SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 98-0737; 98-0736; 01-980734**

##### **Gross Retail Sales and Income Taxes**

##### **Calendar Years 1994, 1995, and 1996**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

## ISSUE

### **I. Sales Tax – Assessment: – Best Information Available (BIA)**

**Authority:** IC 6-2.5-2-1; IC 6-2.5-3-2; IC 6-2.5-3-6(b),(c); IC 6-2.5-4-1(b); IC 6-2.5-6 et seq., IC 6-8.1-5-1(a); IC 6-8.1-5-1(b); IC 6-8.1-5-4(a); 45 IAC 2.2-2-2.

Taxpayer protests the auditor's BIA method of calculating gross retail income and the auditor's BIA determination of the rate of markup used in calculating taxable sales.

## STATEMENT OF FACTS

Taxpayers are husband and wife who owned and operated one each of two licensed package liquor stores. Various records related to the business were lost, and at the time of the audit the auditor completed a "best information available" audit.

The auditor focused on vendor records for product supplied to the taxpayers, then extrapolated an estimate of taxpayers' retail sales based on taxpayers records that were available, published ratios from the *Almanac of Business and Industrial Financial Ratios* authored by Leo Troy, Ph.D., 1997 Edition, Prentice Hall, and income tax returns with supporting schedules, (1994 IT-40 only, no Federal information, 1995, and 1996).

The auditor calculated an error factor based upon records from one of the taxpayers' liquor distributors and the taxpayers' records for 1995 and 1996. No records were made available for 1994; therefore, an average of 1995 and 1996 was utilized. (Basis and reasons for the calculation is contained on page 5-6 of the audit report) Taxpayers' records did not coincide with the "reporting distributor's" amounts. Auditor states that the taxpayers insisted that all purchases were made solely at one location, however, the distributor's records indicate otherwise.

It was necessary for audit to extrapolate the information provided by year to determine net income by year and to account for months in which no information was available.

Because the taxpayers had a limited number of purchase invoices available for review, the audit proposed an adjustment to cost of goods sold based on items purchased during the audit period by utilizing a vendor's information and calculating the error factor for those purchases with taxpayers' records for that vendor.

The records would indicate that the auditor employed, in a conscientious and professional manner, the best available records and source materials to produce the BIA assessments. Taxpayers were invited to contribute additional substantive information or to rebut the audit's conclusions with concrete information. Taxpayers' CPA, instead states, that as the concrete information was unavailable, he has reconstructed taxpayers' records based on taxpayers' bank records.

### **I. Sales Tax – Best Information Available**

## DISCUSSION

Taxpayers protest the assessment and state their records were incomplete because they experienced a basement flood in 1995, which destroyed some of the records. At hearing, Taxpayers' CPA provided additional facts, observations, and conclusions he reached to support the reconstruction of taxpayer's 1994 through 1996 records and provided the hearing officer with supporting summaries and what documentation was available.

Taxpayers admit that they may owe additional taxes. However, taxpayers protest the means by which audit determined the amount of income tax owed. Taxpayers disagree with audit's determination of the base amount of its gross retail income and error factors. Taxpayers contend that the mark-up in an economically depressed area never generated the quantity of sales estimated by the auditor. Further, taxpayers contend that the calculated error factor determined by audit is a wholly unrealistic estimate of the actual sales of their business. Taxpayers' representative contends that the audit rate of 22.5% conflicts with the published ratios from the *Almanac of Business and Industrial Financial Ratios* rate of 4.5%.

In plain straightforward language, IC 6-8.1-5-1(a), authorizes the Department, if it reasonably believes that a taxpayer has not reported the proper amount of tax due, to make a proposed assessment of unpaid tax on the basis of the best information available to the department. Audit's BIA determinations were made necessary by taxpayers' failure to maintain or provide pertinent information, records, or invoices.

Under IC 6-8.1-5-4(a), "Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records." The records referred to "include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and cancelled checks."

The audit was conducted in the absence of complete records of taxpayers' sales, purchases and expense records. The business records supplied to the auditor were not complete.

In attempting to rebut the assessment, taxpayers stated that audit's determination and methods were "grossly misrepresentat [ive]" inaccurate and based upon standards that were inapplicable to this taxpayer. Taxpayers' CPA stated that his own investigation found that the markup was highly overstated. Taxpayers provided plausible inferential information as to why a lower assessment could be appropriate, but have failed to provide sufficient evidence of error by the Department to warrant a reversal of the Department's original assessment.

By failing to present any concrete evidence of taxpayers' financial activity, the taxpayers have failed to meet their burden of proof, imposed under IC 6-8.1-5-1 (b), to rebut the presumptive validity afforded the Department's proposed sales tax assessments.

The Department's proposed assessment, under IC 6-8-1-5-1 (b), is deemed to be "prima facie evidence that the department's claim for the unpaid tax is valid." That same section of the Indiana Code goes on to state that "the burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made."

#### **FINDING**

Taxpayers' protest is respectfully denied.

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### **DEPARTMENT OF STATE REVENUE REVENUE RULING #2003-01 URT November 24, 2003**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE**

#### **Utility Receipts Tax – Application of Utility Receipts Tax to Interstate and International Land-Line Telecommunications Services**

**Authority:** IC 6-2.3-1-4, IC 6-2.3-1-13&14, IC 6-2.3-4-2, The United States Constitution, Central Greyhound Lines, Inc. v. Mealey, Oklahoma Tax Commission v. Jefferson Lines, Inc.

The taxpayer requests the Department to rule on the application of utility receipts tax to interstate and international land-line telecommunication services. The term "land-line telecommunication services", as used herein, refers to telecommunications by wire, cable, fiber optics or similar facilities. The taxpayer does not seek a ruling with respect to cellular or wireless services.

#### **STATEMENT OF FACTS**

The term "taxpayer", as used herein, refers to a corporation and its related entities, including without limitation an Indiana general partnership. The taxpayer provides, among other goods and services, interstate and international land-line telecommunication services.

#### **DISCUSSION**

IC 6-2.3-1-4 imposes utility receipts tax, hereinafter "URT", on the "the retail sale of utility services..." "Utility service" includes the furnishing of "telecommunications services", which are defined as the "transmission of messages or information by or using wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities." IC 6-2.3-1-13,-14.

IC 6-2.3-4-2 states:

Gross receipts derived from business conducted in commerce between Indiana and either another state or territory or a foreign country are exempt from utility receipts tax to the extent the state is prohibited from taxing the gross receipts by the Constitution of the United States.

The taxpayer believes that because of the nature of the URT and the absence of an apportionment provision in the URT, the imposition of URT on receipts from land-line interstate or international telecommunication services is prohibited under the Commerce Clause of the United States Constitution (U.S. Const., Art. 1, & 8) and therefore such services are exempt from tax under IC 6-2.3-4-2.

The URT is imposed on gross receipts from a utility's activities, not on the consumer of utility services. It is not imposed on consumption, but a tax on the business of furnishing utility services.

In support of the belief that the imposition of URT on receipts from land-line interstate and international telecommunication services is prohibited under the Commerce Clause of the United States Constitution the taxpayer offers certain court decisions. In 1948, the United States Supreme Court in Central Greyhound Lines, Inc. v. Mealey, 334 U.S. 653, 68 S. Ct. 1260 (1948), struck down New York's gross receipts tax on utility services as applied to receipts from interstate bus service. The State of New York sought to tax the total unapportioned receipts from New York sales of interstate transportation services, even though almost half of the mileage was in New Jersey and Pennsylvania. The Supreme Court held that, by its very nature, "an unapportioned gross receipts tax makes interstate transportation bear more than a fair share of the cost of the local government whose protection it enjoys."

The taxpayer summarizes that the New York utility receipts tax violated the Commerce Clause because it tried to tax more than the portion of the revenues of the interstate activities which reasonably reflected the in-state (New York) components of the activity being taxed.

The taxpayer, also, offers Oklahoma Tax Commission v. Jefferson Lines, Inc., 514 U.S. 175, 115 S.Ct 1331 (1995), that reaffirmed the holding in Central Greyhound. The United States Supreme Court noted that in the case of gross receipts taxes on the seller – as opposed to a sales tax on the consumer – an unapportioned tax on interstate services remains unconstitutional.



The taxpayer states that Jefferson Lines and Central Greyhound dictate that once a tax has been identified as a gross receipts tax on an interstate business activity, the tax base must be apportioned to reflect interstate activities.

Upon review of the information submitted by the taxpayer, the Department concurs with the taxpayer's belief that the imposition of URT on receipts from interstate and international land-line telecommunication services originating or terminating in Indiana is prohibited by the Commerce Clause of the United States Constitution and, hence, under IC 6-2.3-4-2 receipts from such interstate and international telecommunication services are exempt from URT.

#### **RULING**

The Department rules that the taxpayer and its related entities, including without limitation the Indiana general partnership, are not liable for Indiana utility receipts tax on their receipts from furnishing interstate or international land-line telecommunication services.

#### **CAVEAT**

This ruling is issued to the taxpayer requesting it on the assumption that the taxpayer's facts and circumstances, as stated herein are correct. If the facts and circumstances given are not correct, or if they change, then the taxpayer requesting this ruling may not rely on it. However, other taxpayers with substantially identical factual situations may rely on this ruling for informational purposes in preparing returns and making tax decisions. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material respect from the facts and circumstances given in this ruling, then the ruling will not afford taxpayer any protection. It should be noted that subsequent to the publication of this ruling, a change in statute, regulation, or case law could void the ruling. If this occurs, the ruling will not afford the taxpayer any protection.

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## Rules Affected by Volumes 26 and 27

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE				45 IAC 18-1-9	N	02-40	25 IR 3220	*CPH (25 IR 4129)
10 IAC 1.5	RA	03-102	26 IR 3425	<b>27 IR 946</b>				*ARR (26 IR 2376)
10 IAC 1.5-1-2								<b>26 IR 2300</b>
10 IAC 1.5-1-7				*ERR (26 IR 3046)				*AROC (26 IR 2472)
10 IAC 1.5-2-2				*ERR (26 IR 3046)	45 IAC 18-1-10	N	02-40	25 IR 3220
10 IAC 1.5-2-3				*ERR (26 IR 3046)				*CPH (25 IR 4129)
10 IAC 1.5-2-5				*ERR (26 IR 3046)				*ARR (26 IR 2376)
10 IAC 1.5-3-5				*ERR (26 IR 3046)				<b>26 IR 2301</b>
10 IAC 1.5-3-7				*ERR (26 IR 3046)	45 IAC 18-1-11	N	02-40	25 IR 3220
10 IAC 1.5-3-8				*ERR (26 IR 3046)				*AROC (26 IR 2472)
10 IAC 1.5-4-7				*ERR (26 IR 3046)				*CPH (25 IR 4129)
10 IAC 1.5-6	N	03-101	26 IR 3374	<b>27 IR 450</b>				*ARR (26 IR 2376)
10 IAC 3-1-1	A	03-167	26 IR 3909	<b>27 IR 824</b>	45 IAC 18-1-12	N	02-40	25 IR 3220
10 IAC 3-1-2	A	03-167	26 IR 3911	<b>27 IR 825</b>				*AROC (26 IR 2472)
TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL					45 IAC 18-1-13	N	02-40	25 IR 3220
11 IAC 1-1-3.5	N	02-238	26 IR 420	*AROC (26 IR 883)				*CPH (25 IR 4129)
				<b>26 IR 2300</b>				*ARR (26 IR 2376)
11 IAC 2-5-4				*ERR (26 IR 35)				<b>26 IR 2301</b>
11 IAC 2-5-5	N	02-324	26 IR 1598	*AROC (26 IR 2134)	45 IAC 18-1-14	N	02-40	25 IR 3221
11 IAC 2-6-1	A	02-110	25 IR 3213	<b>26 IR 6</b>				*AROC (26 IR 2472)
11 IAC 2-6-5	A	02-110	25 IR 3213	<b>26 IR 6</b>				*CPH (25 IR 4129)
11 IAC 2-6-6	N	02-110	25 IR 3213	<b>26 IR 6</b>				*ARR (26 IR 2376)
11 IAC 3	N	03-165	26 IR 3911	<b>27 IR 826</b>	45 IAC 18-1-15	N	02-40	25 IR 3221
								*AROC (26 IR 2472)
TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION					45 IAC 18-1-16	N	02-40	25 IR 3221
25 IAC 2-19	R	02-150	26 IR 86	*ARR (26 IR 3047)				*CPH (25 IR 4129)
				<b>26 IR 3313</b>				*ARR (26 IR 2376)
25 IAC 2-20	R	02-150	26 IR 86	*ARR (26 IR 3047)				<b>26 IR 2302</b>
				<b>26 IR 3313</b>				*AROC (26 IR 2472)
25 IAC 5	N	02-150	26 IR 67	*ARR (26 IR 3047)	45 IAC 18-1-17	N	02-40	25 IR 3221
				<b>26 IR 3296</b>				*CPH (25 IR 4129)
								*ARR (26 IR 2376)
TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND					45 IAC 18-1-18	N	02-40	25 IR 3221
35 IAC 11	N	03-131	26 IR 3678	<b>27 IR 1164</b>				*AROC (26 IR 2472)
								*CPH (25 IR 4129)
								*ARR (26 IR 2376)
TITLE 45 DEPARTMENT OF STATE REVENUE					45 IAC 18-1-19	N	02-40	25 IR 3221
45 IAC 3.1-1-99.1	N	02-305	26 IR 817	*ARR (26 IR 2376)				*AROC (26 IR 2472)
45 IAC 18-1-2	R	02-40	25 IR 3238	*CPH (25 IR 4129)				*CPH (25 IR 4129)
				*ARR (26 IR 2376)				*ARR (26 IR 2376)
				<b>26 IR 2313</b>				<b>26 IR 2302</b>
45 IAC 18-1-3	R	02-40	25 IR 3238	*AROC (26 IR 2472)	45 IAC 18-1-20	N	02-40	25 IR 3221
				*CPH (25 IR 4129)				*AROC (26 IR 2472)
				*ARR (26 IR 2376)				*CPH (25 IR 4129)
				<b>26 IR 2313</b>				*ARR (26 IR 2376)
45 IAC 18-1-4	R	02-40	25 IR 3238	*AROC (26 IR 2472)	45 IAC 18-1-21	N	02-40	25 IR 3222
				*CPH (25 IR 4129)				*AROC (26 IR 2472)
				*ARR (26 IR 2376)				*CPH (25 IR 4129)
				<b>26 IR 2313</b>				*ARR (26 IR 2376)
45 IAC 18-1-5	R	02-40	25 IR 3238	*AROC (26 IR 2472)	45 IAC 18-1-22	N	02-40	25 IR 3222
				*CPH (25 IR 4129)				*AROC (26 IR 2472)
				*ARR (26 IR 2376)				*CPH (25 IR 4129)
				<b>26 IR 2313</b>				*ARR (26 IR 2376)
45 IAC 18-1-6	R	02-40	25 IR 3238	*AROC (26 IR 2472)	45 IAC 18-1-23	N	02-40	25 IR 3222
				*CPH (25 IR 4129)				*AROC (26 IR 2472)
				*ARR (26 IR 2376)				*CPH (25 IR 4129)
				<b>26 IR 2313</b>				*ARR (26 IR 2376)
45 IAC 18-1-7	R	02-40	25 IR 3238	*AROC (26 IR 2472)	45 IAC 18-1-24	N	02-40	25 IR 3222
				*CPH (25 IR 4129)				*AROC (26 IR 2472)
				*ARR (26 IR 2376)				*CPH (25 IR 4129)
				<b>26 IR 2313</b>				*ARR (26 IR 2376)
45 IAC 18-1-8	R	02-40	25 IR 3238	*AROC (26 IR 2472)	45 IAC 18-1-25	N	02-40	25 IR 3222
				*CPH (25 IR 4129)				*AROC (26 IR 2472)
				*ARR (26 IR 2376)				*CPH (25 IR 4129)
				<b>26 IR 2313</b>				*ARR (26 IR 2376)
				*AROC (26 IR 2472)				<b>26 IR 2303</b>
								*AROC (26 IR 2472)

# Rules Affected by Volumes 26 and 27

45 IAC 18-1-26	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2303</b> *AROC (26 IR 2472)	45 IAC 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2306</b> *AROC (26 IR 2472)
45 IAC 18-1-27	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2303</b> *AROC (26 IR 2472)	45 IAC 18-2-1	A	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2306</b> *AROC (26 IR 2472)
45 IAC 18-1-28	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2303</b> *AROC (26 IR 2472)	45 IAC 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-29	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2304</b> *AROC (26 IR 2472)	45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-30	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2304</b> *AROC (26 IR 2472)	45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-31	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2304</b> *AROC (26 IR 2472)	45 IAC 18-3-1	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-32	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2304</b> *AROC (26 IR 2472)	45 IAC 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-33	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2313</b> *AROC (26 IR 2472)
45 IAC 18-1-34	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2307</b> *AROC (26 IR 2472)
45 IAC 18-1-35	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2307</b> *AROC (26 IR 2472)
45 IAC 18-1-36	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2308</b> *AROC (26 IR 2472)
45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-3-7	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2308</b> *AROC (26 IR 2472)
45 IAC 18-1-38	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-3-8	N	02-40	25 IR 3233	*ERR (26 IR 2375) *CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2308</b> *AROC (26 IR 2472)
45 IAC 18-1-39	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2305</b> *AROC (26 IR 2472)	45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2309</b> *AROC (26 IR 2472)
45 IAC 18-1-40	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2306</b> *AROC (26 IR 2472)	45 IAC 18-4-2	A	02-40	25 IR 3234	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2309</b> *AROC (26 IR 2472)
45 IAC 18-1-41	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2306</b> *AROC (26 IR 2472)	45 IAC 18-5-2	A	02-40	25 IR 3235	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2310</b> *AROC (26 IR 2472)
45 IAC 18-1-42	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2306</b> *AROC (26 IR 2472)	45 IAC 18-6-1	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2313</b> *AROC (26 IR 2472)
					45 IAC 18-6-2	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2313</b> *AROC (26 IR 2472)

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45 IAC 18-6-3	A	02-40	25 IR 3235	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2310</b>	50 IAC 15-5-4	A	01-266	25 IR 414	*AROC (25 IR 2591) <b>26 IR 1520</b>
				*AROC (26 IR 2472)	50 IAC 15-5-5	A	01-266	25 IR 414	*AROC (25 IR 2591) <b>26 IR 1520</b>
45 IAC 18-7	N	02-40	25 IR 3236	*CPH (25 IR 4129) *ARR (26 IR 2376)	50 IAC 15-5-6	A	01-266	25 IR 415	*AROC (25 IR 2591) <b>26 IR 1521</b>
				*AROC (26 IR 2472)	50 IAC 15-5-7	A	01-266	25 IR 415	*AROC (25 IR 2591) <b>26 IR 1521</b>
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129) *ARR (26 IR 2376) <b>26 IR 2311</b>	50 IAC 15-5-8	A	01-266	25 IR 415	*AROC (25 IR 2591) <b>26 IR 1521</b>
				*AROC (26 IR 2472)	50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)
						N	03-235	27 IR 909	
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE					50 IAC 19	N	02-342	26 IR 2397	*ARR (26 IR 3885)
50 IAC 2.3-1-1	A	01-305	25 IR 835	<b>26 IR 6</b>					*AROC (27 IR 287)
	A	01-402	26 IR 86	*AROC (26 IR 183) *AROC (26 IR 184) <b>26 IR 2314</b>	50 IAC 20	N	03-6	27 IR 908	*CPH (27 IR 1613)
				<b>26 IR 2315</b>	TITLE 52 INDIANA BOARD OF TAX REVIEW				
50 IAC 2.3-1-2	A	02-240	26 IR 88	*ARR (25 IR 3760)	52 IAC 1	N	02-206	26 IR 89	<b>26 IR 2316</b>
	A	01-366	25 IR 1200	*AWR (26 IR 39)	52 IAC 2	N	03-179	26 IR 3915	
				*AROC (26 IR 183)	52 IAC 3	N	03-179	26 IR 3926	
	A	01-402	26 IR 87	*AROC (26 IR 184) <b>26 IR 2314</b>	52 IAC 4	N	03-259	27 IR 555	
				<b>26 IR 328</b>	TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS				
50 IAC 3.1-1	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-1-1	A	02-261	26 IR 1118	<b>26 IR 2604</b>
50 IAC 3.1-2-1	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-1-2	R	02-261	26 IR 1121	<b>26 IR 2607</b>
50 IAC 3.1-2-5	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-1-3	R	02-261	26 IR 1121	<b>26 IR 2607</b>
50 IAC 3.1-2-6	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-2-1	A	02-261	26 IR 1118	<b>26 IR 2604</b>
50 IAC 3.1-2-7	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-2-2	A	02-261	26 IR 1118	<b>26 IR 2604</b>
50 IAC 3.1-2-8	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-2-3	A	02-261	26 IR 1119	<b>26 IR 2605</b>
50 IAC 3.1-2-9	R	01-367	25 IR 2550	<b>26 IR 328</b>	60 IAC 2-2-3.1	N	02-261	26 IR 1120	<b>26 IR 2605</b>
50 IAC 3.2	N	01-367	25 IR 2548	<b>26 IR 326</b>	60 IAC 2-2-4	A	02-261	26 IR 1120	<b>26 IR 2605</b>
				*ERR (26 IR 382)	60 IAC 2-2-5	A	02-261	26 IR 1120	<b>26 IR 2606</b>
50 IAC 14-3-1				*ERR (26 IR 3046)	60 IAC 2-2-5.1	N	02-261	26 IR 1121	<b>26 IR 2606</b>
50 IAC 14-4-1				*ERR (26 IR 382)	60 IAC 2-2-6	R	02-261	26 IR 1121	<b>26 IR 2607</b>
				*ERR (26 IR 3046)	60 IAC 2-2-7	R	02-261	26 IR 1121	<b>26 IR 2607</b>
50 IAC 14-5-1				*ERR (26 IR 3046)					
50 IAC 14-5-3				*ERR (26 IR 3046)	TITLE 65 STATE LOTTERY COMMISSION				
50 IAC 14-6-1				*ERR (26 IR 382)	65 IAC 3-3-3	A	02-252		*ER (26 IR 40)
50 IAC 14-7-1				*ERR (26 IR 382)	65 IAC 3-3-10	A	02-252		*ER (26 IR 40)
50 IAC 14-8-1				*ERR (26 IR 3046)	65 IAC 3-4-4	A	02-252		*ER (26 IR 41)
50 IAC 15-1-1.5	N	01-266		<b>26 IR 1516</b>	65 IAC 3-4-5	A	02-252		*ER (26 IR 42)
50 IAC 15-1-2.5	N	01-266	25 IR 410	*AROC (25 IR 2591)	65 IAC 4-2-3	A	03-334		*ER (27 IR 1596)
				<b>26 IR 1516</b>	65 IAC 4-2-4	A	02-253		*ER (26 IR 42)
50 IAC 15-1-2.6	N	01-266	25 IR 410	*AROC (25 IR 2591)	65 IAC 4-2-5	A	03-334		*ER (27 IR 1596)
				<b>26 IR 1516</b>	65 IAC 4-2-8	A	02-253		*ER (26 IR 43)
50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591)	65 IAC 4-3-1	A	03-334		*ER (27 IR 1597)
				<b>26 IR 1522</b>	65 IAC 4-3-2	A	03-334		*ER (27 IR 1597)
50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591)	65 IAC 4-206	N	03-121		*ER (26 IR 3348)
				<b>26 IR 1522</b>	65 IAC 4-319	N	03-148		*ER (26 IR 3360)
50 IAC 15-1-6	N	01-266	25 IR 410	*AROC (25 IR 2591)	65 IAC 4-329	N	03-237		*ER (27 IR 192)
50 IAC 15-3-1	A	01-266	25 IR 410	*AROC (25 IR 2591)	65 IAC 4-330	N	03-246		*ER (27 IR 199)
				<b>26 IR 1516</b>	65 IAC 4-331	N	03-247		*ER (27 IR 200)
50 IAC 15-3-2	A	01-266	25 IR 410	*AROC (25 IR 2591)	65 IAC 4-333	N	03-292		*ER (27 IR 891)
				<b>26 IR 1516</b>	65 IAC 4-335	N	03-310		*ER (27 IR 1190)
50 IAC 15-3-3	A	01-266	25 IR 411	*AROC (25 IR 2591)	65 IAC 4-336	N	03-338		*ER (27 IR 1602)
				<b>26 IR 1517</b>	65 IAC 4-452	N	02-353		*ER (26 IR 1585)
50 IAC 15-3-4	A	01-266	25 IR 411	*AROC (25 IR 2591)	65 IAC 4-453	N	02-350		*ER (26 IR 1580)
				<b>26 IR 1517</b>	65 IAC 5-2-4	A	02-253		*ER (26 IR 43)
50 IAC 15-3-5	A	01-266	25 IR 411	*AROC (25 IR 2591)	65 IAC 5-2-8	A	02-253		*ER (26 IR 43)
				<b>26 IR 1517</b>	65 IAC 5-5-1	A	03-314		*ER (27 IR 1587)
50 IAC 15-3-6	N	01-266	25 IR 411	*AROC (25 IR 2591)	65 IAC 5-5-1.5	N	03-314		*ER (27 IR 1587)
				<b>26 IR 1518</b>	65 IAC 5-5-2	A	03-314		*ER (27 IR 1587)
50 IAC 15-4-1	A	01-266	25 IR 412	*AROC (25 IR 2591)	65 IAC 5-5-3	A	03-314		*ER (27 IR 1587)
				<b>26 IR 1518</b>	65 IAC 5-5-4	A	03-314		*ER (27 IR 1588)
50 IAC 15-5-1	A	01-266	25 IR 413	*AROC (25 IR 2591)	65 IAC 5-5-5	A	03-113		*ER (26 IR 3057)
				<b>26 IR 1519</b>		A	03-314		*ER (27 IR 1588)
50 IAC 15-5-2	A	01-266	25 IR 414	*AROC (25 IR 2591)	65 IAC 5-5-6	A	03-314		*ER (27 IR 1589)
				<b>26 IR 1520</b>	65 IAC 5-6-1	A	03-314		*ER (27 IR 1589)

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65 IAC 5-6-1.5	N	03-314	*ER (27 IR 1589)	68 IAC 4-1-9	RA	03-132	26 IR 3753	*CPH (27 IR 208)
65 IAC 5-6-2	A	03-314	*ER (27 IR 1590)					<b>27 IR 1299</b>
65 IAC 5-6-3	A	03-314	*ER (27 IR 1591)	68 IAC 4-1-10	RA	03-132	26 IR 3754	*CPH (27 IR 208)
65 IAC 5-6-4	A	03-314	*ER (27 IR 1591)					<b>27 IR 1299</b>
65 IAC 5-6-5	A	03-314	*ER (27 IR 1591)	68 IAC 5	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-6-6	A	03-314	*ER (27 IR 1593)					<b>26 IR 1261</b>
65 IAC 5-9-1	A	03-314	*ER (27 IR 1593)	68 IAC 6-3	N	03-204	27 IR 212	
			*ERR (27 IR 1575)	68 IAC 10	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-9-1.5	N	03-314	*ER (27 IR 1594)					<b>26 IR 1261</b>
65 IAC 5-9-2	A	03-314	*ER (27 IR 1594)	68 IAC 11	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-9-3	A	03-314	*ER (27 IR 1594)					<b>26 IR 1261</b>
65 IAC 5-9-4	A	03-314	*ER (27 IR 1594)	68 IAC 12	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-9-9	A	03-314	*ER (27 IR 1595)					<b>26 IR 1261</b>
65 IAC 5-9-12	A	03-314	*ER (27 IR 1595)	68 IAC 13	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-12-2	A	02-254	*ER (26 IR 44)					<b>26 IR 1261</b>
65 IAC 5-12-3	A	02-254	*ER (26 IR 45)	68 IAC 14	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-12-4	A	02-254	*ER (26 IR 45)					<b>26 IR 1261</b>
65 IAC 5-12-5	A	02-254	*ER (26 IR 46)	68 IAC 15	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-12-6	A	02-254	*ER (26 IR 46)					<b>26 IR 1261</b>
65 IAC 5-12-7	A	02-254	*ER (26 IR 47)	68 IAC 16	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-12-9	A	02-254	*ER (26 IR 47)					<b>26 IR 1261</b>
65 IAC 5-12-10	A	02-254	*ER (26 IR 47)	68 IAC 17	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-12-11	A	02-254	*ER (26 IR 48)					<b>26 IR 1261</b>
65 IAC 5-12-12	A	02-254	*ER (26 IR 49)	68 IAC 18	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-12-12.5	A	02-254	*ER (26 IR 49)					<b>26 IR 1261</b>
65 IAC 5-12-14	A	02-254	*ER (26 IR 51)	68 IAC 19	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
65 IAC 5-15-10	N	03-14	*ER (26 IR 1946)					<b>26 IR 1261</b>
65 IAC 5-15-11	N	03-14	*ER (26 IR 1946)					
65 IAC 6-1-1.1	N	02-255	*ER (26 IR 51)	TITLE 71 INDIANA HORSE RACING COMMISSION				
65 IAC 6-1-1.2	N	02-255	*ER (26 IR 51)	71 IAC 1-1-41.5	N	02-282		*ER (26 IR 394)
65 IAC 6-1-2.1	N	02-255	*ER (26 IR 51)	71 IAC 1.5-1-37.5	N	02-282		*ER (26 IR 394)
65 IAC 6-1-2.2	N	02-255	*ER (26 IR 51)					*ERR (26 IR 793)
65 IAC 6-1-4.1	N	02-255	*ER (26 IR 51)	71 IAC 3-2-9	A	03-52		*ER (26 IR 2380)
65 IAC 6-1-10	N	02-255	*ER (26 IR 52)	71 IAC 3.5-2-9	A	03-52		*ER (26 IR 2380)
65 IAC 6-2-3	A	02-255	*ER (26 IR 52)	71 IAC 4-2-4	A	03-52		*ER (26 IR 2380)
65 IAC 6-2-4	A	02-255	*ER (26 IR 52)	71 IAC 4-2-5	A	03-52		*ER (26 IR 2381)
65 IAC 6-2-5	A	02-255	*ER (26 IR 52)	71 IAC 4-3-1	A	03-52		*ER (26 IR 2381)
65 IAC 6-2-8	A	02-255	*ER (26 IR 53)	71 IAC 4.5-2-4	A	03-52		*ER (26 IR 2381)
65 IAC 6-2-9	A	02-255	*ER (26 IR 53)	71 IAC 4.5-2-5	A	03-52		*ER (26 IR 2382)
65 IAC 6-3-2	A	02-255	*ER (26 IR 53)	71 IAC 4.5-3-1	A	03-52		*ER (26 IR 2382)
65 IAC 6-3-3	R	02-255	*ER (26 IR 54)	71 IAC 5.5-4-4	A	03-52		*ER (26 IR 2382)
65 IAC 6-4-6	R	02-255	*ER (26 IR 54)	71 IAC 5.5-5-3	A	02-250		*ER (26 IR 55)
65 IAC 6-4-7	R	02-255	*ER (26 IR 54)	71 IAC 6.5-1-4	A	02-250		*ER (26 IR 55)
65 IAC 6-4-8	R	02-255	*ER (26 IR 54)	71 IAC 7-1-15	A	03-52		*ER (26 IR 2383)
65 IAC 6-4-9	R	02-255	*ER (26 IR 54)	71 IAC 7-1-28	A	03-52		*ER (26 IR 2383)
65 IAC 6-4-10	R	02-255	*ER (26 IR 54)	71 IAC 7-1-37	R	03-52		*ER (26 IR 2388)
65 IAC 6-4-11	R	02-255	*ER (26 IR 54)	71 IAC 7-3-6	A	03-244		*ER (27 IR 205)
65 IAC 6-4-12	R	02-255	*ER (26 IR 54)	71 IAC 7.5-1-4	A	03-52		*ER (26 IR 2383)
					A	03-244		*ER (27 IR 205)
TITLE 68 INDIANA GAMING COMMISSION				71 IAC 7.5-1-14	N	03-52		*ER (26 IR 2383)
68 IAC 3	RA	01-418	25 IR 2589	71 IAC 7.5-6-1	A	03-52		*ER (26 IR 2384)
			*CPH (25 IR 3208)	71 IAC 7.5-6-3	A	03-244		*ER (27 IR 206)
			<b>26 IR 1261</b>	71 IAC 7.5-10	N	02-250		*ER (26 IR 56)
68 IAC 4	RA	01-418	25 IR 2589	71 IAC 8-1-1	A	03-52		*ER (26 IR 2384)
68 IAC 4-1-1	RA	03-132	26 IR 3750	71 IAC 8-4-1	A	03-52		*ER (26 IR 2385)
			*CPH (27 IR 208)	71 IAC 8-6-2	N	03-52		*ER (26 IR 2385)
			<b>27 IR 1295</b>	71 IAC 8.5-1-1	A	03-52		*ER (26 IR 2385)
68 IAC 4-1-2	RA	03-132	26 IR 3751	71 IAC 8.5-3-1	A	03-52		*ER (26 IR 2386)
			*CPH (27 IR 208)	71 IAC 8.5-4-8	N	02-250		*ER (26 IR 57)
			<b>27 IR 1296</b>	71 IAC 8.5-5-2	N	02-250		*ER (26 IR 57)
68 IAC 4-1-3	RA	03-132	26 IR 3751		N	03-52		*ER (26 IR 2386)
			*CPH (27 IR 208)	71 IAC 8.5-10-6	A	02-250		*ER (26 IR 58)
			<b>27 IR 1296</b>	71 IAC 10-2-9	A	03-52		*ER (26 IR 2387)
68 IAC 4-1-4	RA	03-132	26 IR 3751	71 IAC 12-2-15	A	02-251		*ER (26 IR 58)
			*CPH (27 IR 208)		A	02-282		*ER (26 IR 394)
			<b>27 IR 1297</b>		A	03-52		*ER (26 IR 2387)
68 IAC 4-1-5	RA	03-132	26 IR 3752		A	03-293		*ER (27 IR 896)
			*CPH (27 IR 208)	71 IAC 12-2-18	A	03-52		*ER (26 IR 2388)
			<b>27 IR 1297</b>					
68 IAC 4-1-6	RA	03-132	26 IR 3752					
			*CPH (27 IR 208)					
			<b>27 IR 1297</b>					
68 IAC 4-1-7	RA	03-132	26 IR 3752					
			*CPH (27 IR 208)					
			<b>27 IR 1297</b>					
68 IAC 4-1-8	RA	03-132	26 IR 3753					
			*CPH (27 IR 208)					
			<b>27 IR 1298</b>					

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71 IAC 12-2-19	A	02-251	*ER (26 IR 59)	105 IAC 9-2-56	N	02-231	††27 IR 20
			*ERR (26 IR 382)	105 IAC 9-2-57	N	02-231	††27 IR 20
71 IAC 12-2-20	A	02-282	*ER (26 IR 395)	105 IAC 9-2-58	N	02-231	††27 IR 21
71 IAC 13.5-3-3	A	03-25	*ER (26 IR 1952)	105 IAC 9-2-59	N	02-231	††27 IR 21
71 IAC 14.5-1-3	A	03-25	*ER (26 IR 1952)	105 IAC 9-2-60	N	02-231	††27 IR 21
TITLE 80 STATE FAIR COMMISSION				105 IAC 9-2-61	N	02-231	††27 IR 22
80 IAC 4-3-3	A	02-200	26 IR 420	105 IAC 9-2-62	N	02-231	††27 IR 22
			<b>26 IR 3536</b>	105 IAC 9-2-63	N	02-231	††27 IR 22
80 IAC 4-3-5	A	02-200	26 IR 420	105 IAC 9-2-64	N	02-231	††27 IR 22
			<b>26 IR 3536</b>	105 IAC 9-2-65	N	02-231	††27 IR 22
80 IAC 4-4	N	02-243	26 IR 2398	105 IAC 9-2-66	N	02-231	††27 IR 22
			<b>26 IR 3537</b>	105 IAC 9-2-67	N	02-231	††27 IR 23
TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				105 IAC 9-2-68	N	02-231	††27 IR 23
105 IAC 9-1-1	A	03-17	26 IR 2400	105 IAC 9-2-69	N	02-231	††27 IR 23
			<b>27 IR 451</b>	105 IAC 9-2-70	N	02-231	††27 IR 23
105 IAC 9-1-2	A	03-17	26 IR 2400	105 IAC 9-2-71	N	02-231	††27 IR 23
			<b>27 IR 452</b>	105 IAC 9-2-72	N	02-231	††27 IR 23
105 IAC 9-2-1	A	02-231	26 IR 421	105 IAC 9-2-73	N	02-231	††27 IR 24
			<b>27 IR 7</b>	105 IAC 9-2-74	N	02-231	††27 IR 24
105 IAC 9-2-2	R	02-231		105 IAC 9-2-75	N	02-231	††27 IR 24
			††27 IR 52	105 IAC 9-2-76	N	02-231	††27 IR 24
105 IAC 9-2-3	N	02-231		105 IAC 9-2-77	N	02-231	††27 IR 24
			††27 IR 7	105 IAC 9-2-78	N	02-231	††27 IR 25
105 IAC 9-2-4	N	02-231		105 IAC 9-2-79	N	02-231	††27 IR 25
			††27 IR 7	105 IAC 9-2-80	N	02-231	††27 IR 25
105 IAC 9-2-5	N	02-231		105 IAC 9-2-81	N	02-231	††27 IR 25
			††27 IR 7	105 IAC 9-2-82	N	02-231	††27 IR 25
105 IAC 9-2-6	N	02-231		105 IAC 9-2-83	N	02-231	††27 IR 26
			††27 IR 7	105 IAC 9-2-84	N	02-231	††27 IR 26
105 IAC 9-2-7	N	02-231		105 IAC 9-2-85	N	02-231	††27 IR 26
			††27 IR 8	105 IAC 9-2-86	N	02-231	††27 IR 26
105 IAC 9-2-8	N	02-231		105 IAC 9-2-87	N	02-231	††27 IR 27
			††27 IR 8	105 IAC 9-2-88	N	02-231	††27 IR 27
105 IAC 9-2-9	N	02-231		105 IAC 9-2-89	N	02-231	††27 IR 28
			††27 IR 8	105 IAC 9-2-90	N	02-231	††27 IR 29
105 IAC 9-2-10	N	02-231		105 IAC 9-2-91	N	02-231	††27 IR 30
			††27 IR 8	105 IAC 9-2-92	N	02-231	††27 IR 30
105 IAC 9-2-11	N	02-231		105 IAC 9-2-93	N	02-231	††27 IR 30
			††27 IR 9	105 IAC 9-2-94	N	02-231	††27 IR 31
105 IAC 9-2-12	N	02-231		105 IAC 9-2-95	N	02-231	††27 IR 31
			††27 IR 9	105 IAC 9-2-96	N	02-231	††27 IR 31
105 IAC 9-2-13	N	02-231		105 IAC 9-2-97	N	02-231	††27 IR 31
			††27 IR 9	105 IAC 9-2-98	N	02-231	††27 IR 32
105 IAC 9-2-14	N	02-231		105 IAC 9-2-99	N	02-231	††27 IR 32
			††27 IR 9	105 IAC 9-2-100	N	02-231	††27 IR 32
105 IAC 9-2-15	N	02-231		105 IAC 9-2-101	N	02-231	††27 IR 32
			††27 IR 10	105 IAC 9-2-102	N	02-231	††27 IR 33
105 IAC 9-2-16	N	02-231		105 IAC 9-2-103	N	02-231	††27 IR 33
			††27 IR 10	105 IAC 9-2-104	N	02-231	††27 IR 33
105 IAC 9-2-17	N	02-231		105 IAC 9-2-105	N	02-231	††27 IR 34
			††27 IR 10	105 IAC 9-2-106	N	02-231	††27 IR 34
105 IAC 9-2-18	N	02-231		105 IAC 9-2-107	N	02-231	††27 IR 34
			††27 IR 10	105 IAC 9-2-108	N	02-231	††27 IR 34
105 IAC 9-2-19	N	02-231		105 IAC 9-2-109	N	02-231	††27 IR 34
			††27 IR 10	105 IAC 9-2-110	N	02-231	††27 IR 34
105 IAC 9-2-20	N	02-231		105 IAC 9-2-111	N	02-231	††27 IR 35
			††27 IR 11	105 IAC 9-2-112	N	02-231	††27 IR 35
105 IAC 9-2-21	N	02-231		105 IAC 9-2-113	N	02-231	††27 IR 35
			††27 IR 11	105 IAC 9-2-114	N	02-231	††27 IR 36
105 IAC 9-2-22	N	02-231		105 IAC 9-2-115	N	02-231	††27 IR 36
			††27 IR 11	105 IAC 9-2-116	N	02-231	††27 IR 36
105 IAC 9-2-23	N	02-231		105 IAC 9-2-117	N	02-231	††27 IR 36
			††27 IR 11	105 IAC 9-2-118	N	02-231	††27 IR 36
105 IAC 9-2-24	N	02-231		105 IAC 9-2-119	N	02-231	††27 IR 36
			††27 IR 12	105 IAC 9-2-120	N	02-231	††27 IR 36
105 IAC 9-2-25	N	02-231		105 IAC 9-2-121	N	02-231	††27 IR 37
			††27 IR 12	105 IAC 9-2-122	N	02-231	††27 IR 37
105 IAC 9-2-26	N	02-231		105 IAC 9-2-123	N	02-231	††27 IR 37
			††27 IR 12	105 IAC 9-2-124	N	02-231	††27 IR 37
105 IAC 9-2-27	N	02-231					
			††27 IR 12				
105 IAC 9-2-28	N	02-231					
			††27 IR 12				
105 IAC 9-2-29	N	02-231					
			††27 IR 13				
105 IAC 9-2-30	N	02-231					
			††27 IR 13				
105 IAC 9-2-31	N	02-231					
			††27 IR 13				
105 IAC 9-2-32	N	02-231					
			††27 IR 14				
105 IAC 9-2-33	N	02-231					
			††27 IR 14				
105 IAC 9-2-34	N	02-231					
			††27 IR 14				
105 IAC 9-2-35	N	02-231					
			††27 IR 15				
105 IAC 9-2-36	N	02-231					
			††27 IR 15				
105 IAC 9-2-37	N	02-231					
			††27 IR 15				
105 IAC 9-2-38	N	02-231					
			††27 IR 16				
105 IAC 9-2-39	N	02-231					
			††27 IR 16				
105 IAC 9-2-40	N	02-231					
			††27 IR 16				
105 IAC 9-2-41	N	02-231					
			††27 IR 16				
105 IAC 9-2-42	N	02-231					
			††27 IR 16				
105 IAC 9-2-43	N	02-231					
			††27 IR 17				
105 IAC 9-2-44	N	02-231					
			††27 IR 17				
105 IAC 9-2-45	N	02-231					
			††27 IR 18				
105 IAC 9-2-46	N	02-231					
			††27 IR 18				
105 IAC 9-2-47	N	02-231					
			††27 IR 18				
105 IAC 9-2-48	N	02-231					
			††27 IR 18				
105 IAC 9-2-49	N	02-231					
			††27 IR 19				
105 IAC 9-2-50	N	02-231					
			††27 IR 19				
105 IAC 9-2-51	N	02-231					
			††27 IR 19				
105 IAC 9-2-52	N	02-231					
			††27 IR 19				
105 IAC 9-2-53	N	02-231					
			††27 IR 19				
105 IAC 9-2-54	N	02-231					
			††27 IR 19				
105 IAC 9-2-55	N	02-231					
			††27 IR 20				

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105 IAC 9-2-125	N	02-231	††27 IR 37	105 IAC 12-1-14.6	N	03-58	26 IR 3077	
105 IAC 9-2-126	N	02-231	††27 IR 37	105 IAC 12-1-18	A	03-58	26 IR 3077	
105 IAC 9-2-127	N	02-231	††27 IR 37	105 IAC 12-1-22	A	03-58	26 IR 3077	
105 IAC 9-2-128	N	02-231	††27 IR 38	105 IAC 12-1-23	A	03-58	26 IR 3078	
105 IAC 9-2-129	N	02-231	††27 IR 38	105 IAC 12-2-4	A	03-58	26 IR 3078	
105 IAC 9-2-130	N	02-231	††27 IR 38	105 IAC 12-2-6	A	03-58	26 IR 3078	
105 IAC 9-2-131	N	02-231	††27 IR 39	105 IAC 12-2-7	A	03-58	26 IR 3078	
105 IAC 9-2-132	N	02-231	††27 IR 39	105 IAC 12-2-10	A	03-58	26 IR 3078	
105 IAC 9-2-133	N	02-231	††27 IR 39	105 IAC 12-2-11	A	03-58	26 IR 3078	
105 IAC 9-2-134	N	02-231	††27 IR 39	105 IAC 12-2-13	A	03-58	26 IR 3079	
105 IAC 9-2-135	N	02-231	††27 IR 39	105 IAC 12-2-14	A	03-58	26 IR 3079	
105 IAC 9-2-136	N	02-231	††27 IR 40	105 IAC 12-2-16	A	03-58	26 IR 3079	
105 IAC 9-2-137	N	02-231	††27 IR 40	105 IAC 12-2-17	A	03-58	26 IR 3080	
105 IAC 9-2-138	N	02-231	††27 IR 40	105 IAC 12-2-18	N	03-58	26 IR 3080	
105 IAC 9-2-139	N	02-231	††27 IR 40	105 IAC 12-2-19	N	03-58	26 IR 3080	
105 IAC 9-2-140	N	02-231	††27 IR 41	105 IAC 12-2-20	N	03-58	26 IR 3080	
105 IAC 9-2-141	N	02-231	††27 IR 41	105 IAC 12-2-21	N	03-58	26 IR 3081	
105 IAC 9-2-142	N	02-231	††27 IR 41	105 IAC 12-3-1	A	03-58	26 IR 3082	
105 IAC 9-2-143	N	02-231	††27 IR 42	105 IAC 12-3-2	A	03-58	26 IR 3082	
105 IAC 9-2-144	N	02-231	††27 IR 42	105 IAC 12-3-4	A	03-58	26 IR 3082	
105 IAC 9-2-145	N	02-231	††27 IR 42	105 IAC 12-3-5	A	03-58	26 IR 3083	
105 IAC 9-2-146	N	02-231	††27 IR 42	105 IAC 12-4-3	A	03-58	26 IR 3084	
105 IAC 9-2-147	N	02-231	††27 IR 42	105 IAC 12-4-4	A	03-58	26 IR 3084	
105 IAC 9-2-148	N	02-231	††27 IR 42	105 IAC 12-4-5	A	03-58	26 IR 3084	
105 IAC 9-2-149	N	02-231	††27 IR 43	TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY				
105 IAC 9-2-150	N	02-231	††27 IR 43	135 IAC 2	RA	02-175	25 IR 4219	26 IR 882
105 IAC 9-2-151	N	02-231	††27 IR 43	135 IAC 2-1-1	A	02-171	25 IR 4138	
105 IAC 9-2-152	N	02-231	††27 IR 43	135 IAC 2-2-1	A	02-171	25 IR 4140	
105 IAC 9-2-153	N	02-231	††27 IR 43	135 IAC 2-2-3	A	02-171	25 IR 4140	
105 IAC 9-2-154	N	02-231	††27 IR 44	135 IAC 2-2-5	A	02-171	25 IR 4140	
105 IAC 9-2-155	N	02-231	††27 IR 44	135 IAC 2-2-10	A	02-171	25 IR 4141	
105 IAC 9-2-156	N	02-231	††27 IR 44	135 IAC 2-2-12	A	02-171	25 IR 4141	
105 IAC 9-2-157	N	02-231	††27 IR 44	135 IAC 2-3-1	A	02-171	25 IR 4141	
105 IAC 9-2-158	N	02-231	††27 IR 45	135 IAC 2-3-2	A	02-171	25 IR 4141	
105 IAC 9-2-159	N	02-231	††27 IR 45	135 IAC 2-4-1	A	02-171	25 IR 4141	
105 IAC 9-2-160	N	02-231	††27 IR 45	135 IAC 2-4-4	A	02-171	25 IR 4142	
105 IAC 9-2-161	N	02-231	††27 IR 46	135 IAC 2-5-1	A	02-171	25 IR 4142	
105 IAC 9-2-162	N	02-231	††27 IR 46	135 IAC 2-5-2	A	02-171	25 IR 4142	
105 IAC 9-2-163	N	02-231	††27 IR 46	135 IAC 2-6-1	A	02-171	25 IR 4148	
105 IAC 9-2-164	N	02-231	††27 IR 47	135 IAC 2-7-1	A	02-171	25 IR 4148	
105 IAC 9-2-165	N	02-231	††27 IR 47	135 IAC 2-7-3	A	02-171	25 IR 4148	
105 IAC 9-2-166	N	02-231	††27 IR 47	135 IAC 2-7-7	A	02-171	25 IR 4148	
105 IAC 9-2-167	N	02-231	††27 IR 47	135 IAC 2-7-11	A	02-171	25 IR 4149	
105 IAC 9-2-168	N	02-231	††27 IR 47	135 IAC 2-7-15	A	02-171	25 IR 4149	
105 IAC 9-2-169	N	02-231	††27 IR 47	135 IAC 2-7-18	A	02-171	25 IR 4149	
105 IAC 9-2-170	N	02-231	††27 IR 48	135 IAC 2-7-19	R	02-171	25 IR 4151	
105 IAC 9-2-171	N	02-231	††27 IR 48	135 IAC 2-7-20	A	02-171	25 IR 4149	
105 IAC 9-2-172	N	02-231	††27 IR 48	135 IAC 2-7-23	A	02-171	25 IR 4149	
105 IAC 9-2-173	N	02-231	††27 IR 49	135 IAC 2-8-1	A	02-171	25 IR 4149	
105 IAC 9-2-174	N	02-231	††27 IR 49	135 IAC 2-8-3	A	02-171	25 IR 4150	
105 IAC 9-2-175	N	02-231	††27 IR 49	135 IAC 2-8-5	A	02-171	25 IR 4150	
105 IAC 9-2-176	N	02-231	††27 IR 49	135 IAC 2-8-7	A	02-171	25 IR 4150	
105 IAC 9-2-177	N	02-231	††27 IR 49	135 IAC 2-8-11	A	02-171	25 IR 4150	
105 IAC 9-2-178	N	02-231	††27 IR 50	135 IAC 2-10-1	A	02-171	25 IR 4151	
105 IAC 9-2-179	N	02-231	††27 IR 50	135 IAC 2-10-2	A	02-171	25 IR 4151	
105 IAC 9-2-180	N	02-231	††27 IR 50	135 IAC 3	RA	02-175	25 IR 4219	26 IR 882
105 IAC 9-2-181	N	02-231	††27 IR 51	TITLE 170 INDIANA UTILITY REGULATORY COMMISSION				
105 IAC 9-2-182	N	02-231	††27 IR 51	170 IAC 4-1-26	A	02-44	25 IR 2751	26 IR 328
105 IAC 9-2-183	N	02-231	††27 IR 51	170 IAC 7-1.2				*ERR (26 IR 382)
105 IAC 9-2-184	N	02-231	††27 IR 51	170 IAC 7-1.2-10	A	03-194	27 IR 558	
105 IAC 9-2-185	N	02-231	††27 IR 51	170 IAC 7-1.3				*ERR (26 IR 382)
105 IAC 9-2-186	N	02-231	††27 IR 51	170 IAC 7-1.3-2				*ERR (26 IR 1565)
105 IAC 9-2-187	N	02-231	††27 IR 52					*ERR (26 IR 2375)
105 IAC 9-2-188	N	02-231	††27 IR 52	TITLE 210 DEPARTMENT OF CORRECTION				
105 IAC 9-2-189	N	02-231	††27 IR 52	210 IAC 1-6-1	A	02-259	26 IR 817	26 IR 3538
105 IAC 9-2-190	N	02-231	††27 IR 52	210 IAC 1-6-2	A	02-259	26 IR 818	26 IR 3539
105 IAC 12-1-2	A	03-58	26 IR 3077					
105 IAC 12-1-5	A	03-58	26 IR 3077					
105 IAC 12-1-14.5	N	03-58	26 IR 3077					

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312 IAC 18-3-12	A	02-201	26 IR 1121	<b>26 IR 3313</b>	326 IAC 1-5-2			*ERR (26 IR 1565)
	A	03-214	27 IR 1203		326 IAC 2-2-1	A	03-68	27 IR 250
312 IAC 18-3-15	N	03-213	27 IR 559		326 IAC 2-2-6	A	03-68	27 IR 256
312 IAC 18-3-16	N	03-213	27 IR 560		326 IAC 2-2-12	A	03-68	27 IR 257
312 IAC 18-3-17	N	03-213	27 IR 560		326 IAC 2-2-13			*ERR (26 IR 1565)
312 IAC 18-5-2	A	03-213	27 IR 561			A	02-337	26 IR 1998
312 IAC 18-5-4	A	03-91	26 IR 3375	<b>27 IR 1166</b>	326 IAC 2-2-16			*ERR (26 IR 1565)
312 IAC 19-1-3	A	03-296	27 IR 1617			A	02-337	26 IR 1999
312 IAC 20-2-1.7	N	03-12	26 IR 3084	<b>27 IR 454</b>	326 IAC 2-3-1			*ERR (26 IR 1565)
312 IAC 20-2-4.3	N	03-12	26 IR 3084	<b>27 IR 454</b>		A	02-337	26 IR 2000
312 IAC 20-2-4.7	N	03-12	26 IR 3085	<b>27 IR 454</b>	326 IAC 2-6-1	A	01-249	24 IR 3700
312 IAC 20-3-3	N	03-12	26 IR 3085	<b>27 IR 454</b>				*CPH (24 IR 4012)
312 IAC 20-5	N	02-329	26 IR 2658	<b>27 IR 452</b>	326 IAC 2-6-2	A	01-249	24 IR 3700
312 IAC 22.5				*ERR (26 IR 383)				*CPH (27 IR 551)
312 IAC 24	RA	02-331	26 IR 2133	<b>27 IR 286</b>	326 IAC 2-6-3	A	01-249	24 IR 3702
312 IAC 25-1-8	A	03-93	27 IR 221					*CPH (27 IR 551)
312 IAC 25-1-45.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-6-4	A	01-249	24 IR 3703
				<b>26 IR 3860</b>				*CPH (24 IR 4012)
312 IAC 25-1-60.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)				*ERR (26 IR 1566)
				<b>26 IR 3860</b>		A	02-337	26 IR 2005
312 IAC 25-1-75.5	N	03-93	27 IR 222		326 IAC 2-6-5	N	01-249	24 IR 3705
312 IAC 25-1-109.5	N	02-104		†† <b>26 IR 3860</b>				*CPH (24 IR 4012)
312 IAC 25-1-155.5	N	03-93	27 IR 222		326 IAC 2-7-3			*CPH (27 IR 551)
312 IAC 25-4-17	A	03-93	27 IR 222			A	02-337	26 IR 2006
312 IAC 25-4-43	A	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-7-8			*ERR (26 IR 1566)
				<b>26 IR 3860</b>		A	02-337	26 IR 2006
312 IAC 25-4-45	A	03-93	27 IR 223		326 IAC 2-7-18			*ERR (26 IR 1566)
312 IAC 25-4-47	A	02-104	25 IR 4161	*AROC (26 IR 1736)		A	02-337	26 IR 2007
				<b>26 IR 3861</b>	326 IAC 2-8-3			*ERR (26 IR 1566)
312 IAC 25-4-49	A	03-93	27 IR 224			A	02-337	26 IR 2008
312 IAC 25-4-85	A	02-104	25 IR 4162	*AROC (26 IR 1736)	326 IAC 2-9-7			*ERR (26 IR 1566)
				<b>26 IR 3862</b>		A	02-337	26 IR 2009
312 IAC 25-4-87	A	03-93	27 IR 225		326 IAC 2-9-8			*ERR (26 IR 1566)
312 IAC 25-4-93	A	02-104	25 IR 4163	*AROC (26 IR 1736)		A	02-337	26 IR 2010
				<b>26 IR 3863</b>	326 IAC 2-9-9			*ERR (26 IR 1566)
312 IAC 25-4-102	A	03-93	27 IR 226			A	02-337	26 IR 2012
312 IAC 25-4-105.5	N	03-93	27 IR 227		326 IAC 2-9-10			*ERR (26 IR 1566)
312 IAC 25-4-113	A	03-93	27 IR 228			A	02-337	26 IR 2013
312 IAC 25-4-114	A	03-93	27 IR 228		326 IAC 2-9-13			*ERR (26 IR 1566)
312 IAC 25-4-115	A	03-93	27 IR 229			A	02-337	26 IR 2014
312 IAC 25-4-118	A	03-93	27 IR 230		326 IAC 3-4-1			*ERR (26 IR 1566)
312 IAC 25-5-7	A	03-93	27 IR 231			A	02-337	26 IR 2016
312 IAC 25-5-16	A	03-93	27 IR 232		326 IAC 3-4-3			*ERR (26 IR 1566)
312 IAC 25-6-12.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)		A	02-337	26 IR 2016
				<b>26 IR 3864</b>	326 IAC 3-5-2			*ERR (26 IR 1566)
312 IAC 25-6-17	A	03-93	27 IR 233			A	02-337	26 IR 2017
312 IAC 25-6-20	A	03-93	27 IR 235		326 IAC 3-5-3			*ERR (26 IR 1567)
312 IAC 25-6-23	A	03-93	27 IR 237			A	02-337	26 IR 2019
312 IAC 25-6-25	A	03-93	27 IR 238		326 IAC 3-5-4			*ERR (26 IR 1567)
312 IAC 25-6-31	A	03-169	27 IR 248			A	02-337	26 IR 2019
312 IAC 25-6-66	A	03-93	27 IR 238		326 IAC 3-5-5			*ERR (26 IR 1567)
312 IAC 25-6-76.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)		A	02-337	26 IR 2020
				<b>26 IR 3865</b>	326 IAC 3-6-1			*ERR (26 IR 1567)
312 IAC 25-6-81	A	03-93	27 IR 239			A	02-337	26 IR 2022
312 IAC 25-6-84	A	03-93	27 IR 241		326 IAC 3-6-3			*ERR (26 IR 1567)
312 IAC 25-6-130	A	03-93	27 IR 243			A	02-337	26 IR 2022
312 IAC 25-7-1	A	03-93	27 IR 244		326 IAC 3-6-5			*ERR (26 IR 1567)
312 IAC 25-7-20	A	03-93	27 IR 246			A	02-337	26 IR 2023
312 IAC 25-9-5	A	03-169	27 IR 249		326 IAC 3-7-2			*ERR (26 IR 1567)
312 IAC 25-9-8	A	03-169	27 IR 249			A	02-337	26 IR 2024
					326 IAC 3-7-4			*ERR (26 IR 1567)
TITLE 326 AIR POLLUTION CONTROL BOARD						A	02-337	26 IR 2025
326 IAC 1-1-3	A	02-337	26 IR 1997		326 IAC 4-1-4.1	A	02-88	25 IR 3240
326 IAC 1-1-3.5	A	02-337	26 IR 1997		326 IAC 4-1-8			<b>26 IR 1077</b>
326 IAC 1-2-65	A	02-337	26 IR 1997		326 IAC 4-2-1	A	00-44	24 IR 2754
326 IAC 1-2-90	A	02-337	26 IR 1998					*ERR (26 IR 1567)
326 IAC 1-3-4	A	03-69	26 IR 3376					*CPH (25 IR 2542)
326 IAC 1-4-1	A	02-88	25 IR 3240	<b>26 IR 1077</b>				*CPH (25 IR 3208)
	A	03-70	26 IR 3092	<b>27 IR 1167</b>				<b>26 IR 1071</b>

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326 IAC 4-2-2	A	00-44	24 IR 2754	*CPH (25 IR 2542) *CPH (25 IR 3208) <b>26 IR 1071</b>	326 IAC 9-1-1	A	00-44	24 IR 2777	*CPH (25 IR 2542) *CPH (25 IR 3208) <b>26 IR 1072</b>
326 IAC 5-1-2	A	01-407	26 IR 2026	*ERR (26 IR 1567) *CPH (26 IR 2391) *ERR (26 IR 1567)	326 IAC 9-1-2	A	00-44	24 IR 2777	*CPH (25 IR 2542) *CPH (25 IR 3208) <b>26 IR 1072</b>
326 IAC 5-1-4	A	02-337	26 IR 2026	*ERR (26 IR 1567)	326 IAC 10-1-2	A	02-337	26 IR 2056	*ERR (26 IR 1569)
326 IAC 5-1-5	A	02-337	26 IR 2027	*ERR (26 IR 1567)	326 IAC 10-1-4	A	02-337	26 IR 2057	*ERR (26 IR 1569)
326 IAC 6-1-1	A	01-407	26 IR 1970	*ERR (26 IR 383) *CPH (26 IR 2391) <b>27 IR 61</b>	326 IAC 10-1-5	A	02-337	26 IR 2059	*ERR (26 IR 1569)
326 IAC 6-1-10.1	A	01-407	26 IR 1994	*CPH (26 IR 2391) <b>27 IR 85</b>	326 IAC 10-1-6	A	02-337	26 IR 2059	*ERR (26 IR 1569)
326 IAC 6-1-10.2	A	02-122	26 IR 98	*CPH (26 IR 811) <b>26 IR 2318</b>	326 IAC 10-3-1	A	02-54	26 IR 1134	*CPH (26 IR 2391) <b>26 IR 3550</b>
326 IAC 6-2-3				*ERR (26 IR 1567)	326 IAC 10-3-3				*ERR (26 IR 1569)
326 IAC 6-4-5				*ERR (26 IR 1567)	326 IAC 10-4-1	A	02-54	26 IR 1134	*CPH (26 IR 2391) <b>26 IR 3551</b>
326 IAC 6-5-7				*ERR (26 IR 1568)	326 IAC 10-4-2	A	02-54	26 IR 1136	*CPH (26 IR 2391) <b>26 IR 3552</b>
326 IAC 6-6-2				*ERR (26 IR 1568)	326 IAC 10-4-3				*ERR (26 IR 1569)
326 IAC 6-6-4				*ERR (26 IR 1568)	326 IAC 10-4-4				*ERR (26 IR 1569)
326 IAC 7-2-1				*ERR (26 IR 1565)	326 IAC 10-4-8				*ERR (26 IR 1569)
326 IAC 7-4-10	A	02-337	26 IR 2028	*ERR (26 IR 1568)	326 IAC 10-4-9	A	02-54	26 IR 1142	*CPH (26 IR 2391) <b>26 IR 3558</b>
326 IAC 7-4-14	A	02-337	26 IR 2029	*ERR (26 IR 1568)	326 IAC 10-4-10	A	02-54	26 IR 1148	*CPH (26 IR 2391) <b>26 IR 3565</b>
326 IAC 8-1-2	A	01-251	25 IR 2754	<b>26 IR 1073</b>	326 IAC 10-4-12				*ERR (26 IR 1569)
326 IAC 8-1-4				*ERR (26 IR 1565)	326 IAC 10-4-13	A	02-54	26 IR 1152	*CPH (26 IR 2391) <b>26 IR 3568</b>
326 IAC 8-2-9	A	02-337	26 IR 2030	<b>26 IR 1078</b>	326 IAC 10-4-14	A	02-54	26 IR 1155	*CPH (26 IR 2391) <b>26 IR 3572</b>
326 IAC 8-2-9	A	02-88	25 IR 3241		326 IAC 10-4-15	A	02-54	26 IR 1156	*CPH (26 IR 2391) <b>26 IR 3572</b>
326 IAC 8-4-6	A	02-337	26 IR 2032	*ERR (26 IR 1568)	326 IAC 11-3-4				*ERR (26 IR 1569)
326 IAC 8-4-9				*ERR (26 IR 1568)	326 IAC 11-4-5	A	01-407	26 IR 2060	*CPH (26 IR 2391)
326 IAC 8-7-7	A	02-337	26 IR 2035	*ERR (26 IR 1568)	326 IAC 11-5	R	99-177	25 IR 1984	<b>26 IR 10</b>
326 IAC 8-7-10				*ERR (26 IR 1568)	326 IAC 11-7-1	A	02-337	26 IR 2061	<b>26 IR 10</b>
326 IAC 8-8.1-1				*ERR (26 IR 1568)	326 IAC 13-1.1-1				*ERR (26 IR 1570)
326 IAC 8-9-2	A	02-337	26 IR 2037	*ERR (26 IR 1568)	326 IAC 13-1.1-8	A	02-337	26 IR 2062	*ERR (26 IR 1570)
326 IAC 8-9-3	A	02-337	26 IR 2037	*ERR (26 IR 1568)	326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ERR (26 IR 1570)
326 IAC 8-9-4	A	02-337	26 IR 2038	*ERR (26 IR 1568)	326 IAC 13-1.1-13	A	02-337	26 IR 2063	*ERR (26 IR 1570)
326 IAC 8-9-5	A	02-337	26 IR 2040	*ERR (26 IR 1568)	326 IAC 13-1.1-14	A	02-337	26 IR 2064	*ERR (26 IR 1570)
326 IAC 8-9-6	A	02-337	26 IR 2042	*ERR (26 IR 1568)	326 IAC 13-1.1-16	A	02-337	26 IR 2065	*ERR (26 IR 1570)
326 IAC 8-10-5				*ERR (26 IR 1568)	326 IAC 13-2.1-3	A	02-337	26 IR 2066	*ERR (26 IR 1570)
326 IAC 8-10-6				*ERR (26 IR 1568)	326 IAC 13-3-1	A	02-88	25 IR 3242	<b>26 IR 1079</b>
326 IAC 8-10-7				*ERR (26 IR 1568)	326 IAC 13-3-2				*ERR (26 IR 1570)
326 IAC 8-11-2	A	02-337	26 IR 2044	*ERR (26 IR 1568)	326 IAC 13-3-5				*ERR (26 IR 1570)
326 IAC 8-11-3				*ERR (26 IR 1568)	326 IAC 13-3-6				*ERR (26 IR 1570)
326 IAC 8-11-6	A	02-337	26 IR 2046	*ERR (26 IR 1569)	326 IAC 14-1-1	A	02-337	26 IR 2066	
326 IAC 8-11-7	A	02-337	26 IR 2050	*ERR (26 IR 1569)	326 IAC 14-1-2	A	02-337	26 IR 2067	
326 IAC 8-12-3				*ERR (26 IR 1569)	326 IAC 14-1-4	R	02-337	26 IR 2099	
326 IAC 8-12-5	A	02-337	26 IR 2050	*ERR (26 IR 1569)	326 IAC 14-3-1				*ERR (26 IR 1570)
326 IAC 8-12-6	A	02-337	26 IR 2052	*ERR (26 IR 1569)	326 IAC 14-4-1	A	02-337	26 IR 2067	*ERR (26 IR 1571)
326 IAC 8-12-6				*ERR (26 IR 1565)	326 IAC 14-5-1	A	02-337	26 IR 2067	*ERR (26 IR 1571)
326 IAC 8-12-7	A	02-337	26 IR 2053		326 IAC 14-6-1	A	02-337	26 IR 2068	*ERR (26 IR 1571)
326 IAC 8-13-5	A	02-337	26 IR 2054	*ERR (26 IR 1569)	326 IAC 14-7-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2055			A	02-337	26 IR 2068	

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326 IAC 14-8-1	A	02-337	26 IR 2068		326 IAC 23-1-5	A	02-189	26 IR 2408	27 IR 460
326 IAC 14-8-3	A	02-337	26 IR 2069		326 IAC 23-1-5.5	N	02-189	26 IR 2408	27 IR 460
326 IAC 14-8-4	A	02-337	26 IR 2069		326 IAC 23-1-6.5	N	02-189	26 IR 2408	27 IR 460
326 IAC 14-8-5	A	02-337	26 IR 2069		326 IAC 23-1-7.5	N	02-189	26 IR 2408	27 IR 460
326 IAC 14-9-5	A	02-337	26 IR 2070		326 IAC 23-1-7.6	N	02-189	26 IR 2408	27 IR 460
326 IAC 14-9-7				*ERR (26 IR 1571)	326 IAC 23-1-9	A	02-189	26 IR 2408	27 IR 460
326 IAC 14-9-8	A	02-337	26 IR 2071		326 IAC 23-1-10	A	02-189	26 IR 2409	27 IR 461
326 IAC 14-9-9				*ERR (26 IR 1571)	326 IAC 23-1-11	A	02-189	26 IR 2409	27 IR 461
	A	02-337	26 IR 2071		326 IAC 23-1-11.5	N	02-189	26 IR 2409	27 IR 461
326 IAC 14-10-1				*ERR (26 IR 1571)	326 IAC 23-1-12.5	N	02-189	26 IR 2409	27 IR 461
	A	02-337	26 IR 2072		326 IAC 23-1-17	A	02-189	26 IR 2409	27 IR 462
326 IAC 14-10-2				*ERR (26 IR 1571)	326 IAC 23-1-21	A	02-189	26 IR 2410	27 IR 462
	A	02-337	26 IR 2074		326 IAC 23-1-21.5	N	02-189	26 IR 2410	27 IR 462
326 IAC 14-10-3				*ERR (26 IR 1571)	326 IAC 23-1-22	A	02-189	26 IR 2437	27 IR 462
	A	02-337	26 IR 2076		326 IAC 23-1-23	R	02-189	26 IR 2437	27 IR 490
326 IAC 14-10-4				*ERR (26 IR 1571)	326 IAC 23-1-26.5	N	02-189	26 IR 2410	
	A	02-337	26 IR 2078		326 IAC 23-1-27	A	02-189	26 IR 2410	27 IR 462
326 IAC 15-1-2				*ERR (26 IR 1565)	326 IAC 23-1-27.5	N	02-189	26 IR 2410	27 IR 463
	A	02-337	26 IR 2080		326 IAC 23-1-31	A	02-337	26 IR 2099	
326 IAC 15-1-4				*ERR (26 IR 1571)	326 IAC 23-1-32.1	N	02-189	26 IR 2410	27 IR 463
	A	02-337	26 IR 2083		326 IAC 23-1-32.2	N	02-189	26 IR 2411	27 IR 463
326 IAC 16-2-3				*ERR (26 IR 1571)	326 IAC 23-1-34	A	02-189	26 IR 2411	27 IR 463
326 IAC 16-3-1				*ERR (26 IR 1571)	326 IAC 23-1-34.5	N	02-189	26 IR 2411	27 IR 463
	A	02-337	26 IR 2084		326 IAC 23-1-34.8	N	02-189	26 IR 2411	27 IR 463
326 IAC 18-1-2				*ERR (26 IR 1572)	326 IAC 23-1-37	R	02-189	26 IR 2437	27 IR 490
	A	02-337	26 IR 2084		326 IAC 23-1-40	R	02-189	26 IR 2437	27 IR 490
326 IAC 18-1-5				*ERR (26 IR 1572)	326 IAC 23-1-42	R	02-189	26 IR 2437	27 IR 490
	A	02-337	26 IR 2086		326 IAC 23-1-43	R	02-189	26 IR 2437	27 IR 490
326 IAC 18-1-7				*ERR (26 IR 1572)	326 IAC 23-1-44	R	02-189	26 IR 2437	27 IR 490
	A	02-337	26 IR 2087		326 IAC 23-1-45	R	02-189	26 IR 2437	27 IR 490
326 IAC 18-1-8	A	02-337	26 IR 2088		326 IAC 23-1-46	R	02-189	26 IR 2437	27 IR 490
326 IAC 18-2-2				*ERR (26 IR 1572)	326 IAC 23-1-47	R	02-189	26 IR 2437	27 IR 490
	A	02-337	26 IR 2088		326 IAC 23-1-48.5	N	02-189	26 IR 2411	27 IR 463
326 IAC 18-2-3				*ERR (26 IR 1572)	326 IAC 23-1-52	A	02-189	26 IR 2411	27 IR 463
	A	02-337	26 IR 2090		326 IAC 23-1-52.5	N	02-189	26 IR 2411	27 IR 464
326 IAC 18-2-6	A	02-337	26 IR 2096		326 IAC 23-1-54.5	N	02-189	26 IR 2412	27 IR 464
326 IAC 18-2-7	A	02-337	26 IR 2097		326 IAC 23-1-55.5	N	02-189	26 IR 2412	27 IR 464
326 IAC 19-1	R	00-44	24 IR 2791	*CPH (25 IR 2542)	326 IAC 23-1-58.5	N	02-189	26 IR 2412	27 IR 464
				*CPH (25 IR 3208)	326 IAC 23-1-58.7	N	02-189	26 IR 2412	27 IR 464
				<b>26 IR 1073</b>	326 IAC 23-1-60.1	N	02-189	26 IR 2412	27 IR 464
326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811)	326 IAC 23-1-60.5	N	02-189	26 IR 2412	27 IR 465
				<b>26 IR 2607</b>	326 IAC 23-1-60.6	N	02-189	26 IR 2413	27 IR 465
326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811)	326 IAC 23-1-61.5	N	02-189	26 IR 2413	27 IR 465
				<b>26 IR 2607</b>	326 IAC 23-1-62.5	N	02-189	26 IR 2413	27 IR 465
326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811)	326 IAC 23-1-62.6	N	02-189	26 IR 2413	27 IR 465
				<b>26 IR 2609</b>	326 IAC 23-1-63	A	02-189	26 IR 2413	27 IR 466
326 IAC 20-25-5	A	02-55	26 IR 94	*CPH (26 IR 811)	326 IAC 23-1-64	A	02-189	26 IR 2414	27 IR 466
				<b>26 IR 2610</b>	326 IAC 23-1-69.5	N	02-189	26 IR 2414	27 IR 466
326 IAC 20-25-7	A	02-55	26 IR 95	*CPH (26 IR 811)	326 IAC 23-1-69.6	N	02-189	26 IR 2414	27 IR 466
				<b>26 IR 2610</b>	326 IAC 23-1-69.7	N	02-189	26 IR 2414	27 IR 466
326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811)	326 IAC 23-1-71	N	02-189	26 IR 2414	27 IR 467
				<b>26 IR 2611</b>	326 IAC 23-2-1	A	02-189	26 IR 2414	27 IR 467
326 IAC 20-49	N	02-336	26 IR 3090		326 IAC 23-2-3	A	02-189	26 IR 2415	27 IR 467
326 IAC 20-50	N	02-336	26 IR 3090		326 IAC 23-2-4	A	02-189	26 IR 2416	27 IR 469
326 IAC 20-51	N	02-336	26 IR 3090		326 IAC 23-2-5	A	02-189	26 IR 2418	27 IR 471
326 IAC 20-52	N	02-336	26 IR 3091		326 IAC 23-2-6	A	02-189	26 IR 2419	27 IR 471
326 IAC 20-53	N	02-336	26 IR 3091		326 IAC 23-2-6.5	N	02-189	26 IR 2419	27 IR 472
326 IAC 20-54	N	02-336	26 IR 3091		326 IAC 23-2-7	A	02-189	26 IR 2420	27 IR 473
326 IAC 20-55	N	02-336	26 IR 3091		326 IAC 23-2-8	A	02-189	26 IR 2421	27 IR 474
326 IAC 20-57	N	03-284	27 IR 1618		326 IAC 23-2-9	A	02-189	26 IR 2422	27 IR 474
326 IAC 20-58	N	03-284	27 IR 1619		326 IAC 23-3-1	A	02-189	26 IR 2422	27 IR 475
326 IAC 20-59	N	03-284	27 IR 1619		326 IAC 23-3-2	A	02-189	26 IR 2422	27 IR 475
326 IAC 20-60	N	03-284	27 IR 1619		326 IAC 23-3-3	A	02-189	26 IR 2423	27 IR 476
326 IAC 20-61	N	03-284	27 IR 1619		326 IAC 23-3-5	A	02-189	26 IR 2426	27 IR 479
326 IAC 20-62	N	03-284	27 IR 1619		326 IAC 23-3-7	A	02-189	26 IR 2426	27 IR 479
326 IAC 20-70	N	03-284	27 IR 1620		326 IAC 23-3-11	A	02-189	26 IR 2428	27 IR 480
326 IAC 22-1-1				*ERR (26 IR 1572)	326 IAC 23-3-12	A	02-189	26 IR 2428	27 IR 481
	A	02-337	26 IR 2098		326 IAC 23-3-13	A	02-189	26 IR 2428	27 IR 481
326 IAC 23-1-4	A	02-189	26 IR 2407	<b>27 IR 459</b>	326 IAC 23-4-1	A	02-189	26 IR 2429	27 IR 481

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326 IAC 23-4-2	A	02-189	26 IR 2429	<b>27 IR 482</b>	327 IAC 6.1-4-18	A	01-238	26 IR 1187	<b>26 IR 3618</b>
326 IAC 23-4-3	A	02-189	26 IR 2429	<b>27 IR 482</b>	327 IAC 6.1-4-19	A	01-238	26 IR 1187	<b>26 IR 3618</b>
326 IAC 23-4-4	A	02-189	26 IR 2430	<b>27 IR 483</b>	327 IAC 6.1-5-1	A	01-238	26 IR 1187	<b>26 IR 3618</b>
326 IAC 23-4-5	A	02-189	26 IR 2431	<b>27 IR 484</b>	327 IAC 6.1-5-2	A	01-238	26 IR 1187	<b>26 IR 3618</b>
326 IAC 23-4-6	A	02-189	26 IR 2432	<b>27 IR 485</b>	327 IAC 6.1-5-3	A	01-238	26 IR 1188	<b>26 IR 3619</b>
326 IAC 23-4-7	A	02-189	26 IR 2434	<b>27 IR 486</b>	327 IAC 6.1-5-4	A	01-238	26 IR 1188	<b>26 IR 3619</b>
326 IAC 23-4-9	A	02-189	26 IR 2434	<b>27 IR 487</b>	327 IAC 6.1-6-1	A	01-238	26 IR 1189	<b>26 IR 3620</b>
326 IAC 23-4-11	A	02-189	26 IR 2435	<b>27 IR 488</b>	327 IAC 6.1-6-2	A	01-238	26 IR 1189	<b>26 IR 3620</b>
326 IAC 23-4-12	A	02-189	26 IR 2435	<b>27 IR 488</b>	327 IAC 6.1-6-3	A	01-238	26 IR 1190	<b>26 IR 3621</b>
326 IAC 23-4-13	A	02-189	26 IR 2435	<b>27 IR 488</b>	327 IAC 6.1-7-1	A	01-238	26 IR 1191	<b>26 IR 3622</b>
326 IAC 23-5	N	02-189	26 IR 2436	<b>27 IR 489</b>	327 IAC 6.1-7-2	A	01-238	26 IR 1191	<b>26 IR 3622</b>
TITLE 327 WATER POLLUTION CONTROL BOARD					327 IAC 6.1-7-3	A	01-238	26 IR 1192	<b>26 IR 3623</b>
327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366) <b>27 IR 1563</b>	327 IAC 6.1-7-4	A	01-238	26 IR 1193	<b>26 IR 3624</b>
327 IAC 5-2-9	A	00-136	26 IR 427	<b>26 IR 2613</b>	327 IAC 6.1-7-5	A	01-238	26 IR 1193	<b>26 IR 3625</b>
327 IAC 5-2-11.6				*ERR (26 IR 3884)	327 IAC 6.1-7-6	A	01-238	26 IR 1194	<b>26 IR 3625</b>
327 IAC 5-2.1	N	00-136	26 IR 427	<b>26 IR 2613</b>	327 IAC 6.1-7-9	A	01-238	26 IR 1195	<b>26 IR 3626</b>
327 IAC 5-4-3	A	01-51	26 IR 3698	*CPH (27 IR 1195)	327 IAC 6.1-7-10	A	01-238	26 IR 1195	<b>26 IR 3626</b>
327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113) <b>26 IR 3575</b>	327 IAC 6.1-7-11	A	01-238	26 IR 1196	<b>26 IR 3627</b>
				*ERR (27 IR 191)	327 IAC 6.1-7.5	N	01-238	26 IR 1197	<b>26 IR 3628</b>
327 IAC 6.1-1-1	A	01-238	26 IR 1165	<b>26 IR 3596</b>	327 IAC 6.1-8-1	A	01-238	26 IR 1198	<b>26 IR 3629</b>
327 IAC 6.1-1-3	A	01-238	26 IR 1166	<b>26 IR 3596</b>	327 IAC 6.1-8-2	A	01-238	26 IR 1199	<b>26 IR 3630</b>
327 IAC 6.1-1-4	A	01-238	26 IR 1166	<b>26 IR 3597</b>	327 IAC 6.1-8-3	A	01-238	26 IR 1199	<b>26 IR 3630</b>
327 IAC 6.1-1-5	A	01-238	26 IR 1167	<b>26 IR 3597</b>	327 IAC 6.1-8-4	A	01-238	26 IR 1199	<b>26 IR 3630</b>
327 IAC 6.1-1-7	A	01-238	26 IR 1167	<b>26 IR 3597</b>	327 IAC 6.1-8-5	A	01-238	26 IR 1200	<b>26 IR 3631</b>
327 IAC 6.1-2-3	A	01-238	26 IR 1167	<b>26 IR 3597</b>	327 IAC 6.1-8-6	A	01-238	26 IR 1200	<b>26 IR 3631</b>
327 IAC 6.1-2-6	A	01-238	26 IR 1167	<b>26 IR 3597</b>	327 IAC 6.1-8-7	A	01-238	26 IR 1200	<b>26 IR 3632</b>
327 IAC 6.1-2-6.5	N	01-238		†† <b>26 IR 3598</b>	327 IAC 6.1-8-8	A	01-238	26 IR 1201	<b>26 IR 3632</b>
327 IAC 6.1-2-7	A	01-238	26 IR 1167	<b>26 IR 3598</b>	327 IAC 8-2-1	A	01-348	26 IR 101	*CPH (26 IR 812) <b>26 IR 2808</b>
327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	<b>26 IR 3598</b>	327 IAC 8-2-5	A	01-348	26 IR 105	*CPH (26 IR 812) <b>26 IR 2812</b>
327 IAC 6.1-2-8	A	01-238	26 IR 1168	<b>26 IR 3598</b>	327 IAC 8-2-5.3	A	01-348	26 IR 107	*CPH (26 IR 812) <b>26 IR 2814</b>
327 IAC 6.1-2-10	R	01-238	26 IR 1201	<b>26 IR 3632</b>	327 IAC 8-2-6	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 6.1-2-12	R	01-238	26 IR 1201	<b>26 IR 3632</b>	327 IAC 8-2-8.5	A	01-348	26 IR 109	*CPH (26 IR 812) <b>26 IR 2816</b>
327 IAC 6.1-2-13	A	01-238	26 IR 1168	<b>26 IR 3598</b>	327 IAC 8-2-13	A	01-348	26 IR 110	*CPH (26 IR 812) <b>26 IR 2817</b>
327 IAC 6.1-2-14	A	01-238	26 IR 1168	<b>26 IR 3599</b>	327 IAC 8-2-29	R	01-348	26 IR 152	*CPH (26 IR 812) <b>26 IR 2859</b>
327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	<b>26 IR 3599</b>	327 IAC 8-2-30	A	01-348	26 IR 110	*CPH (26 IR 812) <b>26 IR 2817</b>
327 IAC 6.1-2-28	A	01-238	26 IR 1169	<b>26 IR 3599</b>	327 IAC 8-2-31	A	01-348	26 IR 111	*CPH (26 IR 812) <b>26 IR 2818</b>
327 IAC 6.1-2-30	A	01-238	26 IR 1169	<b>26 IR 3599</b>	327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812) <b>26 IR 2818</b>
327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	<b>26 IR 3599</b>	327 IAC 8-2.1-3	A	01-348	26 IR 112	*CPH (26 IR 812) <b>26 IR 2818</b>
327 IAC 6.1-2-35	A	01-238	26 IR 1169	<b>26 IR 3600</b>	327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812) <b>26 IR 2821</b>
327 IAC 6.1-2-42	A	01-238	26 IR 1169	<b>26 IR 3600</b>	327 IAC 8-2.1-6	A	01-348	26 IR 115	*CPH (26 IR 812) <b>26 IR 2822</b>
327 IAC 6.1-2-43	A	01-238	26 IR 1170	<b>26 IR 3600</b>	327 IAC 8-2.1-8	A	01-348	26 IR 121	*CPH (26 IR 812) <b>26 IR 2828</b>
327 IAC 6.1-2-54	A	01-238	26 IR 1170	<b>26 IR 3600</b>	327 IAC 8-2.1-16	A	01-348	26 IR 122	*CPH (26 IR 812) <b>26 IR 2829</b>
327 IAC 6.1-2-55	A	01-238	26 IR 1170	<b>26 IR 3600</b>	327 IAC 8-2.1-17	A	01-348	26 IR 126	*CPH (26 IR 812) <b>26 IR 2833</b>
327 IAC 6.1-2-55.3	N	01-238		†† <b>26 IR 3601</b>	327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812) <b>26 IR 2840</b>
327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	<b>26 IR 3601</b>	327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812) <b>26 IR 2854</b>
327 IAC 6.1-2-61	R	01-238	26 IR 1201	<b>26 IR 3632</b>	327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 830</b>
327 IAC 6.1-3-1	A	01-238	26 IR 1170	<b>26 IR 3601</b>					
327 IAC 6.1-3-2	A	01-238	26 IR 1171	<b>26 IR 3602</b>					
327 IAC 6.1-3-3	A	01-238	26 IR 1172	<b>26 IR 3602</b>					
327 IAC 6.1-3-4	A	01-238	26 IR 1172	<b>26 IR 3602</b>					
327 IAC 6.1-3-7	A	01-238	26 IR 1172	<b>26 IR 3603</b>					
327 IAC 6.1-3-8	N	01-238	26 IR 1173	<b>26 IR 3603</b>					
327 IAC 6.1-4-1	A	01-238	26 IR 1173	<b>26 IR 3604</b>					
327 IAC 6.1-4-3	A	01-238	26 IR 1173	<b>26 IR 3604</b>					
327 IAC 6.1-4-4	A	01-238	26 IR 1174	<b>26 IR 3605</b>					
327 IAC 6.1-4-5	A	01-238	26 IR 1175	<b>26 IR 3605</b>					
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175	<b>26 IR 3606</b>					
327 IAC 6.1-4-6	A	01-238	26 IR 1176	<b>26 IR 3607</b>					
327 IAC 6.1-4-7	A	01-238	26 IR 1177	<b>26 IR 3608</b>					
327 IAC 6.1-4-8	A	01-238	26 IR 1178	<b>26 IR 3609</b>					
327 IAC 6.1-4-9	A	01-238	26 IR 1179	<b>26 IR 3610</b>					
327 IAC 6.1-4-10	A	01-238	26 IR 1181	<b>26 IR 3612</b>					
327 IAC 6.1-4-11	A	01-238	26 IR 1182	<b>26 IR 3613</b>					
327 IAC 6.1-4-13	A	01-238	26 IR 1182	<b>26 IR 3613</b>					
327 IAC 6.1-4-16	A	01-238	26 IR 1184	<b>26 IR 3615</b>					
327 IAC 6.1-4-17	A	01-238	26 IR 1186	<b>26 IR 3617</b>					

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327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 830</b>	327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 844</b>
327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 831</b>	327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 863</b>
327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 831</b>	327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 844</b>
327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 832</b>	327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 845</b>
327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 832</b>	327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 845</b>
	A	02-327	26 IR 3098	*CPH (26 IR 3366) <b>27 IR 1563</b>	327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 848</b>
327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 832</b>	327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>
327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 833</b>	327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>
327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 833</b>	327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>
327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 834</b>	327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 857</b>
327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 834</b>	327 IAC 15-6-7.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 858</b>
327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 836</b>	327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b>
327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 837</b>	327 IAC 15-6-9	A	01-95		† <b>27 IR 859</b>
					327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b>
327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 838</b>	327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b>
327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 840</b>	327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b>
327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 843</b>	327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113) <b>26 IR 3577</b>
327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 843</b>	327 IAC 15-14	N	02-327	26 IR 3098	*ERR (27 IR 191) *CPH (26 IR 3366) <b>27 IR 1563</b>
					327 IAC 15-15	N	01-51	26 IR 3701	*CPH (27 IR 1195)

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TITLE 329 SOLID WASTE MANAGEMENT BOARD				329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
329 IAC 3.1-1-7	A	02-235	26 IR 1240	*CPH (26 IR 1962)				*CPH (26 IR 2646)
				*CPH (26 IR 2647)				*CPH (26 IR 3073)
				*CPH (26 IR 3074)				*CPH (26 IR 3367)
				*CPH (26 IR 3367)				*CPH (26 IR 3671)
				*CPH (26 IR 3672)	329 IAC 9-1-14.3	N	01-161	26 IR 1210
329 IAC 3.1-4-1	A	02-235	26 IR 1240	*CPH (26 IR 1962)				*CPH (26 IR 1962)
				*CPH (26 IR 2647)				*CPH (26 IR 2646)
				*CPH (26 IR 3074)				*CPH (26 IR 3073)
				*CPH (26 IR 3367)				*CPH (26 IR 3367)
				*CPH (26 IR 3672)				*CPH (26 IR 3671)
329 IAC 3.1-7-2	A	02-235	26 IR 1240	*CPH (26 IR 1962)	329 IAC 9-1-14.5	N	01-161	26 IR 1210
				*CPH (26 IR 2647)				*CPH (26 IR 1962)
				*CPH (26 IR 3074)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3672)				*CPH (26 IR 3367)
329 IAC 3.1-7-15				*ERR (26 IR 3046)	329 IAC 9-1-14.7	N	01-161	26 IR 1210
329 IAC 3.1-9-2	A	02-235	26 IR 1241	*CPH (26 IR 1962)				*CPH (26 IR 1962)
				*CPH (26 IR 2647)				*CPH (26 IR 2646)
				*CPH (26 IR 3074)				*CPH (26 IR 3073)
				*CPH (26 IR 3367)	329 IAC 9-1-25	A	01-161	26 IR 1210
				*CPH (26 IR 3672)				*CPH (26 IR 1962)
								*CPH (26 IR 2646)
329 IAC 3.1-10-2	A	02-160	27 IR 912	*CPH (26 IR 1962)				*CPH (26 IR 3073)
	A	02-235	26 IR 1242	*CPH (26 IR 2647)	329 IAC 9-1-27	A	01-161	26 IR 1210
				*CPH (26 IR 3074)				*CPH (26 IR 1962)
				*CPH (26 IR 3367)				*CPH (26 IR 2646)
				*CPH (26 IR 3672)				*CPH (26 IR 3073)
329 IAC 3.1-12-2				*ERR (26 IR 3046)				*CPH (26 IR 3367)
329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962)	329 IAC 9-1-29.1	R	01-161	26 IR 1239
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962)	329 IAC 9-1-36	A	01-161	26 IR 1210
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 9-1-39.5	N	01-161	26 IR 1211
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 9-1-41	R	01-161	26 IR 1239
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962)	329 IAC 9-1-41.1	R	01-161	26 IR 1239
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962)	329 IAC 9-1-41.5	N	01-161	26 IR 1211
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962)	329 IAC 9-1-42.1	R	01-161	26 IR 1239
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)
329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962)	329 IAC 9-1-47	A	01-161	26 IR 1211
				*CPH (26 IR 2646)				*CPH (26 IR 1962)
				*CPH (26 IR 3073)				*CPH (26 IR 2646)
				*CPH (26 IR 3367)				*CPH (26 IR 3073)
				*CPH (26 IR 3671)				*CPH (26 IR 3367)

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329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-6-5	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)

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329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-6	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-29	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-41	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-41.1	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)



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329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)
329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392)
329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3366) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392)
329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-149	R	00-185	26 IR 511	*CPH (26 IR 3666) *CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 3666) *CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)	329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3666)
329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)	329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3666)
329 IAC 10-2-117	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)	329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)
329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-177	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-127	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-128	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366)
329 IAC 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)	329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3666)
329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366)

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329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-203	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-205	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)					
329 IAC 10-9-2	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)					
329 IAC 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)					
329 IAC 10-10-1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)					

# Rules Affected by Volumes 26 and 27

329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-20	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-16-12 329 IAC 10-17-2	A	00-185	26 IR 453	*ERR (26 IR 3046) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
					329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-37-4	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-1	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
					329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
					329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)

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329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647)	345 IAC 1-3-15	A	02-107	25 IR 4173	<b>26 IR 1527</b>
				*CPH (26 IR 3672)	345 IAC 1-3-16	R	02-107	25 IR 4182	<b>26 IR 1535</b>
				*CPH (26 IR 3903)	345 IAC 1-3-16.5	N	02-107	25 IR 4174	<b>26 IR 1527</b>
329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647)	345 IAC 1-3-22	A	03-9	26 IR 3108	<b>27 IR 490</b>
				*CPH (26 IR 3672)	345 IAC 1-3-30	A	01-413	25 IR 2774	<b>26 IR 345</b>
				*CPH (26 IR 3903)		A	02-323	26 IR 3102	<b>27 IR 87</b>
329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647)	345 IAC 1-3-31	N	02-323	26 IR 3104	<b>27 IR 89</b>
				*CPH (26 IR 3672)	345 IAC 1-3-32	N	02-323	26 IR 3104	<b>27 IR 90</b>
				*CPH (26 IR 3903)	345 IAC 1-5-1	A	03-9	26 IR 3108	<b>27 IR 491</b>
329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647)	345 IAC 1-6-2	A	02-323	26 IR 3105	<b>27 IR 90</b>
				*CPH (26 IR 3672)	345 IAC 1-6-3	A	02-323	26 IR 3105	<b>27 IR 90</b>
				*CPH (26 IR 3903)	345 IAC 2-7-1	A	01-413	25 IR 2775	<b>26 IR 346</b>
329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647)	345 IAC 2-7-2.4	N	02-323	26 IR 3106	<b>27 IR 92</b>
				*CPH (26 IR 3672)	345 IAC 2-7-2.5	N	02-323	26 IR 3107	<b>27 IR 92</b>
				*CPH (26 IR 3903)	345 IAC 2-7-3	A	01-413	25 IR 2776	<b>26 IR 347</b>
329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647)		A	02-323	26 IR 3107	<b>27 IR 92</b>
				*CPH (26 IR 3672)	345 IAC 2-7-4	A	01-413	25 IR 2777	<b>26 IR 348</b>
				*CPH (26 IR 3903)	345 IAC 2-7-5	A	01-413	25 IR 2778	<b>26 IR 349</b>
329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647)	345 IAC 3-5.1-1.2	A	02-107	25 IR 4175	<b>26 IR 1528</b>
				*CPH (26 IR 3672)	345 IAC 3-5.1-1.5	A	02-107	25 IR 4176	<b>26 IR 1529</b>
				*CPH (26 IR 3903)	345 IAC 3-5.1-2	A	02-107	25 IR 4176	<b>26 IR 1529</b>
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647)	345 IAC 3-5.1-3	A	02-107	25 IR 4176	<b>26 IR 1530</b>
				*CPH (26 IR 3672)	345 IAC 3-5.1-3.5	N	02-107	25 IR 4177	<b>26 IR 1530</b>
				*CPH (26 IR 3903)	345 IAC 3-5.1-4	A	02-107	25 IR 4177	<b>26 IR 1530</b>
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647)	345 IAC 3-5.1-6	A	02-107	25 IR 4177	<b>26 IR 1531</b>
				*CPH (26 IR 3672)	345 IAC 3-5.1-7	A	02-107	25 IR 4178	<b>26 IR 1531</b>
				*CPH (26 IR 3903)	345 IAC 3-5.1-8.5	A	02-107	25 IR 4179	<b>26 IR 1533</b>
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647)	345 IAC 3-5.1-8.7	A	02-107	25 IR 4180	<b>26 IR 1533</b>
				*CPH (26 IR 3672)	345 IAC 3-5.1-8.8	R	02-107	25 IR 4182	<b>26 IR 1535</b>
				*CPH (26 IR 3903)	345 IAC 3-5.1-8.9	R	02-107	25 IR 4182	<b>26 IR 1535</b>
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647)	345 IAC 3-5.1-9	R	02-107	25 IR 4182	<b>26 IR 1535</b>
				*CPH (26 IR 3672)	345 IAC 3-5.1-10	A	02-107	25 IR 4181	<b>26 IR 1535</b>
				*CPH (26 IR 3903)	345 IAC 3-5.1-12	R	02-107	25 IR 4182	<b>26 IR 1535</b>
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647)	345 IAC 3-5.1-14	R	02-107	25 IR 4182	<b>26 IR 1535</b>
				*CPH (26 IR 3672)	345 IAC 3-5.1-15	R	02-107	25 IR 4182	<b>26 IR 1535</b>
				*CPH (26 IR 3903)	345 IAC 7-5-1	A	02-126	25 IR 4182	<b>26 IR 1535</b>
329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647)	345 IAC 7-5-2.1	N	02-126	25 IR 4183	<b>26 IR 1536</b>
				*CPH (26 IR 3672)	345 IAC 7-5-2.5	A	02-126	25 IR 4183	<b>26 IR 1536</b>
				*CPH (26 IR 3903)	345 IAC 7-5-3	R	02-126	25 IR 4187	<b>26 IR 1540</b>
329 IAC 11-21-4	A	01-288	26 IR 1671	*CPH (26 IR 2647)	345 IAC 7-5-4	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3672)	345 IAC 7-5-5	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3903)	345 IAC 7-5-6	A	02-126	25 IR 4184	<b>26 IR 1537</b>
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647)	345 IAC 7-5-7	A	02-126	25 IR 4184	<b>26 IR 1537</b>
				*CPH (26 IR 3672)	345 IAC 7-5-8	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3903)	345 IAC 7-5-9	A	02-126	25 IR 4184	<b>26 IR 1538</b>
329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647)	345 IAC 7-5-11	A	02-126	25 IR 4185	<b>26 IR 1538</b>
				*CPH (26 IR 3672)	345 IAC 7-5-15.1	A	02-126	25 IR 4185	<b>26 IR 1539</b>
				*CPH (26 IR 3903)	345 IAC 7-5-16	R	02-126	25 IR 4187	<b>26 IR 1540</b>
329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647)	345 IAC 7-5-16.1	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3672)	345 IAC 7-5-21	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3903)	345 IAC 7-5-22	A	02-126	25 IR 4186	<b>26 IR 1539</b>
329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647)	345 IAC 7-5-24	A	02-126	25 IR 4186	<b>26 IR 1539</b>
				*CPH (26 IR 3672)	345 IAC 7-5-25.7	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3903)	345 IAC 7-5-26	R	02-126	25 IR 4187	<b>26 IR 1540</b>
329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647)	345 IAC 7-5-27	R	02-126	25 IR 4187	<b>26 IR 1540</b>
				*CPH (26 IR 3672)	345 IAC 7-5-28	A	02-126	25 IR 4186	<b>26 IR 1540</b>
				*CPH (26 IR 3903)	345 IAC 7-7-1.5	N	01-377	25 IR 1991	<b>*ARR (25 IR 3770)</b>
329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647)				25 IR 4166	<b>26 IR 693</b>
				*CPH (26 IR 3672)	345 IAC 7-7-2	A	01-377	25 IR 1991	<b>*ARR (25 IR 3770)</b>
				*CPH (26 IR 3903)				25 IR 4166	<b>26 IR 694</b>
					345 IAC 7-7-3	A	01-377	25 IR 1992	<b>*ARR (25 IR 3770)</b>
								25 IR 4167	<b>26 IR 694</b>
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH					345 IAC 7-7-3.5	N	01-377	25 IR 1993	<b>*ARR (25 IR 3770)</b>
345 IAC 1-3-3	A	02-107	25 IR 4170	<b>26 IR 1523</b>				25 IR 4168	<b>26 IR 695</b>
345 IAC 1-3-4	A	02-107	25 IR 4171	<b>26 IR 1524</b>				25 IR 1993	<b>*ARR (25 IR 3770)</b>
345 IAC 1-3-8	R	02-107	25 IR 4182	<b>26 IR 1535</b>	345 IAC 7-7-4	A	01-377	25 IR 1993	<b>*ARR (25 IR 3770)</b>
345 IAC 1-3-11	A	02-107	25 IR 4171	<b>26 IR 1524</b>				25 IR 4168	<b>26 IR 695</b>
345 IAC 1-3-12	A	02-107	25 IR 4172	<b>26 IR 1525</b>				25 IR 1993	<b>*ARR (25 IR 3770)</b>
345 IAC 1-3-13	A	02-107	25 IR 4172	<b>26 IR 1525</b>	345 IAC 7-7-5	A	01-377	25 IR 1993	<b>*ARR (25 IR 3770)</b>
345 IAC 1-3-14	A	02-107	25 IR 4173	<b>26 IR 1526</b>				25 IR 4168	<b>26 IR 696</b>

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345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)	405 IAC 1-12-1	A	02-16	25 IR 2791	*NRA (25 IR 4128)
			25 IR 4169	<b>26 IR 696</b>					<b>26 IR 718</b>
345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)	405 IAC 1-12-2	A	02-16	25 IR 2791	*NRA (25 IR 4128)
			25 IR 4169	<b>26 IR 696</b>					<b>26 IR 718</b>
345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)	405 IAC 1-12-4	A	02-16	25 IR 2793	*NRA (25 IR 4128)
			25 IR 4169	<b>26 IR 696</b>					<b>26 IR 720</b>
345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)	405 IAC 1-12-5	A	02-16	25 IR 2794	*NRA (25 IR 4128)
			25 IR 4169	<b>26 IR 696</b>					<b>26 IR 721</b>
345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)	405 IAC 1-12-6	A	02-16	25 IR 2795	*NRA (25 IR 4128)
			25 IR 4169	<b>26 IR 696</b>					<b>26 IR 722</b>
345 IAC 8-2-1.1	A	01-392	25 IR 2758	<b>26 IR 329</b>	405 IAC 1-12-7	A	02-16	25 IR 2796	*NRA (25 IR 4128)
345 IAC 8-2-1.5	N	01-392	25 IR 2760	<b>26 IR 331</b>					<b>26 IR 723</b>
345 IAC 8-2-1.7	N	01-392	25 IR 2760	<b>26 IR 331</b>	405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128)
345 IAC 8-2-1.9	N	01-392	25 IR 2761	<b>26 IR 332</b>					<b>26 IR 723</b>
345 IAC 8-2-2	A	01-392	25 IR 2762	<b>26 IR 333</b>	405 IAC 1-12-9	A	02-16	25 IR 2797	*NRA (25 IR 4128)
345 IAC 8-2-3	A	01-392	25 IR 2764	<b>26 IR 335</b>					<b>26 IR 724</b>
345 IAC 8-2-3.5	N	01-392	25 IR 2766	<b>26 IR 337</b>	405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128)
345 IAC 8-2-4	A	01-392	25 IR 2767	<b>26 IR 338</b>					<b>26 IR 724</b>
345 IAC 8-3-1	A	01-392	25 IR 2769	<b>26 IR 340</b>	405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128)
345 IAC 8-3-2	A	01-392	25 IR 2770	<b>26 IR 341</b>					<b>26 IR 725</b>
345 IAC 8-3-3	N	01-392	25 IR 2770		405 IAC 1-12-14	A	02-16	25 IR 2799	*NRA (25 IR 4128)
345 IAC 8-3-4	N	01-392	25 IR 2771						<b>26 IR 726</b>
345 IAC 8-3-9	N	01-392		†† <b>26 IR 341</b>	405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128)
				*ERR (26 IR 793)					<b>26 IR 726</b>
345 IAC 8-3-10	N	01-392		†† <b>26 IR 342</b>	405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128)
				*ERR (26 IR 793)					<b>26 IR 727</b>
345 IAC 8-4-1	A	01-392	25 IR 2771	<b>26 IR 342</b>	405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128)
345 IAC 9-2.1-1	A	02-127	25 IR 4187	<b>26 IR 1540</b>					<b>26 IR 728</b>
345 IAC 10-2.1-1	A	02-127	25 IR 4188	<b>26 IR 1541</b>	405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128)
									<b>26 IR 729</b>
TITLE 357 INDIANA PESTICIDE REVIEW BOARD					405 IAC 1-12-24	A	02-16	25 IR 2802	*NRA (25 IR 4128)
357 IAC 1-10	N	02-292	26 IR 1243	<b>26 IR 2859</b>					<b>26 IR 730</b>
				*AROC (26 IR 3149)	405 IAC 1-12-26	A	02-16	25 IR 2803	*NRA (25 IR 4128)
357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673)					<b>26 IR 730</b>
				*AROC (27 IR 1652)	405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (26 IR 415)
									<b>26 IR 1080</b>
TITLE 370 STATE EGG BOARD					405 IAC 1-14.5-14	A	02-144	25 IR 3827	*NRA (26 IR 415)
370 IAC 1-1-1	A	01-419	26 IR 153	<b>26 IR 1542</b>					<b>26 IR 1081</b>
370 IAC 1-1-2	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-14.5-15	A	02-144	25 IR 3827	*NRA (26 IR 415)
370 IAC 1-1-3	A	01-419	26 IR 153	<b>26 IR 1542</b>					<b>26 IR 1081</b>
370 IAC 1-1-4	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-14.6-2	A	02-13	25 IR 2779	*NRA (26 IR 61)
370 IAC 1-1-5	A	01-419	26 IR 153	<b>26 IR 1542</b>					<b>26 IR 707</b>
370 IAC 1-2-1	A	01-419	26 IR 154	<b>26 IR 1543</b>		A	02-340	26 IR 2099	*NRA (26 IR 3365)
370 IAC 1-2-2	A	01-419	26 IR 154	<b>26 IR 1543</b>					<b>26 IR 3869</b>
370 IAC 1-2-3	N	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-14.6-4	A	02-13	25 IR 2782	*NRA (26 IR 61)
370 IAC 1-3-1	A	01-419	26 IR 154	<b>26 IR 1543</b>					<b>26 IR 709</b>
370 IAC 1-3-2	A	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-14.6-6	A	02-13	25 IR 2784	*NRA (26 IR 61)
370 IAC 1-3-3	A	01-419	26 IR 154	<b>26 IR 1543</b>					<b>26 IR 712</b>
370 IAC 1-3-4	A	01-419	26 IR 155	<b>26 IR 1544</b>		A	02-340	26 IR 2102	*NRA (26 IR 3365)
370 IAC 1-4-1	A	01-419	26 IR 155	<b>26 IR 1544</b>					<b>26 IR 3872</b>
370 IAC 1-4-2	A	01-419	26 IR 155	<b>26 IR 1545</b>	405 IAC 1-14.6-7	A	02-13	25 IR 2785	*NRA (26 IR 61)
370 IAC 1-4-3	A	01-419	26 IR 156	<b>26 IR 1545</b>					<b>26 IR 712</b>
370 IAC 1-5-1	A	01-419	26 IR 156	<b>26 IR 1545</b>					*ERR (26 IR 2375)
370 IAC 1-6-1	A	01-419	26 IR 156	<b>26 IR 1545</b>		A	02-340	26 IR 2103	*NRA (26 IR 3365)
370 IAC 1-8-1	A	01-419	26 IR 156	<b>26 IR 1545</b>					<b>26 IR 3873</b>
370 IAC 1-9-1	A	01-419	26 IR 156	<b>26 IR 1545</b>	405 IAC 1-14.6-9	A	02-13	25 IR 2786	*NRA (26 IR 61)
370 IAC 1-10-1	A	01-419	26 IR 156	<b>26 IR 1546</b>					<b>26 IR 714</b>
370 IAC 1-10-2	A	01-419	26 IR 157	<b>26 IR 1546</b>		A	02-340	26 IR 2104	*NRA (26 IR 3365)
									<b>26 IR 3874</b>
TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES					405 IAC 1-14.6-12	A	02-13	25 IR 2787	*NRA (26 IR 61)
405 IAC 1-8-2	A	03-164	26 IR 3929	*NRA (27 IR 1194)					<b>26 IR 715</b>
405 IAC 1-8-3	A	03-164	26 IR 3929	*NRA (27 IR 1194)	405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61)
405 IAC 1-10.5-2	A	03-164	26 IR 3930	*NRA (27 IR 1194)		A	02-340	26 IR 2105	*NRA (26 IR 3365)
	A	03-236	27 IR 914						<b>26 IR 3875</b>
405 IAC 1-10.5-3	A	03-18	26 IR 3378	*NRA (27 IR 207)	405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61)
				<b>27 IR 863</b>					<b>26 IR 716</b>
	A	03-164	26 IR 3932	*NRA (27 IR 1194)		A	02-340	26 IR 2106	*NRA (26 IR 3365)
	A	03-236	27 IR 916						<b>26 IR 3876</b>

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405 IAC 1-16-2	A	02-214	26 IR 158	*NRA (2644) *AROC (26 IR 2695) <b>26 IR 3634</b>	405 IAC 5-12-2	A	02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644) <b>26 IR 2861</b>
405 IAC 1-16-4	A	02-214	26 IR 159	*NRA (2644) *AROC (26 IR 2695) <b>26 IR 3635</b>	405 IAC 5-12-3	A	02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644) <b>26 IR 2861</b>
405 IAC 1-17-1	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 93</b>					
405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 94</b>					
405 IAC 1-17-3	A	03-61	26 IR 3112	*NRA (26 IR 3670) <b>27 IR 94</b>	405 IAC 5-12-4	R	02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644) <b>26 IR 2861</b>
405 IAC 1-17-4	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 95</b>					
405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 96</b>	405 IAC 5-12-5	R	02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644) <b>26 IR 2861</b>
405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 96</b>					
405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 97</b>	405 IAC 5-12-6	R	02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644) <b>26 IR 2862</b>
405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670) <b>27 IR 98</b>					
405 IAC 1-18-2	A	02-121	25 IR 3243	*NRA (26 IR 61) <b>26 IR 1079</b>	405 IAC 5-12-7	A	02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644) <b>26 IR 2862</b>
405 IAC 1-18-3	R	02-121	25 IR 3243	*NRA (26 IR 61) <b>26 IR 1080</b>					
405 IAC 1-19	N	02-184	26 IR 511	*NRA (26 IR 1960) <b>26 IR 2865</b>					
405 IAC 1-20	N	02-184	26 IR 512	*NRA (26 IR 1960) <b>26 IR 2866</b>	405 IAC 5-14-1	A	02-50	25 IR 2556	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 415) <b>26 IR 1546</b>
405 IAC 1-21	N	03-184	27 IR 258	*NRA (27 IR 1194)					
405 IAC 2-3-1.1	A	03-205	27 IR 262	*NRA (27 IR 1612)					
405 IAC 2-3-1.2				*ERR (26 IR 35)	405 IAC 5-14-2	A	02-140	25 IR 3823	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) <b>26 IR 2862</b>
405 IAC 2-3-10	A	03-263	27 IR 1210						
405 IAC 2-3-17	A	02-234	26 IR 516	*NRA (26 IR 1960) <b>26 IR 2868</b>					
405 IAC 2-3-21	A	02-234	26 IR 517	*NRA (26 IR 1960) <b>26 IR 2868</b>					
405 IAC 2-3-23	N	02-45	25 IR 2555	*NRA (25 IR 3804) <b>26 IR 731</b>	405 IAC 5-14-2.5	A	02-277	26 IR 864	<b>26 IR 2862</b>
405 IAC 2-8-1	A	02-87	25 IR 2804	*NRA (26 IR 61) <b>26 IR 731</b>		N	02-140	25 IR 3823	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) *NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) <b>26 IR 2863</b>
	A	03-134	26 IR 3706						
405 IAC 2-8-1.1	N	02-87	25 IR 2805	*NRA (26 IR 61) <b>26 IR 732</b>	405 IAC 5-14-3	A	02-140	25 IR 3824	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) <b>26 IR 2863</b>
	A	03-134	26 IR 3707						
405 IAC 2-9				*ERR (26 IR 35)					
405 IAC 2-10	N	02-145	25 IR 3829	*NRA (26 IR 415) <b>26 IR 1547</b>					
405 IAC 2-10-3	A	03-134	26 IR 3707						
405 IAC 2-10-7	A	03-134	26 IR 3707		405 IAC 5-14-4	A	02-277	26 IR 865	<b>26 IR 2863</b>
405 IAC 2-10-7.1	N	03-134	26 IR 3707			A	02-140	25 IR 3824	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) <b>26 IR 2863</b>
405 IAC 2-10-8	A	03-134	26 IR 3708						
405 IAC 2-10-9	A	03-134	26 IR 3708						
405 IAC 2-10-10	R	03-134	26 IR 3709						
405 IAC 2-10-11	N	03-134	26 IR 3709		405 IAC 5-14-6	A	02-140	25 IR 3824	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) <b>26 IR 2863</b>
405 IAC 4-1	RA	02-275	26 IR 544	<b>26 IR 1261</b>					
405 IAC 4-1-1				*ERR (26 IR 383)					
405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) *AROC (26 IR 884) *NRA (26 IR 1960) *ARR (26 IR 2625) *NRA (2644)	405 IAC 5-14-10	A	02-277	26 IR 865	<b>26 IR 2863</b>
					405 IAC 5-14-11	A	02-277	26 IR 865	<b>26 IR 2865</b>
					405 IAC 5-14-15	A	02-277	26 IR 865	<b>26 IR 2864</b>
					405 IAC 5-14-16	A	02-277	26 IR 866	<b>26 IR 2864</b>
405 IAC 5-12-1	A	02-49	25 IR 2555		405 IAC 5-14-17	A	02-277	26 IR 866	<b>26 IR 2864</b>

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405 IAC 5-14-18	A	02-277	26 IR 866	<b>26 IR 2864</b>	405 IAC 6-2-5.3	N	01-373	25 IR 3813	*AROC (25 IR 3885)
405 IAC 5-19-1	A	01-301	25 IR 3811	*NRA (26 IR 809)					*NRA (26 IR 61)
				<b>26 IR 1901</b>					<b>26 IR 697</b>
405 IAC 5-19-3	A	02-207	26 IR 514	*NRA (26 IR 2644)	405 IAC 6-2-5.5	N	01-373	25 IR 3813	*AROC (25 IR 3885)
	A	03-207	27 IR 267						*NRA (26 IR 61)
405 IAC 5-20-1	A	03-184	27 IR 259	*NRA (27 IR 1194)					<b>26 IR 697</b>
405 IAC 5-20-2	A	03-184	27 IR 260	*NRA (27 IR 1194)	405 IAC 6-2-9	A	01-373	25 IR 3813	*AROC (25 IR 3885)
405 IAC 5-20-3.1	N	03-184	27 IR 260	*NRA (27 IR 1194)					*NRA (26 IR 61)
405 IAC 5-20-4	A	03-184	27 IR 261	*NRA (27 IR 1194)					<b>26 IR 698</b>
405 IAC 5-20-7	A	03-184	27 IR 261	*NRA (27 IR 1194)	405 IAC 6-2-12	A	01-373	25 IR 3814	*AROC (25 IR 3885)
405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902)					*NRA (26 IR 61)
				*ARR (27 IR 539)					<b>26 IR 698</b>
				*NRA (27 IR 550)	405 IAC 6-2-12.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				*ARR (27 IR 1576)					*NRA (26 IR 61)
				*NRA (27 IR 1612)					<b>26 IR 698</b>
405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902)	405 IAC 6-2-14	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*ARR (27 IR 539)					*NRA (26 IR 61)
				*NRA (27 IR 550)					<b>26 IR 698</b>
				*ARR (27 IR 1576)	405 IAC 6-2-16.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (27 IR 1612)					*NRA (26 IR 61)
405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902)	405 IAC 6-2-18	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*ARR (27 IR 539)					*NRA (26 IR 61)
				*NRA (27 IR 550)					<b>26 IR 698</b>
				*ARR (27 IR 1576)	405 IAC 6-2-20	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (27 IR 1612)					*NRA (26 IR 61)
405 IAC 5-24-4				*ERR (26 IR 35)					<b>26 IR 698</b>
405 IAC 5-24-7	A	02-141	25 IR 3825	*NRA (26 IR 62)	405 IAC 6-2-20.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				<b>26 IR 732</b>					*NRA (26 IR 61)
	A	03-206	27 IR 266	*NRA (27 IR 1194)					<b>26 IR 699</b>
405 IAC 5-24-13	N	02-207	26 IR 515	*NRA (26 IR 2644)	405 IAC 6-2-21	A	01-373	25 IR 3815	*AROC (25 IR 3885)
				<b>26 IR 3633</b>					*NRA (26 IR 61)
405 IAC 5-31-4	A	02-207	26 IR 515	*NRA (26 IR 2644)					<b>26 IR 699</b>
				<b>26 IR 3633</b>					
405 IAC 5-34-1	A	02-214	26 IR 159	*NRA (26 IR 2644)		R	03-260	27 IR 921	
				*AROC (26 IR 2695)	405 IAC 6-2-22	R	03-260	27 IR 921	
				<b>26 IR 3635</b>	405 IAC 6-2-22.5	N	01-373	25 IR 3815	*AROC (25 IR 3885)
405 IAC 5-34-2	A	02-214	26 IR 159	*NRA (2644)					*NRA (26 IR 61)
				*AROC (26 IR 2695)					<b>26 IR 699</b>
				<b>26 IR 3635</b>	405 IAC 6-3-2	A	01-373	25 IR 3815	*AROC (25 IR 3885)
405 IAC 5-34-3	A	02-214	26 IR 160	*NRA (2644)					*NRA (26 IR 61)
				*AROC (26 IR 2695)					<b>26 IR 699</b>
				<b>26 IR 3636</b>	405 IAC 6-3-3	A	01-373	25 IR 3815	*AROC (25 IR 3885)
405 IAC 5-34-4	A	02-214	26 IR 160	*NRA (2644)					*NRA (26 IR 61)
				*AROC (26 IR 2695)					<b>26 IR 699</b>
				<b>26 IR 3636</b>		A	03-260	27 IR 919	
405 IAC 5-34-4.1	N	02-214	26 IR 162	*NRA (2644)	405 IAC 6-4-2	A	01-373	25 IR 3815	*AROC (25 IR 3885)
				*AROC (26 IR 2695)					*NRA (26 IR 61)
				<b>26 IR 3638</b>					<b>26 IR 699</b>
405 IAC 5-34-4.2	N	02-214	26 IR 162	*NRA (2644)		A	03-260	27 IR 919	
				*AROC (26 IR 2695)	405 IAC 6-4-3	A	03-260	27 IR 920	
				<b>26 IR 3638</b>	405 IAC 6-5-1	A	01-373	25 IR 3816	*AROC (25 IR 3885)
405 IAC 5-34-5	A	02-214	26 IR 162	*NRA (2644)					*NRA (26 IR 61)
				*AROC (26 IR 2695)					<b>26 IR 700</b>
				<b>26 IR 3638</b>		A	03-260	27 IR 920	
405 IAC 5-34-6	A	02-214	26 IR 162	*NRA (2644)	405 IAC 6-5-2	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				*AROC (26 IR 2695)					*NRA (26 IR 61)
				<b>26 IR 3639</b>					<b>26 IR 700</b>
405 IAC 5-34-7	A	02-214	26 IR 163	*NRA (2644)		A	03-260	27 IR 920	
				*AROC (26 IR 2695)	405 IAC 6-5-3	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				<b>26 IR 3640</b>					*NRA (26 IR 61)
405 IAC 6-2-3	A	01-373	25 IR 3813	*AROC (25 IR 3885)		A	03-260	27 IR 921	<b>26 IR 700</b>
				*NRA (26 IR 61)	405 IAC 6-5-4	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				<b>26 IR 697</b>					*NRA (26 IR 61)
	A	03-260	27 IR 919						<b>26 IR 701</b>
405 IAC 6-2-5	A	01-373	25 IR 3813	*AROC (25 IR 3885)	405 IAC 6-5-5	A	03-260	27 IR 921	*AROC (25 IR 3885)
				*NRA (26 IR 61)		A	01-373	25 IR 3817	*NRA (26 IR 61)
				<b>26 IR 697</b>					<b>26 IR 701</b>
	A	03-260	27 IR 919						



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405 IAC 6-5-6	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>	410 IAC 16.2-1-6.5	R	02-89	25 IR 3276	<b>26 IR 1936</b>
					410 IAC 16.2-1-7	R	02-89	25 IR 3276	<b>26 IR 1936</b>
	A	03-260	27 IR 921		410 IAC 16.2-1-8	R	02-89	25 IR 3276	<b>26 IR 1936</b>
405 IAC 6-6-2	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>	410 IAC 16.2-1-9	R	02-89	25 IR 3276	<b>26 IR 1936</b>
					410 IAC 16.2-1-10.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-10.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
405 IAC 6-6-3	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>	410 IAC 16.2-1-11	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-12.5	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-14	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-14.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
	R	03-260	27 IR 921		410 IAC 16.2-1-14.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
405 IAC 6-6-4	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 702</b>	410 IAC 16.2-1-15	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-15.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
405 IAC 6-6-4	R	03-260	27 IR 921		410 IAC 16.2-1-15.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
405 IAC 6-8	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 702</b>	410 IAC 16.2-1-15.3	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-16	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-17	R	02-89	25 IR 3277	<b>26 IR 1936</b>
405 IAC 6-9	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 702</b>	410 IAC 16.2-1-18	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-18.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-18.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
405 IAC 7	N	02-234	26 IR 518	*NRA (26 IR 1960) <b>26 IR 2869</b>	410 IAC 16.2-1-19	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-19.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-20	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-21	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-22	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-22.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-22.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-23	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-24	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-25	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-26	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-27	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-28	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-29	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-30	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-31	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-32	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-32.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-33	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-34	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-35	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-36	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-37	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-38	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-39	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-39.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-41.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-42	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-44	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-45	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-46	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-47	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-48	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1.1	N	02-89	25 IR 3244	<b>26 IR 1902</b>
					410 IAC 16.2-3.1-19	A	03-90	27 IR 922	*CPH (27 IR 1613)
					410 IAC 16.2-5-0.5	N	02-89	25 IR 3252	<b>26 IR 1911</b>
					410 IAC 16.2-5-1.1	A	02-89	25 IR 3252	<b>26 IR 1912</b>
					410 IAC 16.2-5-1.2	A	02-89	25 IR 3254	<b>26 IR 1914</b>
					410 IAC 16.2-5-1.3	A	02-89	25 IR 3259	<b>26 IR 1919</b>
					410 IAC 16.2-5-1.4	A	02-89	25 IR 3261	<b>26 IR 1921</b>
					410 IAC 16.2-5-1.5	A	02-89	25 IR 3263	<b>26 IR 1923</b>
					410 IAC 16.2-5-1.6	A	02-89	25 IR 3265	<b>26 IR 1925</b>
					410 IAC 16.2-5-1.7	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-5-2	A	02-89	25 IR 3269	<b>26 IR 1929</b>
TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM									
407 IAC 2-3-1				*ERR (26 IR 383)					
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH									
410 IAC 1-2.3-47	A	03-4	26 IR 3131	<b>27 IR 865</b>					
410 IAC 1-2.3-48	A	03-4	26 IR 3134	<b>27 IR 869</b>					
410 IAC 1-2.3-97.5	N	03-4	26 IR 3135	<b>27 IR 870</b>					
410 IAC 3-3-7.1	A	03-19	26 IR 3385	*ARR (27 IR 539) <b>27 IR 1568</b>					
410 IAC 6-2	R	02-142	25 IR 4197	*CPH (26 IR 812) *AROC (26 IR 3149) <b>26 IR 3334</b>					
410 IAC 6-2.1	N	02-142	25 IR 4188	*CPH (26 IR 812) *AROC (26 IR 3149) <b>26 IR 3325</b>					
410 IAC 6-7.1				*ERR (26 IR 36)					
410 IAC 6-7.2				*ERR (26 IR 36)					
410 IAC 6-7.2-17	A	02-295	26 IR 2662	<b>27 IR 98</b>					
410 IAC 6-7.2-29	A	02-295	26 IR 2662	<b>27 IR 99</b>					
410 IAC 6-7.2-30	A	02-295	26 IR 2663	<b>27 IR 99</b>					
410 IAC 6-8.1	R	02-321	26 IR 3131	*CPH (26 IR 3368)					
410 IAC 6-8.2	N	02-321	26 IR 3116	*CPH (26 IR 3368) *ERR (26 IR 3884)					
410 IAC 6-9-3									
410 IAC 6-10	R	02-321	26 IR 3131	*CPH (26 IR 3368)					
410 IAC 7-19	R	02-317	26 IR 3385	*ARR (27 IR 878) <b>27 IR 1169</b>					
410 IAC 7-22	N	02-266	26 IR 1245	<b>26 IR 3334</b>					
410 IAC 7-23	N	02-317	26 IR 3383	*ARR (27 IR 878) <b>27 IR 1167</b>					
410 IAC 15-1.5-4	A	02-43	26 IR 164	<b>26 IR 1550</b>					
410 IAC 15-1.5-5	A	02-43	26 IR 166	<b>26 IR 1551</b>					
410 IAC 15-1.5-8	A	03-216	27 IR 1620						
410 IAC 15-1.7-1	A	03-216	27 IR 1622						
410 IAC 15-2.5-7	A	03-216	27 IR 1623						
410 IAC 15-2.7-1	A	03-216	27 IR 1625						
410 IAC 16.2-1-0.5	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-1	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-2	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-2.1	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-2.2	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-3	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-3.5	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-5	R	02-89	25 IR 3276	<b>26 IR 1936</b>					
410 IAC 16.2-1-6	R	02-89	25 IR 3276	<b>26 IR 1936</b>					

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410 IAC 16.2-5-3	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 9-2-12	N	02-106	25 IR 4203	*NRA (26 IR 1112)
410 IAC 16.2-5-4	A	02-89	25 IR 3270	<b>26 IR 1929</b>					<b>26 IR 1942</b>
410 IAC 16.2-5-5	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 9-2-13	N	02-265	26 IR 867	<b>26 IR 3337</b>
410 IAC 16.2-5-5.1	N	02-89	25 IR 3271	<b>26 IR 1931</b>	TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES				
410 IAC 16.2-5-6	A	02-89	25 IR 3272	<b>26 IR 1932</b>	460 IAC 1-3-1	R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-5-7	R	02-89	25 IR 3277	<b>26 IR 1936</b>	460 IAC 1-3-2	R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-5-7.1	N	02-89	25 IR 3274	<b>26 IR 1933</b>	460 IAC 1-3-3	RA	02-262	26 IR 544	<b>26 IR 1261</b>
410 IAC 16.2-5-8	R	02-89	25 IR 3277	<b>26 IR 1936</b>		R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-5-8.1	N	02-89	25 IR 3274	<b>26 IR 1934</b>	460 IAC 1-3-4	R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-5-9	R	02-89	25 IR 3277	<b>26 IR 1936</b>	460 IAC 1-3-5	R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-5-10	R	02-89	25 IR 3277	<b>26 IR 1936</b>	460 IAC 1-3-6	RA	02-262	26 IR 544	<b>26 IR 1261</b>
410 IAC 16.2-5-11	R	02-89	25 IR 3277	<b>26 IR 1936</b>		R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-5-11.1	N	02-89	25 IR 3275	<b>26 IR 1935</b>	460 IAC 1-3-7	RA	02-262	26 IR 544	<b>26 IR 1261</b>
410 IAC 16.2-5-12	N	02-89	25 IR 3276	<b>26 IR 1935</b>		R	02-319	26 IR 2112	<b>26 IR 3644</b>
410 IAC 16.2-8-1	A	03-90	27 IR 924	*CPH (27 IR 1613)	460 IAC 1-3-8	R	02-319	26 IR 2112	<b>26 IR 3644</b>
TITLE 412 INDIANA HEALTH FACILITIES COUNCIL					460 IAC 1-3-9	R	02-319	26 IR 2112	<b>26 IR 3644</b>
412 IAC 2				*ERR (26 IR 36)	460 IAC 1-3-10	R	02-319	26 IR 2112	<b>26 IR 3644</b>
				*ERR (26 IR 1572)	460 IAC 1-3-11	R	02-319	26 IR 2112	<b>26 IR 3644</b>
412 IAC 2-1-1	A	02-41	25 IR 4198	<b>26 IR 1937</b>	460 IAC 1-3-12	RA	02-262	26 IR 544	†† <b>26 IR 3644</b>
412 IAC 2-1-2.1	N	02-41	25 IR 4198	<b>26 IR 1937</b>		R	02-319	26 IR 2112	<b>26 IR 1261</b>
				*ERR (26 IR 2375)	460 IAC 1-3-13	R	02-319	26 IR 2112	<b>26 IR 3644</b>
412 IAC 2-1-2.2	N	02-41	25 IR 4198	<b>26 IR 1937</b>	460 IAC 1-3-14	R	02-319	26 IR 2112	<b>26 IR 3644</b>
				*ERR (26 IR 2375)	460 IAC 1-3-15	R	02-319	26 IR 2112	<b>26 IR 3644</b>
412 IAC 2-1-6	A	02-41	25 IR 4199	<b>26 IR 1937</b>	460 IAC 1-3.3	N	02-319	26 IR 2111	<b>26 IR 3643</b>
412 IAC 2-1-8	A	02-41	25 IR 4199	<b>26 IR 1938</b>	460 IAC 1-8	N	01-337	25 IR 2557	<b>26 IR 350</b>
412 IAC 2-1-10	N	02-41	25 IR 4199	<b>26 IR 1938</b>	460 IAC 2-3-1	A	02-9	25 IR 2286	<b>26 IR 747</b>
412 IAC 2-1-11	N	02-41	25 IR 4200	<b>26 IR 1939</b>	460 IAC 2-3-2	A	02-9	25 IR 2286	<b>26 IR 747</b>
412 IAC 2-1-12	N	02-41	25 IR 4200	<b>26 IR 1939</b>	460 IAC 2-3-3	A	02-9	25 IR 2287	<b>26 IR 748</b>
412 IAC 2-1-13	N	02-41	25 IR 4200	<b>26 IR 1939</b>	460 IAC 3.5	RA	02-237	26 IR 2694	<b>26 IR 2694</b>
412 IAC 2-1-14	N	02-41	25 IR 4200	<b>26 IR 1939</b>	460 IAC 3.5-1-1	A	03-180	27 IR 269	
TITLE 414 HOSPITAL COUNCIL					460 IAC 3.5-2-1	A	03-180	27 IR 269	
414 IAC	N	03-277	27 IR 1625		460 IAC 5-1-13	A	02-151	26 IR 524	
TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL					460 IAC 6	N	02-46	25 IR 3832	<b>26 IR 749</b>
431 IAC 1.1-1-2				*ERR (26 IR 36)					*AROC (26 IR 883)
431 IAC 7	N	02-211	26 IR 2108	<b>26 IR 3640</b>	460 IAC 6-2-2	A	03-123	26 IR 3935	
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION					460 IAC 6-2-3	A	03-123	26 IR 3935	
440 IAC 1-1.5	R	02-42	25 IR 3289	*NRA (26 IR 62)	460 IAC 6-3-2.1	N	02-326	26 IR 2664	<b>27 IR 101</b>
				<b>26 IR 745</b>	460 IAC 6-3-5.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
440 IAC 1.5	N	02-42	25 IR 3277	*NRA (26 IR 62)	460 IAC 6-3-5.2	N	02-326	26 IR 2665	<b>27 IR 101</b>
				<b>26 IR 733</b>	460 IAC 6-3-6.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
440 IAC 4-3-1	A	02-218	26 IR 519	*NRA (26 IR 2390)	460 IAC 6-3-10.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
				<b>26 IR 2616</b>	460 IAC 6-3-15.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
440 IAC 4.1-2-1	A	02-218	26 IR 519	*NRA (26 IR 2390)	460 IAC 6-3-15.2	N	03-123	26 IR 3935	
				<b>26 IR 2616</b>	460 IAC 6-3-15.3	N	02-326	26 IR 2665	†† <b>27 IR 101</b>
440 IAC 4.1-2-4	A	02-218	26 IR 520	*NRA (26 IR 2390)	460 IAC 6-3-18	A	02-326	26 IR 2666	<b>27 IR 102</b>
				<b>26 IR 2617</b>	460 IAC 6-3-25	A	02-326	26 IR 2666	<b>27 IR 102</b>
440 IAC 4.1-2-5	A	02-218	26 IR 521	*NRA (26 IR 2390)	460 IAC 6-3-29.5	N	02-326	26 IR 2666	<b>27 IR 102</b>
				<b>26 IR 2618</b>	460 IAC 6-3-31	A	02-326	26 IR 2666	<b>27 IR 102</b>
440 IAC 4.1-2-9	A	02-218	26 IR 521	*NRA (26 IR 2390)	460 IAC 6-3-32	A	02-326	26 IR 2666	<b>27 IR 102</b>
				<b>26 IR 2618</b>	460 IAC 6-3-38.5	N	02-326	26 IR 2666	<b>27 IR 103</b>
440 IAC 4.1-3	N	02-218	26 IR 522	*NRA (26 IR 2390)	460 IAC 6-3-38.6	N	02-326	26 IR 2667	<b>27 IR 103</b>
				<b>26 IR 2619</b>	460 IAC 6-3-41.1	N	02-326	26 IR 2667	<b>27 IR 103</b>
440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62)	460 IAC 6-3-52.1	N	02-326	26 IR 2667	<b>27 IR 103</b>
				<b>26 IR 745</b>	460 IAC 6-3-56	A	02-326	26 IR 2667	<b>27 IR 103</b>
440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62)	460 IAC 6-4-1	A	02-326	26 IR 2667	<b>27 IR 103</b>
				<b>26 IR 746</b>	460 IAC 6-5-4	A	02-326	26 IR 2668	<b>27 IR 104</b>
440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62)	460 IAC 6-5-7	A	02-326	26 IR 2669	<b>27 IR 105</b>
				<b>26 IR 747</b>	460 IAC 6-5-21	A	02-326	26 IR 2669	<b>27 IR 105</b>
440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902)	460 IAC 6-5-32	N	02-326	26 IR 2669	<b>27 IR 105</b>
				<b>27 IR 492</b>	460 IAC 6-5-33	N	02-326	26 IR 2670	<b>27 IR 106</b>
440 IAC 6-2-2				*ERR (26 IR 1572)	460 IAC 6-5-34	N	02-326	26 IR 2670	<b>27 IR 106</b>
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112)	460 IAC 6-5-35	N	02-326	26 IR 2670	<b>27 IR 106</b>
				<b>26 IR 1940</b>	460 IAC 6-5-36	N	02-326	26 IR 2670	<b>27 IR 106</b>
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112)	460 IAC 6-6-2	A	02-326	26 IR 2670	<b>27 IR 106</b>
				<b>26 IR 1941</b>	460 IAC 6-6-3	A	02-326	26 IR 2670	<b>27 IR 107</b>
					460 IAC 6-7-2	A	02-326	26 IR 2671	<b>27 IR 107</b>
					460 IAC 6-7-3	A	02-326	26 IR 2671	<b>27 IR 108</b>

# Rules Affected by Volumes 26 and 27

460 IAC 6-9-5	A	02-326	26 IR 2672	<b>27 IR 108</b>	TITLE 511 INDIANA STATE BOARD OF EDUCATION			
460 IAC 6-9-7	N	02-326	26 IR 2673	<b>27 IR 109</b>	511 IAC 1-3-1	A	03-185	27 IR 270
460 IAC 6-10-5	A	02-326	26 IR 2673	<b>27 IR 110</b>	511 IAC 1-6-2	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-10-8	A	02-326	26 IR 2674	<b>27 IR 110</b>	511 IAC 1-6-3	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-10-13	A	02-326	26 IR 2674	<b>27 IR 110</b>	511 IAC 1-6-4	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-13-2	A	02-326	26 IR 2675	<b>27 IR 111</b>	511 IAC 4-4-3	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-14-4	A	02-326	26 IR 2675	<b>27 IR 111</b>	511 IAC 4-4-4	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-14-6	N	03-123	26 IR 3935		511 IAC 5-1-1	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-14-7	N	03-123	26 IR 3935		511 IAC 5-1-2	A	02-67	25 IR 2807 <b>26 IR 786</b>
460 IAC 6-15-2	A	03-123	26 IR 3935		511 IAC 5-1-3	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-17-3	A	02-326	26 IR 2675	<b>27 IR 111</b>	511 IAC 5-1-3.5	A	02-67	25 IR 2807 <b>26 IR 787</b>
460 IAC 6-17-4	A	02-326	26 IR 2676	<b>27 IR 112</b>	511 IAC 5-1-4	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-19-6	A	02-326	26 IR 2676	<b>27 IR 113</b>	511 IAC 5-1-4.5	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
	A	03-123	26 IR 3936		511 IAC 5-1-5	A	02-67	25 IR 2807 <b>26 IR 787</b>
460 IAC 6-24-1	A	02-236	26 IR 2677	<b>27 IR 113</b>	511 IAC 5-1-6	A	02-67	25 IR 2807 <b>26 IR 787</b>
460 IAC 6-24-2	A	02-326	26 IR 2677	<b>27 IR 114</b>	511 IAC 5-2-3	A	02-170	25 IR 4204 <b>26 IR 3645</b>
460 IAC 6-25-10	A	02-326	26 IR 2677	<b>27 IR 114</b>	511 IAC 5-2-4	A	02-170	25 IR 4205 <b>26 IR 3645</b>
460 IAC 6-29-4	A	02-326	26 IR 2678	<b>27 IR 114</b>	511 IAC 5-3-1	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-29-9	N	02-326	26 IR 2678	<b>27 IR 115</b>	511 IAC 5-3-2	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-31-1	A	03-123	26 IR 3936		511 IAC 6-7-2	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-35	N	02-326	26 IR 2678	<b>27 IR 115</b>	511 IAC 6-7-4	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 6-36	N	03-123	26 IR 3937		511 IAC 6-7-6.1	A	03-150	26 IR 3938 <b>*ARR (27 IR 1185)</b>
460 IAC 7	N	02-210	26 IR 525	<b>*ARR (26 IR 1110)</b>		A	03-150	27 IR 1211
			26 IR 1247	<b>*AROC (26 IR 2472)</b>	511 IAC 6-7-6.5	A	02-177	25 IR 4205 <b>26 IR 3646</b>
				<b>26 IR 2870</b>	511 IAC 6-7-7	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
460 IAC 8	N	03-99	26 IR 3392		511 IAC 6-8-1	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
TITLE 470 DIVISION OF FAMILY AND CHILDREN					511 IAC 6-8-2	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
470 IAC 3-4.1	R	02-298	26 IR 1719	<b>*NRA (26 IR 3365)</b>	511 IAC 6-8-3	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
				<b>*AROC (26 IR 3756)</b>	511 IAC 6-8-5	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
				<b>*AROC (27 IR 288)</b>	511 IAC 6-8-6	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
				<b>27 IR 162</b>	511 IAC 6.1-1-2	A	03-219	27 IR 561
470 IAC 3-4.2	R	02-298	26 IR 1719	<b>*NRA (26 IR 3365)</b>	511 IAC 6.1-1-11.5			<b>*ERR (26 IR 36)</b>
				<b>*AROC (26 IR 3756)</b>	511 IAC 6.1-5-3.5	RA	03-56	26 IR 3147 <b>26 IR 3960</b>
				<b>*AROC (27 IR 288)</b>	511 IAC 6.1-5.1-5	A	02-177	25 IR 4206 <b>26 IR 3646</b>
				<b>27 IR 162</b>		A	02-178	25 IR 4207 <b>26 IR 3647</b>
470 IAC 3-4.7	N	02-298	26 IR 1675	<b>*NRA (26 IR 3365)</b>	511 IAC 6.1-5.1-8	A	02-274	26 IR 1252 <b>26 IR 3648</b>
				<b>*AROC (26 IR 3756)</b>	511 IAC 6.1-5.1-9	A	03-151	26 IR 3939
				<b>*AROC (27 IR 288)</b>	511 IAC 6.1-5.1-10.1	A	03-151	26 IR 3940
				<b>27 IR 116</b>	511 IAC 6.2-2.5	N	03-219	27 IR 563
				<b>*ERR (27 IR 1184)</b>	511 IAC 6.2-6-4	A	02-264	26 IR 1719 <b>27 IR 162</b>
470 IAC 3-4.8	N	03-232	27 IR 1626		511 IAC 6.2-6-6.1	N	02-264	26 IR 1720 <b>27 IR 163</b>
470 IAC 3-18	N	03-233	27 IR 1627		511 IAC 6.2-6-8	A	02-264	26 IR 1720 <b>27 IR 163</b>
470 IAC 3.1-12-2	A	02-74	26 IR 167	<b>*NRA (26 IR 1112)</b>	511 IAC 6.2-6-12	A	02-264	26 IR 1720 <b>27 IR 163</b>
				<b>*AROC (26 IR 1264)</b>	511 IAC 6.2-7	N	02-264	26 IR 1720 <b>27 IR 163</b>
				<b>26 IR 2320</b>	511 IAC 6.2-7-8	A	03-219	27 IR 564
470 IAC 3.1-12-7	N	02-74	26 IR 168	<b>*NRA (26 IR 1112)</b>	TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD			
				<b>*AROC (26 IR 1264)</b>	514 IAC	N	03-298	27 IR 1634
				<b>26 IR 2320</b>	TITLE 515 PROFESSIONAL STANDARDS BOARD			
470 IAC 6-2-1	A	03-136	26 IR 3709	<b>*NRA (27 IR 207)</b>	515 IAC 1-3	R	02-314	26 IR 1257 <b>*ARR (26 IR 3346)</b>
				<b>27 IR 870</b>				<b>27 IR 505</b>
470 IAC 6-2-13	A	03-136	26 IR 3709	<b>*NRA (27 IR 207)</b>	515 IAC 1-4-1	A	02-75	25 IR 4207 <b>26 IR 2322</b>
				<b>27 IR 871</b>	515 IAC 1-4-2	A	02-75	25 IR 4208 <b>26 IR 2323</b>
470 IAC 6-4.1-4	A	03-136	26 IR 3710	<b>*NRA (27 IR 207)</b>	515 IAC 1-6			<b>*ERR (26 IR 36)</b>
				<b>27 IR 871</b>	515 IAC 1-7	N	02-314	26 IR 1254 <b>*ARR (26 IR 3346)</b>
470 IAC 8.1-2-12	A	02-152	26 IR 530					<b>27 IR 501</b>
470 IAC 10.1-3-4	R	03-33	26 IR 2682	<b>*NRA (26 IR 3670)</b>	515 IAC 3			<b>*ERR (26 IR 37)</b>
				<b>27 IR 500</b>	515 IAC 4	N	03-135	27 IR 925
470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	<b>*NRA (26 IR 3670)</b>	515 IAC 5	N	02-80	25 IR 2808 <b>26 IR 2325</b>
				<b>27 IR 500</b>	515 IAC 8	N	03-10	26 IR 2437 <b>27 IR 166</b>
470 IAC 10.1-3-5	R	03-33	26 IR 2682	<b>*NRA (26 IR 3670)</b>				<b>*ERR (27 IR 538)</b>
				<b>27 IR 500</b>	515 IAC 9	N	03-11	26 IR 2451 <b>*CPH (26 IR 2648)</b>
470 IAC 10.2	N	03-33	26 IR 2680	<b>*NRA (26 IR 3670)</b>				<b>27 IR 1169</b>
				<b>27 IR 498</b>	515 IAC 12	N	03-65	26 IR 3943
470 IAC 11.1-1-5	A	02-203	26 IR 169	<b>*NRA (26 IR 1112)</b>	TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY			
				<b>26 IR 2321</b>	540 IAC 1-1-1	RA	03-112	26 IR 3754 <b>27 IR 570</b>
					540 IAC 1-1-2	RA	03-112	26 IR 3754 <b>27 IR 570</b>

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540 IAC 1-1-5	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-1-8	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-1-10	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-1-15	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-1-18	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-3-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-4-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-4-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-7-2	A	02-287	26 IR 1257	*CPH (26 IR 1593) <b>26 IR 3338</b>
540 IAC 1-8-2	A	02-287	26 IR 1258	*CPH (26 IR 1593) <b>26 IR 3338</b>
540 IAC 1-8-8	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-9-2.6	R	02-287	26 IR 1258	*CPH (26 IR 1593) <b>26 IR 3338</b>
540 IAC 1-10-1	A	02-287	26 IR 1258	*CPH (26 IR 1593) <b>26 IR 3338</b>
540 IAC 1-10-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-11	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-12-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-12-3	RA	03-112	26 IR 3754	<b>27 IR 570</b>
540 IAC 1-12-4	RA	03-112	26 IR 3754	<b>27 IR 570</b>

### TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

550 IAC 2-2-7	A	03-155	26 IR 3944	*CPH (27 IR 551) *CPH (27 IR 1196) <b>26 IR 3877</b>
550 IAC 3-1-1	A	02-325	26 IR 2112	<b>26 IR 3878</b>
550 IAC 3-1-2	A	02-325	26 IR 2113	<b>26 IR 3878</b>
550 IAC 3-1-3	A	02-325	26 IR 2113	<b>26 IR 3878</b>
550 IAC 3-2-1	A	02-325	26 IR 2113	<b>26 IR 3878</b>
550 IAC 3-2-2	A	02-325	26 IR 2114	<b>26 IR 3879</b>
550 IAC 5	N	02-325	26 IR 2114	<b>26 IR 3879</b>
550 IAC 6	N	02-325	26 IR 2115	<b>26 IR 3880</b>
550 IAC 7	N	03-100	26 IR 3710	*CPH (27 IR 1196)

### TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

570 IAC 1-14	N	02-233	26 IR 867	<b>26 IR 3338</b>
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### TITLE 575 STATE SCHOOL BUS COMMITTEE

575 IAC 1-1-4.6	N	02-315	26 IR 1723	<b>26 IR 3341</b>
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### TITLE 610 DEPARTMENT OF LABOR

610 IAC 4-2-1	A	03-36	26 IR 2463	
610 IAC 4-2-11	R	03-36	26 IR 2464	
610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770) <b>26 IR 370</b>
610 IAC 4-6	N	01-340	25 IR 874	*AROC (26 IR 547) *ARR (25 IR 3770) <b>26 IR 353</b> *AROC (26 IR 547)
610 IAC 4-6-11	A	03-37	26 IR 2464	
610 IAC 4-6-13	R	03-253	27 IR 565	
610 IAC 4-6-23	A	03-252	27 IR 564	

### TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

655 IAC 1-1				*ERR (26 IR 383)
655 IAC 1-1-5.1	A	03-186	27 IR 932	*AROC (27 IR 1652)
655 IAC 1-2.1	RA	02-128	25 IR 3883	*CPH (26 IR 416) <b>26 IR 1262</b>
655 IAC 1-2.1-2	A	03-186	27 IR 934	*AROC (27 IR 1652)
655 IAC 1-2.1-3	A	03-186	27 IR 934	*AROC (27 IR 1652)
655 IAC 1-2.1-6.1	A	03-186	27 IR 935	*AROC (27 IR 1652)
655 IAC 1-2.1-6.2	A	03-186	27 IR 935	*AROC (27 IR 1652)
655 IAC 1-2.1-6.3	A	03-186	27 IR 935	*AROC (27 IR 1652)
655 IAC 1-2.1-6.4	A	03-186	27 IR 936	*AROC (27 IR 1652)
655 IAC 1-2.1-12	A	03-186	27 IR 936	*AROC (27 IR 1652)

655 IAC 1-2.1-14	A	03-186	27 IR 936	*AROC (27 IR 1652)
655 IAC 1-2.1-15	A	03-186	27 IR 936	*AROC (27 IR 1652)
655 IAC 1-2.1-19	A	03-186	27 IR 937	*AROC (27 IR 1652)
655 IAC 1-2.1-19.1	A	03-186	27 IR 937	*AROC (27 IR 1652)
655 IAC 1-2.1-20	A	03-186	27 IR 937	*AROC (27 IR 1652)
655 IAC 1-2.1-23	A	03-186	27 IR 938	*AROC (27 IR 1652)
655 IAC 1-2.1-23.1	A	03-186	27 IR 938	*AROC (27 IR 1652)
655 IAC 1-2.1-24	A	03-186	27 IR 938	*AROC (27 IR 1652)
655 IAC 1-2.1-24.1	A	03-186	27 IR 938	*AROC (27 IR 1652)
655 IAC 1-2.1-24.2	A	03-186	27 IR 938	*AROC (27 IR 1652)
655 IAC 1-2.1-24.3	N	03-186	27 IR 939	*AROC (27 IR 1652)
655 IAC 1-2.1-88	A	03-186	27 IR 939	*AROC (27 IR 1652) *ERR (26 IR 383)
655 IAC 1-3				
655 IAC 1-3-1	A	03-186	27 IR 939	*AROC (27 IR 1652)
655 IAC 1-3-2	A	03-186	27 IR 939	*AROC (27 IR 1652)
655 IAC 1-3-4	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-3-5	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-3-7	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652) *ERR (26 IR 383)
655 IAC 1-4				
655 IAC 1-4-1	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-4-2	A	03-186	27 IR 940	*AROC (27 IR 1652)

### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

675 IAC 12-3-13	N	02-90	25 IR 2573	<b>26 IR 1556</b>
675 IAC 12-3-14	N	02-90	25 IR 2574	<b>26 IR 1557</b>
675 IAC 12-3-15	N	02-90		† <b>26 IR 1558</b>
675 IAC 12-4-11	A	03-278	27 IR 941	
675 IAC 13-1-4	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-5	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-8	A	02-51	25 IR 2561	<b>26 IR 1095</b>
675 IAC 13-1-9.5	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-9.6	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-10	A	02-51	25 IR 2564	<b>26 IR 1098</b>
675 IAC 13-1-28	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-2.3	R	02-115	25 IR 3366	*ARR (26 IR 2376) <b>26 IR 2951</b>
675 IAC 13-2.4	N	02-115	25 IR 3291	*ARR (26 IR 2376) <b>26 IR 2875</b>
675 IAC 14-4.2-1	A	03-71	26 IR 3712	
675 IAC 14-4.2-2	A	03-71	26 IR 3712	
675 IAC 14-4.2-3	A	03-71	26 IR 3714	
675 IAC 14-4.2-6	A	03-71	26 IR 3715	
675 IAC 14-4.2-7	A	03-71	26 IR 3719	
675 IAC 14-4.2-9	A	03-71	26 IR 3719	
675 IAC 14-4.2-13.5	N	03-71	26 IR 3719	
675 IAC 14-4.2-15.5	N	03-71	26 IR 3719	
675 IAC 14-4.2-19.5	N	03-71	26 IR 3720	
675 IAC 14-4.2-20.5	A	03-71	26 IR 3720	
675 IAC 14-4.2-21	A	03-71	26 IR 3720	
675 IAC 14-4.2-22	A	03-71	26 IR 3721	
675 IAC 14-4.2-26.5	N	03-71	26 IR 3722	
675 IAC 14-4.2-27.5	A	03-71	26 IR 3722	
675 IAC 14-4.2-29	A	03-71	26 IR 3722	
675 IAC 14-4.2-31	A	03-71	26 IR 3722	
675 IAC 14-4.2-34	A	03-71	26 IR 3723	
675 IAC 14-4.2-37.5	N	03-71	26 IR 3724	
675 IAC 14-4.2-45.3	N	03-71	26 IR 3724	
675 IAC 14-4.2-46.8	N	03-71	26 IR 3724	
675 IAC 14-4.2-49.1	N	03-71	26 IR 3724	
675 IAC 14-4.2-49.3	N	03-71	26 IR 3724	
675 IAC 14-4.2-52	A	03-71	26 IR 3725	
675 IAC 14-4.2-53	A	03-71	26 IR 3725	

# Rules Affected by Volumes 26 and 27

675 IAC 14-4.2-53.7	N	03-71	26 IR 3725		675 IAC 14-4.2-194.7	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 14-4.2-61	A	03-71	26 IR 3726		675 IAC 17-1.5	R	01-376	25 IR 1255	<b>26 IR 19</b>
675 IAC 14-4.2-63	A	03-71	26 IR 3726		675 IAC 17-1.6	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 14-4.2-69.5	N	03-71	26 IR 3726		675 IAC 17-1.6-12	A	03-71	26 IR 3737	
675 IAC 14-4.2-71	A	03-71	26 IR 3726		675 IAC 17-1.6-16	A	03-71	26 IR 3737	
675 IAC 14-4.2-73.5	N	03-71	26 IR 3727		675 IAC 18-1.3	R	02-116	25 IR 3381	*ARR (26 IR 2376)
675 IAC 14-4.2-77.6	N	03-71	26 IR 3727						<b>26 IR 2967</b>
675 IAC 14-4.2-77.7	N	03-71	26 IR 3727		675 IAC 18-1.4	N	02-116	25 IR 3366	*ARR (26 IR 2376)
675 IAC 14-4.2-81.2	N	03-71	26 IR 3727						<b>26 IR 2952</b>
675 IAC 14-4.2-81.3	N	03-71	26 IR 3727		675 IAC 19-3-4	A	03-71	26 IR 3737	
675 IAC 14-4.2-81.7	N	03-71	26 IR 3727		675 IAC 20-2-17	A	02-52	25 IR 2566	<b>26 IR 1100</b>
675 IAC 14-4.2-82	A	03-71	26 IR 3727		675 IAC 20-2-20	A	02-52	25 IR 2566	<b>26 IR 1101</b>
675 IAC 14-4.2-83	A	03-71	26 IR 3728		675 IAC 20-2-24	A	02-52	25 IR 2567	<b>26 IR 1102</b>
675 IAC 14-4.2-89.2	N	03-71	26 IR 3728		675 IAC 20-2-26	A	02-52	25 IR 2567	<b>26 IR 1102</b>
675 IAC 14-4.2-89.6	A	03-71	26 IR 3728		675 IAC 20-3-5	A	02-52	25 IR 2568	<b>26 IR 1102</b>
675 IAC 14-4.2-89.7	R	03-71	26 IR 3737		675 IAC 20-3-6	A	02-52	25 IR 2568	<b>26 IR 1103</b>
675 IAC 14-4.2-89.8	A	03-71	26 IR 3728		675 IAC 20-3-7	A	02-52	25 IR 2569	<b>26 IR 1103</b>
675 IAC 14-4.2-89.9	A	03-71	26 IR 3728		675 IAC 21-1-1	A	01-430	25 IR 2031	*ARR (26 IR 38)
675 IAC 14-4.2-89.10	R	03-71	26 IR 3737						<b>26 IR 1083</b>
675 IAC 14-4.2-89.11	R	03-71	26 IR 3737		675 IAC 21-1-1.5	N	01-430	25 IR 2031	*ARR (26 IR 38)
675 IAC 14-4.2-95	A	03-71	26 IR 3729						<b>26 IR 1084</b>
675 IAC 14-4.2-96.2	N	03-71	26 IR 3729		675 IAC 21-1-2	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-97.5	N	03-71	26 IR 3729						<b>26 IR 1095</b>
675 IAC 14-4.2-97.9	N	03-71	26 IR 3729		675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-107	A	03-71	26 IR 3729						<b>26 IR 1095</b>
675 IAC 14-4.2-112.5	N	03-71	26 IR 3735		675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-117	A	03-71	26 IR 3736						<b>26 IR 1095</b>
675 IAC 14-4.2-171.5	N	03-71	26 IR 3736		675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38)
675 IAC 14-4.2-174.5	N	03-71	26 IR 3736						<b>26 IR 1085</b>
675 IAC 14-4.2-177.5	N	03-71	26 IR 3736		675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-181.1	N	01-376		†† <b>26 IR 11</b>					<b>26 IR 1095</b>
675 IAC 14-4.2-182.1	N	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-185.1	N	01-376	25 IR 1248	<b>26 IR 11</b>					<b>26 IR 1095</b>
675 IAC 14-4.2-187	A	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38)
675 IAC 14-4.2-187.1	N	01-376	25 IR 1248	<b>26 IR 12</b>					<b>26 IR 1085</b>
675 IAC 14-4.2-187.2	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 21-1-8	R	01-430		†† <b>26 IR 1095</b>
675 IAC 14-4.2-187.3	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38)
675 IAC 14-4.2-187.4	N	01-376	25 IR 1248	<b>26 IR 12</b>					<b>26 IR 1086</b>
675 IAC 14-4.2-189	A	03-71	26 IR 3736		675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38)
675 IAC 14-4.2-189.2	N	03-71	26 IR 3736						<b>26 IR 1086</b>
675 IAC 14-4.2-190.1	N	01-376	25 IR 1249	<b>26 IR 12</b>	675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-190.2	N	01-376	25 IR 1249	<b>26 IR 12</b>					<b>26 IR 1095</b>
675 IAC 14-4.2-190.3	N	01-376	25 IR 1249	<b>26 IR 12</b>	675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38)
675 IAC 14-4.2-190.4	N	01-376	25 IR 1249	<b>26 IR 12</b>					<b>26 IR 1087</b>
675 IAC 14-4.2-190.5	N	01-376	25 IR 1249	<b>26 IR 13</b>	675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38)
675 IAC 14-4.2-191.1	N	01-376	25 IR 1249	<b>26 IR 13</b>					<b>26 IR 1087</b>
675 IAC 14-4.2-191.2	N	01-376	25 IR 1249	<b>26 IR 13</b>	675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38)
675 IAC 14-4.2-191.3	N	01-376	25 IR 1249	<b>26 IR 13</b>					<b>26 IR 1090</b>
675 IAC 14-4.2-191.4	N	01-376		†† <b>26 IR 13</b>	675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38)
	A	03-71	26 IR 3736						<b>26 IR 1090</b>
675 IAC 14-4.2-191.5	N	01-376		†† <b>26 IR 13</b>	675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38)
675 IAC 14-4.2-192	R	03-71	26 IR 3737						<b>26 IR 1092</b>
675 IAC 14-4.2-192.1	N	01-376	25 IR 1250	<b>26 IR 13</b>	675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38)
675 IAC 14-4.2-192.2	N	01-376	25 IR 1251	<b>26 IR 13</b>					<b>26 IR 1092</b>
675 IAC 14-4.2-192.3	N	01-376	25 IR 1250	<b>26 IR 14</b>	675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-192.4	N	01-376	25 IR 1250	<b>26 IR 14</b>					<b>26 IR 1095</b>
675 IAC 14-4.2-192.5	N	01-376	25 IR 1250	<b>26 IR 14</b>	675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-192.6	N	01-376	25 IR 1250	<b>26 IR 14</b>					<b>26 IR 1095</b>
675 IAC 14-4.2-193.1	N	01-376	25 IR 1251	<b>26 IR 14</b>	675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38)
675 IAC 14-4.2-193.2	N	01-376	25 IR 1251	<b>26 IR 14</b>					<b>26 IR 1093</b>
675 IAC 14-4.2-193.3	N	01-376	25 IR 1251	<b>26 IR 14</b>	675 IAC 22-2.2	R	02-117	25 IR 3442	*ARR (26 IR 2376)
675 IAC 14-4.2-193.4	N	01-376	25 IR 1251	<b>26 IR 14</b>					<b>26 IR 3031</b>
675 IAC 14-4.2-193.5	N	01-376	25 IR 1251	<b>26 IR 14</b>	675 IAC 22-2.2-14	A	02-53	25 IR 2569	<b>26 IR 1553</b>
675 IAC 14-4.2-194.1	N	01-376	25 IR 1251	<b>26 IR 15</b>	675 IAC 22-2.3	N	02-117	25 IR 3382	*ARR (26 IR 2376)
675 IAC 14-4.2-194.2	N	01-376	25 IR 1251	<b>26 IR 15</b>					<b>26 IR 2968</b>
675 IAC 14-4.2-194.3	N	01-376	25 IR 1251	<b>26 IR 15</b>	675 IAC 25	N	02-118	25 IR 3444	*ARR (26 IR 2376)
675 IAC 14-4.2-194.4	N	01-376	25 IR 1252	<b>26 IR 15</b>					<b>26 IR 3032</b>
675 IAC 14-4.2-194.5	N	01-376	25 IR 1252	<b>26 IR 15</b>					
675 IAC 14-4.2-194.6	N	01-376	25 IR 1252	<b>26 IR 15</b>					

## Rules Affected by Volumes 26 and 27

### TITLE 760 DEPARTMENT OF INSURANCE

760 IAC 1-5	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) <b>26 IR 26</b>
760 IAC 1-5.1	N	01-399	25 IR 2575	*AROC (26 IR 183) *ARR (26 IR 38) <b>26 IR 19</b> *ERR (26 IR 3345)
760 IAC 1-14	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) <b>26 IR 26</b>
760 IAC 1-21-2	A	02-299	26 IR 1724	*AROC (26 IR 3427)
760 IAC 1-21-5	A	02-299	26 IR 1724	*AROC (26 IR 3427)
760 IAC 1-21-8	A	02-299	26 IR 1724	*AROC (26 IR 3427)
760 IAC 1-50-2	A	03-160	27 IR 271	<b>27 IR 1568</b>
760 IAC 1-50-3	A	03-160	27 IR 271	<b>27 IR 1569</b>
760 IAC 1-50-4	A	03-160	27 IR 272	<b>27 IR 1569</b>
760 IAC 1-50-5	A	03-160	27 IR 272	<b>27 IR 1569</b>
760 IAC 1-50-7	A	03-160	27 IR 273	<b>27 IR 1570</b>
760 IAC 1-50-13	A	03-160	27 IR 273	<b>27 IR 1570</b>
760 IAC 1-50-13.5	A	03-160	27 IR 273	<b>27 IR 1571</b>
760 IAC 1-57-1	A	03-7	26 IR 3398	<b>27 IR 505</b>
760 IAC 1-57-2	A	03-7	26 IR 3398	<b>27 IR 505</b>
760 IAC 1-57-3	A	03-7	26 IR 3398	<b>27 IR 505</b>
760 IAC 1-57-4	A	03-7	26 IR 3399	<b>27 IR 506</b>
760 IAC 1-57-5	A	03-7	26 IR 3399	<b>27 IR 506</b>
760 IAC 1-57-6	A	03-7	26 IR 3400	<b>27 IR 507</b>
760 IAC 1-57-7	R	03-7	26 IR 3408	<b>27 IR 515</b>
760 IAC 1-57-8	A	03-7	26 IR 3401	<b>27 IR 508</b> *ERR (27 IR 1575) <b>27 IR 512</b> <b>27 IR 514</b> *ERR (27 IR 1575)
760 IAC 1-57-9	A	03-7	26 IR 3405	<b>27 IR 512</b>
760 IAC 1-57-10	A	03-7	26 IR 3407	<b>27 IR 514</b>
760 IAC 1-59-1	A	02-124	26 IR 170	<b>26 IR 2326</b>
760 IAC 1-59-2	A	02-124	26 IR 170	<b>26 IR 2326</b>
760 IAC 1-59-3	A	02-124	26 IR 171	<b>26 IR 2327</b>
760 IAC 1-59-4	A	02-124	26 IR 171	<b>26 IR 2327</b>
760 IAC 1-59-5	A	02-124	26 IR 171	<b>26 IR 2327</b>
760 IAC 1-59-6	A	02-124	26 IR 172	<b>26 IR 2328</b>
760 IAC 1-59-7	A	02-124	26 IR 172	<b>26 IR 2329</b>
760 IAC 1-59-8	A	02-124	26 IR 173	<b>26 IR 2329</b>
760 IAC 1-59-9	A	02-124	26 IR 174	<b>26 IR 2330</b>
760 IAC 1-59-10	A	02-124	26 IR 174	<b>26 IR 2330</b>
760 IAC 1-59-11	A	02-124	26 IR 174	<b>26 IR 2330</b>
760 IAC 1-59-12	A	02-124	26 IR 175	<b>26 IR 2331</b>
760 IAC 1-59-13	R	02-124	26 IR 177	<b>26 IR 2333</b>
760 IAC 1-59-14	A	02-124	26 IR 175	<b>26 IR 2331</b>
760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883) <b>26 IR 3035</b> <b>27 IR 872</b>
760 IAC 1-69	N	03-8	26 IR 3945	<b>27 IR 872</b>

### TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION

762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114) <b>26 IR 27</b>
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### TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

804 IAC 1.1-1-1	A	03-20	26 IR 3136	<b>27 IR 180</b>
804 IAC 1.1-3-1	A	02-20	25 IR 3446	<b>26 IR 370</b> *ERR (26 IR 793)
804 IAC 1.1-3-2	RA	03-43	26 IR 3148	<b>26 IR 3960</b>

### TITLE 808 STATE BOXING COMMISSION

808 IAC 2-6-1	A	02-120	25 IR 4210	<b>26 IR 1104</b>
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### TITLE 816 BOARD OF BARBER EXAMINERS

816 IAC 1-3-1	A	02-320	26 IR 1725	<b>26 IR 3648</b>
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### TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 515</b> *ERR (26 IR 1109) *ERR (26 IR 1109) *AROC (26 IR 3426) <b>27 IR 516</b> *ERR (26 IR 1109) *AROC (26 IR 3426) <b>27 IR 516</b>
820 IAC 4-4-5				
820 IAC 4-4-14				
820 IAC 6-1-3	A	03-21	26 IR 3137	
820 IAC 6-2-1				
820 IAC 6-3	N	03-21	26 IR 3137	

### TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION

825 IAC 1	RA	02-176	25 IR 4220	<b>26 IR 1262</b>
825 IAC 1-1-5	R	02-179	25 IR 4211	
825 IAC 1-5-1	R	02-179	25 IR 4211	
825 IAC 1-5-2	R	02-179	25 IR 4211	

### TITLE 828 STATE BOARD OF DENTISTRY

828 IAC 0.5-2-3	A	02-114	25 IR 3452	<b>26 IR 376</b>
828 IAC 0.5-2-4	A	02-114	25 IR 3453	<b>26 IR 376</b>
828 IAC 0.5-2-6	N	02-112	25 IR 3447	<b>26 IR 371</b>
828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904)
828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904)
828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904)
828 IAC 1-2-12	A	03-73	26 IR 3410	*CPH (26 IR 3904)
828 IAC 1-3-1	R	02-113	25 IR 3452	<b>26 IR 375</b>
828 IAC 1-3-1.1	N	02-113	25 IR 3450	<b>26 IR 373</b> *ERR (26 IR 383)
828 IAC 1-3-1.5	N	02-113	25 IR 3451	<b>26 IR 374</b>
828 IAC 1-3-2	A	02-113	25 IR 3452	<b>26 IR 375</b>
828 IAC 1-3-3	A	02-113	25 IR 3452	<b>26 IR 375</b>
828 IAC 1-5-1	A	02-112	25 IR 3448	<b>26 IR 371</b>
828 IAC 1-5-1.5	N	02-112	25 IR 3448	<b>26 IR 371</b>
828 IAC 1-5-2	A	02-112	25 IR 3448	<b>26 IR 372</b>
828 IAC 1-5-2.5	N	02-112	25 IR 3449	<b>26 IR 372</b>
828 IAC 1-6-1	A	02-112	25 IR 3449	<b>26 IR 373</b>
828 IAC 1-7-1	A	02-114	25 IR 3453	<b>26 IR 376</b>
828 IAC 1-7-2	N	02-114	25 IR 3453	<b>26 IR 377</b>

### TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

830 IAC 1-2-1	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-2	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>

### TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

832 IAC 2-1-2	A	02-147	26 IR 870	<b>26 IR 2622</b>
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### TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807) <b>26 IR 2333</b>
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807) <b>26 IR 2335</b>
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807) <b>26 IR 2336</b>
836 IAC 1-1-4	N	03-188	27 IR 1217	
836 IAC 1-1-5	N	03-188	27 IR 1217	

# Rules Affected by Volumes 26 and 27

836 IAC 1-1-6	N	03-188	27 IR 1219		836 IAC 2-14-2	A	03-188	27 IR 1253	
836 IAC 1-1-7	N	03-188	27 IR 1220		836 IAC 2-14-3	A	03-188	27 IR 1253	
836 IAC 1-1-8	N	03-188	27 IR 1220		836 IAC 2-14-5	A	02-91	25 IR 2833	*CPH (25 IR 3807)
836 IAC 1-2-1	A	02-91	25 IR 2813	*CPH (25 IR 3807) <b>26 IR 2337</b>					<b>26 IR 2357</b>
	A	03-188	27 IR 1221		836 IAC 3	RA	01-40	24 IR 2580	
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807) <b>26 IR 2338</b>	836 IAC 3-1-1	A	03-188	27 IR 1256	
	A	03-188	27 IR 1222		836 IAC 3-2-1	A	03-188	27 IR 1256	
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807) <b>26 IR 2339</b>	836 IAC 3-2-2	A	03-188	27 IR 1258	
	A	03-188	27 IR 1222		836 IAC 3-2-3	A	03-188	27 IR 1258	
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>	836 IAC 3-2-4	A	02-91	25 IR 2834	*CPH (25 IR 3807) <b>26 IR 2358</b>
836 IAC 1-2-5	N	03-188	27 IR 1225		836 IAC 3-2-5	A	03-188	27 IR 1259	
836 IAC 1-3-1	A	03-188	27 IR 1225			A	02-91	25 IR 2835	*CPH (25 IR 3807) <b>26 IR 2360</b>
836 IAC 1-3-2	A	03-188	27 IR 1226		836 IAC 3-2-6	A	03-188	27 IR 1260	
836 IAC 1-3-3	A	03-188	27 IR 1226		836 IAC 3-2-7	A	03-188	27 IR 1261	
836 IAC 1-3-5	A	02-91	25 IR 2818	*CPH (25 IR 3807) <b>26 IR 2342</b>	836 IAC 3-2-8	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>
	A	03-188	27 IR 1228		836 IAC 3-3-1	A	03-188	27 IR 1262	
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807) <b>26 IR 2343</b>	836 IAC 3-3-2	A	03-188	27 IR 1263	
	A	03-188	27 IR 1229		836 IAC 3-3-3	A	03-188	27 IR 1264	
836 IAC 1-4-1	A	03-188	27 IR 1230		836 IAC 3-3-4	A	02-91	25 IR 2836	*CPH (25 IR 3807) <b>26 IR 2360</b>
836 IAC 1-4-2	A	03-188	27 IR 1230			A	03-188	27 IR 1264	
836 IAC 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>	836 IAC 3-3-5	A	02-91	25 IR 2837	*CPH (25 IR 3807) <b>26 IR 2362</b>
836 IAC 1-11-1	A	02-91	25 IR 2819	*CPH (25 IR 3807) <b>26 IR 2343</b>		A	03-188	27 IR 1266	
	A	03-188	27 IR 1231		836 IAC 3-3-6	A	03-188	27 IR 1266	
836 IAC 1-11-2	A	02-91	25 IR 2820	*CPH (25 IR 3807) <b>26 IR 2344</b>	836 IAC 3-3-7	A	03-188	27 IR 1267	
	A	03-188	27 IR 1231		836 IAC 3-3-8	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>
836 IAC 1-11-3	A	03-188	27 IR 1232		836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>
836 IAC 1-11-4	A	02-91	25 IR 2821	*CPH (25 IR 3807) <b>26 IR 2345</b>	836 IAC 3-5-1	A	03-188	27 IR 1267	
	A	03-188	27 IR 1234		836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807) <b>26 IR 2362</b>
836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>		A	03-188	27 IR 1267	
836 IAC 1-12	N	03-188	27 IR 1235		836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807) <b>26 IR 2364</b>
836 IAC 2	RA	01-40	24 IR 2580			A	03-188	27 IR 1270	
836 IAC 2-1-1	A	02-91	25 IR 2821	*CPH (25 IR 3807) <b>26 IR 2345</b>	836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807) <b>26 IR 2365</b>
	A	03-188	27 IR 1239			A	03-188	27 IR 1270	
836 IAC 2-2-1	A	02-91	25 IR 2824	*CPH (25 IR 3807) <b>26 IR 2348</b> *ERR (26 IR 2624)	836 IAC 4-2-3	A	03-188	27 IR 1271	
	A	03-188	27 IR 1240		836 IAC 4-2-4	A	03-188	27 IR 1272	
836 IAC 2-2-2	A	03-188	27 IR 1243		836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>
836 IAC 2-2-3	A	03-188	27 IR 1244		836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807) <b>26 IR 2366</b>
836 IAC 2-2-4	N	03-188	27 IR 1245			A	03-188	27 IR 1272	
836 IAC 2-4.1-1	A	03-188	27 IR 1245		836 IAC 4-3-3	A	03-188	27 IR 1273	
836 IAC 2-4.1-2	A	03-188	27 IR 1246		836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807) <b>26 IR 2366</b>
836 IAC 2-7.1	R	03-188	27 IR 1283			A	03-188	27 IR 1273	
836 IAC 2-7.1-1	A	02-91	25 IR 2826	*CPH (25 IR 3807) <b>26 IR 2350</b>	836 IAC 4-4-2	A	03-188	27 IR 1274	
					836 IAC 4-4-3	A	03-188	27 IR 1275	
836 IAC 2-7.2	N	02-91	25 IR 2828	*CPH (25 IR 3807) <b>26 IR 2353</b>	836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807) <b>26 IR 2367</b>
836 IAC 2-7.2-1	A	03-188	27 IR 1247			A	03-188	27 IR 1275	
836 IAC 2-7.2-2	A	03-188	27 IR 1250		836 IAC 4-6-1	R	03-188	27 IR 1283	
836 IAC 2-7.2-3	A	03-188	27 IR 1250		836 IAC 4-6.1	N	02-91	25 IR 2843	*CPH (25 IR 3807) <b>26 IR 2368</b>
836 IAC 2-7.2-4	N	03-188	27 IR 1252						
836 IAC 2-11-1	R	03-188	27 IR 1283		836 IAC 4-7-1	A	03-188	27 IR 1276	
836 IAC 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>	836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807) <b>26 IR 2368</b>
836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) <b>26 IR 2372</b>		A	03-188	27 IR 1276	
836 IAC 2-14-1	A	03-188	27 IR 1252		836 IAC 4-7-3	A	03-188	27 IR 1277	

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836 IAC 4-7-3.5	A	03-188	27 IR 1277		844 IAC 4-4.1-11	R	02-12	25 IR 2308	*CPH (25 IR 2746)
836 IAC 4-7-4	A	03-188	27 IR 1278						<b>26 IR 34</b>
836 IAC 4-7.1	N	02-91	25 IR 2844	*CPH (25 IR 3807)	844 IAC 4-4.5	N	02-12	25 IR 2302	*CPH (25 IR 2746)
				<b>26 IR 2369</b>					<b>26 IR 28</b>
836 IAC 4-7.1-1	A	03-188	27 IR 1278		844 IAC 4-5-1	R	02-12	25 IR 2308	*CPH (25 IR 2746)
836 IAC 4-7.1-2	A	03-188	27 IR 1278						<b>26 IR 34</b>
836 IAC 4-7.1-3	A	03-188	27 IR 1279		844 IAC 4-6-2	R	02-12	25 IR 2308	*CPH (25 IR 2746)
836 IAC 4-7.1-4	A	03-188	27 IR 1280						<b>26 IR 34</b>
836 IAC 4-7.1-5	A	03-188	27 IR 1280		844 IAC 4-6-2.1	N	02-12	25 IR 2308	*CPH (25 IR 2746)
836 IAC 4-7.1-6	A	03-188	27 IR 1281						<b>26 IR 34</b>
836 IAC 4-8-1	R	03-188	27 IR 1283		844 IAC 4-6-5	R	02-12	25 IR 2308	*CPH (25 IR 2746)
836 IAC 4-9-1	A	03-188	27 IR 1281						<b>26 IR 34</b>
836 IAC 4-9-2	A	03-188	27 IR 1281		844 IAC 4-6-8	R	02-12	25 IR 2308	*CPH (25 IR 2746)
836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807)					<b>26 IR 34</b>
				<b>26 IR 2372</b>	844 IAC 4-7-5	R	02-12	25 IR 2308	*CPH (25 IR 2746)
	A	03-188	27 IR 1282						<b>26 IR 34</b>
836 IAC 4-9-4	A	03-188	27 IR 1282		844 IAC 5-1-1	A	02-268	26 IR 2117	<b>27 IR 521</b>
836 IAC 4-9-5	A	03-188	27 IR 1282		844 IAC 5-1-3	A	02-268	26 IR 2118	<b>27 IR 522</b>
836 IAC 4-9-6	A	03-188	27 IR 1283		844 IAC 5-3	N	02-268	26 IR 2118	<b>27 IR 522</b>
836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	844 IAC 5-4	N	02-268	26 IR 2120	<b>27 IR 524</b>
				<b>26 IR 2372</b>					*ERR (27 IR 538)
TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD					844 IAC 6-1-2	A	03-262	27 IR 1284	
839 IAC 1-2-2.1	A	02-271	26 IR 874	<b>26 IR 2622</b>	844 IAC 6-1-4	A	01-431	25 IR 3454	<b>26 IR 377</b>
839 IAC 1-2-5	A	02-271	26 IR 875	<b>26 IR 2623</b>		A	03-261	27 IR 1635	
839 IAC 1-3-2	A	02-270	26 IR 871	*ARR (26 IR 1945)	844 IAC 6-3-1	A	03-261	27 IR 1636	
			26 IR 3411	<b>27 IR 517</b>	844 IAC 6-3-2	A	03-261	27 IR 1636	
839 IAC 1-4-5	A	02-270	26 IR 871	*ARR (26 IR 1945)	844 IAC 6-3-4	A	03-261	27 IR 1637	
			26 IR 3411	<b>27 IR 518</b>	844 IAC 6-3-5	A	01-432	25 IR 3455	<b>26 IR 378</b>
839 IAC 1-5-1	A	02-270	26 IR 872	*ARR (26 IR 1945)		A	03-261	27 IR 1637	
			26 IR 3412	<b>27 IR 518</b>	844 IAC 6-3-6	N	03-261	27 IR 1638	
839 IAC 1-5-1.5	N	02-270	26 IR 874	*ARR (26 IR 1945)	844 IAC 6-4-1	A	02-181	26 IR 541	<b>26 IR 2373</b>
			26 IR 3414	<b>27 IR 520</b>	844 IAC 6-4-3	A	03-261	27 IR 1638	
TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS					844 IAC 6-6-1	R	03-261	27 IR 1642	
840 IAC 1-1-4	A	02-219	26 IR 540	<b>26 IR 1943</b>	844 IAC 6-6-2	R	03-261	27 IR 1642	
840 IAC 1-1-6	A	03-189	27 IR 566		844 IAC 6-6-3	A	03-261	27 IR 1638	
840 IAC 1-2-1	A	03-190	27 IR 566		844 IAC 6-6-4	A	03-261	27 IR 1639	
TITLE 844 MEDICAL LICENSING BOARD OF INDIANA					844 IAC 6-7-2	A	03-261	27 IR 1639	
844 IAC 2.2-2-1	A	02-180	26 IR 177	<b>26 IR 1558</b>	TITLE 845 BOARD OF PODIATRIC MEDICINE				
844 IAC 2.2-2-2	A	02-180	26 IR 178	<b>26 IR 1559</b>	845 IAC 1-3-1	A	03-46	26 IR 2683	<b>27 IR 526</b>
844 IAC 2.2-2-5	A	02-180	26 IR 179	<b>26 IR 1560</b>	845 IAC 1-3-2	A	03-46	26 IR 2683	<b>27 IR 526</b>
844 IAC 2.2-2-8	A	02-180	26 IR 179	<b>26 IR 1560</b>	845 IAC 1-3-3	N	03-46	26 IR 2684	<b>27 IR 527</b>
844 IAC 4-1-1	R	02-12	25 IR 2308	*CPH (25 IR 2746)	845 IAC 1-4.1-1	A	03-46	26 IR 2684	<b>27 IR 527</b>
				<b>26 IR 34</b>	845 IAC 1-4.1-2	A	03-46	26 IR 2684	<b>27 IR 527</b>
844 IAC 4-4.1-1	R	02-12	25 IR 2308	*CPH (25 IR 2746)	845 IAC 1-4.1-4	R	03-46	26 IR 2686	<b>27 IR 528</b>
				<b>26 IR 34</b>	845 IAC 1-4.1-7	A	03-46	26 IR 2685	<b>27 IR 527</b>
844 IAC 4-4.1-2	R	02-12	25 IR 2308	*CPH (25 IR 2746)	845 IAC 1-5-1	A	03-46	26 IR 2685	<b>27 IR 527</b>
				<b>26 IR 34</b>	845 IAC 1-5-2	R	01-363	25 IR 3456	*I (26 IR 1104)
844 IAC 4-4.1-3.1	R	02-12	25 IR 2308	*CPH (25 IR 2746)		R	02-341	26 IR 2682	<b>27 IR 525</b>
				<b>26 IR 34</b>	845 IAC 1-5-2.1	N	01-363	25 IR 3455	*I (26 IR 1104)
844 IAC 4-4.1-4.1	R	02-12	25 IR 2308	*CPH (25 IR 2746)		N	02-341	26 IR 2682	<b>27 IR 525</b>
				<b>26 IR 34</b>	845 IAC 1-5-3	A	03-46	26 IR 2685	<b>27 IR 528</b>
844 IAC 4-4.1-5	R	02-12	25 IR 2308	*CPH (25 IR 2746)	845 IAC 1-6-8	R	03-47	26 IR 2686	<b>27 IR 529</b>
				<b>26 IR 34</b>	845 IAC 1-6-9	N	03-47	26 IR 2686	<b>27 IR 529</b>
844 IAC 4-4.1-6	R	02-12	25 IR 2308	*CPH (25 IR 2746)	TITLE 848 INDIANA STATE BOARD OF NURSING				
				<b>26 IR 34</b>	848 IAC 1-1-2.1	A	02-247	26 IR 2124	<b>26 IR 3652</b>
844 IAC 4-4.1-7	R	02-12	25 IR 2308	*CPH (25 IR 2746)	848 IAC 1-1-6	A	02-247	26 IR 2124	<b>26 IR 3653</b>
				<b>26 IR 34</b>	848 IAC 1-1-7	A	02-247	26 IR 2125	<b>26 IR 3654</b>
844 IAC 4-4.1-8	R	02-12	25 IR 2308	*CPH (25 IR 2746)	848 IAC 1-1-14	A	02-239	26 IR 2123	<b>26 IR 3651</b>
				<b>26 IR 34</b>	848 IAC 5-1-1	A	03-34	26 IR 3947	<b>27 IR 1571</b>
844 IAC 4-4.1-9	R	02-12	25 IR 2308	*CPH (25 IR 2746)	848 IAC 5-1-3	A	03-34	26 IR 3948	<b>27 IR 1573</b>
				<b>26 IR 34</b>	848 IAC 6	N	02-183	26 IR 2121	<b>26 IR 3649</b>
844 IAC 4-4.1-10	R	02-12	25 IR 2308	*CPH (25 IR 2746)	TITLE 852 INDIANA OPTOMETRY BOARD				
				<b>26 IR 34</b>	852 IAC 1-1.1-4	A	02-131	25 IR 3869	<b>26 IR 1944</b>
				<b>26 IR 34</b>	852 IAC 1-13-1	A	02-132	25 IR 3869	<b>26 IR 2373</b>
				<b>26 IR 34</b>	852 IAC 1-13-2	A	02-132	25 IR 3870	<b>26 IR 2374</b>
				<b>26 IR 34</b>	852 IAC 1-17	N	02-133	25 IR 3870	<b>26 IR 1561</b>



# Rules Affected by Volumes 26 and 27

## TITLE 856 INDIANA BOARD OF PHARMACY

856 IAC 1-27-1	A	03-191	27 IR 276	<b>27 IR 1574</b>
856 IAC 1-33-1	A	03-154	26 IR 3949	
			27 IR 274	*ARR (27 IR 1185)
856 IAC 1-33-1.5	N	03-154	27 IR 274	*ARR (27 IR 1185)
856 IAC 1-33-2	A	03-154	26 IR 3949	
			27 IR 275	*ARR (27 IR 1185)
856 IAC 1-33-4	A	03-154	26 IR 3950	
			27 IR 275	*ARR (27 IR 1185)
856 IAC 1-33-5	N	03-154	27 IR 275	*ARR (27 IR 1185)
856 IAC 1-35-1	A	02-172	25 IR 4211	<b>26 IR 1561</b>
856 IAC 1-35-4	A	02-172	25 IR 4212	<b>26 IR 1562</b>
856 IAC 1-35-6	R	02-172	25 IR 4212	<b>26 IR 1562</b>
856 IAC 2-7	N	02-258	26 IR 1725	<b>27 IR 181</b>

## TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

857 IAC 1-4-1	RA	02-78	25 IR 3883	<b>26 IR 546</b>
857 IAC 2-3-16	A	02-123	25 IR 3873	<b>26 IR 1104</b>

## TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE

858 IAC 2-1-1	A	03-281	27 IR 1285	
858 IAC 2-1-2	A	03-281	27 IR 1286	
858 IAC 2-1-3	A	03-281	27 IR 1286	
858 IAC 2-1-4	A	03-281	27 IR 1286	

## TITLE 860 INDIANA PLUMBING COMMISSION

860 IAC 1-1-2.1				*ERR (26 IR 1109)
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## TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

862 IAC 1-1-6	A	02-302	26 IR 1728	<b>26 IR 3341</b>
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## TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-2	A	01-405	25 IR 2848	<b>26 IR 379</b>
	A	03-125	26 IR 3737	<b>27 IR 874</b>
864 IAC 1.1-2-4	A	01-405	25 IR 2849	<b>26 IR 380</b>
864 IAC 1.1-12-1	A	01-405	25 IR 2850	<b>26 IR 380</b>
864 IAC 1.1-14	N	03-125	26 IR 3739	<b>27 IR 875</b>

## TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-4-8	A	02-56	25 IR 3456	<b>26 IR 1105</b>
865 IAC 1-7-3	A	03-22	26 IR 3950	
865 IAC 1-10-23	R	03-22	26 IR 3958	
865 IAC 1-10-24	R	03-22	26 IR 3958	
865 IAC 1-12-2	A	03-22	26 IR 3951	
865 IAC 1-12-3	A	03-22	26 IR 3952	
865 IAC 1-12-5	A	03-22	26 IR 3952	
865 IAC 1-12-6	A	03-22	26 IR 3953	
865 IAC 1-12-7	A	03-22	26 IR 3953	
865 IAC 1-12-9	A	03-22	26 IR 3954	
865 IAC 1-12-10	A	03-22	26 IR 3954	
865 IAC 1-12-11	A	03-22	26 IR 3954	
865 IAC 1-12-12	A	03-22	26 IR 3954	
865 IAC 1-12-13	A	03-22	26 IR 3955	
865 IAC 1-12-14	A	03-22	26 IR 3956	
865 IAC 1-12-18	A	03-22	26 IR 3956	
865 IAC 1-12-28	A	02-56	25 IR 3456	<b>26 IR 1105</b>
865 IAC 1-13-4	A	03-41	26 IR 3739	<b>27 IR 875</b>
865 IAC 1-13-5	A	03-187	27 IR 943	
865 IAC 1-13-7	A	03-41	26 IR 3739	<b>27 IR 875</b>
865 IAC 1-13-20	R	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-13	A	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-14	A	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-15	A	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-20	R	03-41	26 IR 3740	<b>27 IR 876</b>

## TITLE 868 STATE PSYCHOLOGY BOARD

868 IAC 2	N	03-60	26 IR 3741	*CPH (27 IR 905)
				*AROC (27 IR 1300)

## TITLE 872 INDIANA BOARD OF ACCOUNTANCY

872 IAC 1-1-2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.1	A	02-213	26 IR 2465	*AROC (26 IR 3150)
				*ARR (26 IR 3656)
				<b>26 IR 3881</b>
872 IAC 1-1-6.2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.4	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.5	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.6	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-8	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-8.3	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-9	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-9.5	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-10	A	02-301	26 IR 2126	<b>26 IR 3654</b>
	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-12	A	02-213	26 IR 2466	*AROC (26 IR 3150)
				*ARR (26 IR 3656)
				<b>26 IR 3882</b>
	A	03-126	27 IR 280	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-14	A	03-126	27 IR 280	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-17	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
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326 IAC 1-6-1	24 IR 2752	Pharmaceutical production		Facility	
Conditions under which malfunction not con- sidered violation		326 IAC 20-57	27 IR 1618	326 IAC 23-1-27	26 IR 2410
326 IAC 1-6-4	24 IR 2753	Polyether polyols production			<b>27 IR 462</b>
Excessive malfunctions; department actions		326 IAC 20-59	27 IR 1619	Friction surface	
326 IAC 1-6-5	24 IR 2753	Refractory products manufacturing		326 IAC 23-1-27.5	26 IR 2410
Malfunction emission reduction program		326 IAC 20-62	27 IR 1619		<b>27 IR 463</b>
326 IAC 1-6-6	24 IR 2754	Rubber tire manufacturing		Hazardous waste	
Preventive maintenance plans		326 IAC 20-55	26 IR 3091	326 IAC 23-1-31	26 IR 2099
326 IAC 1-6-3	24 IR 2753	Secondary aluminum		Impact surface	
Records; notice of malfunction		326 IAC 20-70	27 IR 1620	326 IAC 23-1-32.1	26 IR 2410
326 IAC 1-6-2	24 IR 2752	Semiconductor manufacturing			<b>27 IR 463</b>
Nonattainment/attainment/unclassifiable area designations for sulfur dioxide; total suspended particulates, carbon monoxide; ozone; and nitrogen dioxides		326 IAC 20-61	27 IR 1619	Inspector	
Designations		Solvent extraction for vegetable oil production		326 IAC 23-1-32.2	26 IR 2411
326 IAC 1-4-1	25 IR 3240	326 IAC 20-60	27 IR 1619		<b>27 IR 463</b>
	<b>26 IR 1077</b>	Wet-formed fiberglass mat production		Interim controls	
	26 IR 3092	326 IAC 20-52	26 IR 3091	326 IAC 23-1-34	26 IR 2411
	<b>27 IR 1167</b>	<b>Lead-based paint</b>			<b>27 IR 463</b>
Provisions applicable throughout Title 326		Definitions		Interior window sill	
References		Approved initial training course and approved refresher training course		326 IAC 23-1-34.5	26 IR 2411
Code of Federal Regulations		326 IAC 23-1-4	26 IR 2407		<b>27 IR 463</b>
326 IAC 1-1-3	26 IR 1997		<b>27 IR 459</b>	Lead abated waste	
Compilation of air pollution emission factors AP-42 and supplement		Arithmetic mean		326 IAC 23-1-34.8	26 IR 2411
326 IAC 1-1-3.5	26 IR 1997	326 IAC 23-1-5.5	26 IR 2408		<b>27 IR 463</b>
<b>Hazardous air pollutants</b>			<b>27 IR 460</b>	Loading	
Amino and phenolic resins		Approved training course provider		326 IAC 23-1-48.5	26 IR 2411
326 IAC 20-58	27 IR 1619	326 IAC 23-1-5	26 IR 2408		<b>27 IR 463</b>
			<b>27 IR 460</b>	Paint in poor condition	
		Chewable surface		326 IAC 23-1-52	26 IR 2411
		326 IAC 23-1-6.5	26 IR 2408		<b>27 IR 463</b>
			<b>27 IR 460</b>	Paint-lead hazard	
				326 IAC 23-1-52.5	26 IR 2411
					<b>27 IR 464</b>

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Play area 326 IAC 23-1-54.5	26 IR 2412 <b>27 IR 464</b>	License; application 326 IAC 23-2-4	26 IR 2416 <b>27 IR 469</b>	Risk assessment 326 IAC 23-4-4	26 IR 2430 <b>27 IR 483</b>
Project designer 326 IAC 23-1-55.5	26 IR 2412 <b>27 IR 464</b>	Licensing; qualifications 326 IAC 23-2-3	26 IR 2415 <b>27 IR 467</b>	Work practices for nonabatement activities Applicability 326 IAC 23-5	26 IR 2436 <b>27 IR 489</b>
Renovation 326 IAC 23-1-58.5	26 IR 2412 <b>27 IR 464</b>	Renewal of lead-based paint license 326 IAC 23-2-5	26 IR 2418 <b>27 IR 470</b>	<b>Lead rules</b> Lead emissions limitations Compliance 326 IAC 15-1-4	26 IR 2083
Residential building 326 IAC 23-1-58.7	26 IR 2412 <b>27 IR 464</b>	Training courses and instructors Applicability 326 IAC 23-3-1	26 IR 2422 <b>27 IR 475</b>	Source-specific provisions 326 IAC 15-1-2	26 IR 2080
Risk assessor 326 IAC 23-1-60.1	26 IR 2412 <b>27 IR 464</b>	Application 326 IAC 23-3-12	26 IR 2428 <b>27 IR 481</b>	<b>Monitoring requirements</b> Continuous monitoring of emissions Minimum performance and operating specification 326 IAC 3-5-2	26 IR 2017
Room 326 IAC 23-1-60.5	26 IR 2412 <b>27 IR 465</b>	Course notification and record submittal requirements 326 IAC 23-3-11	26 IR 2428 <b>27 IR 480</b>	Monitor system certification 326 IAC 3-5-3	26 IR 2019
Soil-lead hazard 326 IAC 23-1-60.6	26 IR 2413 <b>27 IR 465</b>	Examination requirements 326 IAC 23-3-5	26 IR 2426 <b>27 IR 479</b>	Quality assurance requirements 326 IAC 3-5-5	26 IR 2020
Soil sample 326 IAC 23-1-61.5	26 IR 2413 <b>27 IR 465</b>	Expiration of course approval; reapproval 326 IAC 23-3-7	26 IR 2426 <b>27 IR 479</b>	Standard operating procedures 326 IAC 3-5-4	26 IR 2019
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Surface-by-surface investigation 326 IAC 23-1-62.6	26 IR 2413 <b>27 IR 465</b>	Initial training course requirements 326 IAC 23-3-3	26 IR 2423 <b>27 IR 476</b>	Fuel oil sampling; analysis methods 326 IAC 3-7-4	26 IR 2025
Target housing 326 IAC 23-1-63	26 IR 2413 <b>27 IR 466</b>	Representation of training course approval 326 IAC 23-3-13	26 IR 2428 <b>27 IR 481</b>	General provisions Conversion factors 326 IAC 3-4-3	26 IR 2016
Third-party examination 326 IAC 23-1-64	26 IR 2414 <b>27 IR 466</b>	Work practices for abatement activities Abatement procedures for all projects 326 IAC 23-4-5	26 IR 2431 <b>27 IR 484</b>	Definitions 326 IAC 3-4-1	26 IR 2016
Weighted arithmetic mean 326 IAC 23-1-69.5	26 IR 2414 <b>27 IR 466</b>	Analysis of samples 326 IAC 23-4-12	26 IR 2435 <b>27 IR 488</b>	Source sampling procedure Applicability; test procedures 326 IAC 3-6-1	26 IR 2022
Window trough or window well 326 IAC 23-1-69.6	26 IR 2414 <b>27 IR 466</b>	Applicability 326 IAC 23-4-1	26 IR 2429 <b>27 IR 481</b>	Emission testing 326 IAC 3-6-3	26 IR 2022
Wipe sample 326 IAC 23-1-69.7	26 IR 2414 <b>27 IR 466</b>	Inspections 326 IAC 23-4-2	26 IR 2429 <b>27 IR 482</b>	Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds 326 IAC 3-6-5	26 IR 2023
Worker 326 IAC 23-1-71	26 IR 2414 <b>27 IR 467</b>	Lead abatement notification procedures 326 IAC 23-4-6	26 IR 2432 <b>27 IR 485</b>	<b>Motor vehicle emission and fuel standards</b> Control of gasoline Reid vapor pressure Applicability 326 IAC 13-3-1	25 IR 3242 <b>26 IR 1079</b>
Licensing Applicability 326 IAC 23-2-1	26 IR 2414 <b>27 IR 467</b>	Lead abatement procedures; interior 326 IAC 23-4-7	26 IR 2434 <b>27 IR 486</b>	Motor vehicle inspection and maintenance requirements Definitions 326 IAC 13-1.1-1	26 IR 2062
Compliance requirements for lead-based paint activities contractors 326 IAC 23-2-6	26 IR 2419 <b>27 IR 471</b>	Lead-based paint abatement disposal procedures 326 IAC 23-4-11	26 IR 2435 <b>27 IR 488</b>	Facility and testing requirements 326 IAC 13-1.1-14	26 IR 2065
Duplicate lead-based paint program licenses 326 IAC 23-2-9	26 IR 2422 <b>27 IR 474</b>	Lead hazard screen 326 IAC 23-4-3	26 IR 2429 <b>27 IR 482</b>	Facility quality assurance program 326 IAC 13-1.1-16	26 IR 2066
Fees 326 IAC 23-2-8	26 IR 2421 <b>27 IR 474</b>	Post-abatement clearance procedures 326 IAC 23-4-9	26 IR 2434 <b>27 IR 487</b>	Test reports; repair forms 326 IAC 13-1.1-13	26 IR 2064
Lead-based paint license reciprocity 326 IAC 23-2-6.5	26 IR 2419 <b>27 IR 472</b>	Record keeping 326 IAC 23-4-13	26 IR 2435 <b>27 IR 488</b>	Testing procedures and standards 326 IAC 13-1.1-8	26 IR 2063
Lead-based paint license revocation; denial 326 IAC 23-2-7	26 IR 2420 <b>27 IR 473</b>			Waivers and compliance through diagnostic inspection 326 IAC 13-1.1-10	26 IR 2063
				<b>Nitrogen oxide rules</b> Nitrogen oxides budget trading program Applicability 326 IAC 10-4-1	26 IR 1134 <b>26 IR 3551</b>

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Compliance supplement pool 326 IAC 10-4-15	26 IR 1156 <b>26 IR 3572</b>	Violations 326 IAC 2-6-5	24 IR 3705	Leaks from transports and vapor collection systems; records	326 IAC 8-4-9	26 IR 2035
Definitions 326 IAC 10-4-2	26 IR 1136 <b>26 IR 3552</b>	Federally enforceable state operating permit program		Shipbuilding or ship repair operations in Clark, Floyd, Lake, and Porter Counties		
Individual opt-ins 326 IAC 10-4-13	26 IR 1152 <b>26 IR 3568</b>	Permit application 326 IAC 2-8-3	26 IR 2008	Compliance requirements 326 IAC 8-12-5		26 IR 2052
NO <sub>x</sub> allowance allocations 326 IAC 10-4-9	26 IR 1142 <b>26 IR 3558</b>	Part 70 permit program Permit issuance, renewal, and revisions 326 IAC 2-7-8	26 IR 2006	Definitions 326 IAC 8-12-3		26 IR 2050
NO <sub>x</sub> allowance banking 326 IAC 10-4-14	26 IR 1155 <b>26 IR 3572</b>	Permit requirement 326 IAC 2-7-3	26 IR 2006	Record keeping, notification, and reporting requirements 326 IAC 8-12-7		26 IR 2054
NO <sub>x</sub> allowance tracking system 326 IAC 10-4-10	26 IR 1148 <b>26 IR 3565</b>	Permit review by the U.S. EPA 326 IAC 2-7-18	26 IR 2007	Test methods and procedures 326 IAC 8-12-6		26 IR 2053
Nitrogen oxides control in Clark and Floyd Counties Compliance procedures 326 IAC 10-1-5	26 IR 2059	Permit by rule LSA Document #04-9(E)	<b>27 IR 1608</b>	Sinter plants Test procedures 326 IAC 8-13-5		26 IR 2054
Definitions 326 IAC 10-1-2	26 IR 2056	Prevention of significant deterioration Ambient air ceilings 326 IAC 2-2-16	26 IR 1999	Specific VOC reduction requirements for Lake, Porter, Clark, and Floyd Counties		
Emissions limits 326 IAC 10-1-4	26 IR 2057	Area designation and redesignation 326 IAC 2-2-13	26 IR 1998	Applicability 326 IAC 8-7-2		24 IR 2755
Emissions monitoring 326 IAC 10-1-6	26 IR 2059	Increment consumption; requirements 326 IAC 2-2-6	27 IR 256	Certification, record keeping, and reporting requirements for coating facilities 326 IAC 8-7-6		24 IR 2758
Nitrogen oxides reduction program for specific source categories		Definitions 326 IAC 2-2-1	27 IR 250	Compliance methods 326 IAC 8-7-4		24 IR 2756
Applicability 326 IAC 10-3-1	26 IR 1134 <b>26 IR 3550</b>	Permit rescission 326 IAC 2-2-12	27 IR 257	Compliance plan 326 IAC 8-7-5		24 IR 2758
<b>Opacity regulations</b>		Source specific operating agreement program Coal mines and coal preparation plants 326 IAC 2-9-10	26 IR 2013	Control system monitoring, record keeping, and reporting 326 IAC 8-7-10		24 IR 2759
Limitations		Crushed stone processing plants 326 IAC 2-9-8	26 IR 2010	Control system operation, maintenance, and testing 326 IAC 8-7-9		24 IR 2758
Compliance determination 326 IAC 5-1-4	26 IR 2026	External combustion sources 326 IAC 2-9-13	26 IR 2014	Definitions 326 IAC 8-7-1		24 IR 2754
Opacity limitations 326 IAC 5-1-2	26 IR 2025	Ready-mix concrete batch plants 326 IAC 2-9-9	26 IR 2011	Emission limits 326 IAC 8-7-3		24 IR 2755
Violations 326 IAC 5-1-5	26 IR 2026	Sand and gravel plants 326 IAC 2-9-7	26 IR 2009	General record keeping and reports 326 IAC 8-7-8		24 IR 2758
<b>Particulate rules</b>		<b>State environmental policy</b>		Test methods and procedures 326 IAC 8-7-7		24 IR 2758 26 IR 2036
Nonattainment area limitations		General conformity		Surface coating emission limitations Miscellaneous metal coating operation 326 IAC 8-2-9		25 IR 3241 <b>26 IR 1078</b>
Applicability 326 IAC 6-1-1	25 IR 710	Applicability; incorporation by reference of federal standards 326 IAC 16-3-1	26 IR 2084	Volatile organic liquid storage vessels		
Lake County PM <sub>10</sub> coke battery emission re- quirements 326 IAC 6-1-10.2	26 IR 1994 <b>27 IR 85</b>	<b>Stratospheric ozone protection</b>		Applicability 326 IAC 8-9-1		24 IR 2760
Lake County PM <sub>10</sub> emission requirements 326 IAC 6-1-10.1	26 IR 1970 <b>27 IR 61</b>	General provisions Incorporation of federal regulation 326 IAC 22-1-1	26 IR 2098	Definitions 326 IAC 8-9-3		24 IR 2760 26 IR 2037
Wayne County 326 IAC 6-1-14	26 IR 98 <b>26 IR 2318</b>	<b>Sulfur dioxide rules</b>		Exemptions 326 IAC 8-9-2		24 IR 2760 26 IR 2036
<b>Permit review rules</b>		Compliance		Record keeping and reporting requirements 326 IAC 8-9-6		24 IR 2765 26 IR 2042
Emission offset		Methods to determine compliance; reporting requirements 326 IAC 7-2-1	26 IR 2028	Standards 326 IAC 8-9-4		24 IR 2761 26 IR 2038
Definitions 326 IAC 2-3-1	26 IR 2000	Emission limitations and requirements by county Warrick County 326 IAC 7-4-10	26 IR 2029	Testing and procedures 326 IAC 8-9-5		24 IR 2763 26 IR 2040
Emission reporting		<b>Volatile organic compounds</b>		Wood furniture coatings		
Applicability 326 IAC 2-6-1	24 IR 3699	Automobile refinishing		Applicability 326 IAC 8-11-1		24 IR 2767
Compliance schedule 326 IAC 2-6-3	24 IR 3702	Test procedures 326 IAC 8-10-7	26 IR 2044			
Definitions 326 IAC 2-6-2	24 IR 3700	General provisions				
Requirements 326 IAC 2-6-4	24 IR 3703 26 IR 2005	Compliance methods 326 IAC 8-1-2	25 IR 2754 <b>26 IR 1073</b>			
		Testing procedures 326 IAC 8-1-4	26 IR 2030			
		Petroleum sources				
		Gasoline dispensing facilities 326 IAC 8-4-6	26 IR 2032			

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Compliance procedures and monitoring		<b>Cattle, goats, and other tuberculosis of</b>		Grade A milk production and storage	
326 IAC 8-11-6	24 IR 2771	<b>brucellosis carrying animals</b>		345 IAC 8-3-2	25 IR 2770
	26 IR 2046	Chronic wasting disease			<b>26 IR 341</b>
Continuous compliance plan		Certified herd status		Incorporation by reference; standards	
326 IAC 8-11-5	24 IR 2771	345 IAC 2-7-4	25 IR 2000	345 IAC 8-3-1	25 IR 2769
Definitions			25 IR 2777		<b>26 IR 340</b>
326 IAC 8-11-2	24 IR 2767	CWD positive, CWD suspect, and CWD ex-	<b>26 IR 348</b>	Labeling	
	26 IR 2044	posed animals		345 IAC 8-3-10	25 IR 2771
Emission limits		345 IAC 2-7-5	25 IR 2001		<b>26 IR 342</b>
326 IAC 8-11-3	24 IR 2769		25 IR 2778	<b>Domestic animal disease control</b>	
Provisions for sources electing to use emissions			<b>26 IR 349</b>	Importation of domestic animals	
averaging		Definitions		LSA Document #03-158(E)	<b>26 IR 3364</b>
326 IAC 8-11-10	24 IR 2777	345 IAC 2-7-1	25 IR 1998	LSA Document #03-208(E)	<b>26 IR 3899</b>
Record keeping requirements			25 IR 2775	Applicants and shipper, duties; violations;	
326 IAC 8-11-8	24 IR 2775		<b>26 IR 346</b>	penalties	
Reporting requirements		Herd registration		345 IAC 1-3-32	26 IR 3104
326 IAC 8-11-9	24 IR 2776	345 IAC 2-7-3	25 IR 1999		<b>27 IR 90</b>
Test procedures			25 IR 2776	Breeding swine; tests for Brucellosis and	
326 IAC 8-11-7	24 IR 2775		<b>26 IR 347</b>	Pseudorabies	
	26 IR 2050		26 IR 3107	345 IAC 1-3-13	25 IR 4172
Work practice standards			<b>27 IR 92</b>		<b>26 IR 1525</b>
326 IAC 8-11-4	24 IR 2770	Interstate movement		Certificate of veterinary inspection and permit	
		345 IAC 2-7-2.4	26 IR 3106	required for importation	
			<b>27 IR 92</b>	345 IAC 1-3-4	25 IR 4171
<b>ALCOHOL AND TOBACCO COMMISSION</b>		Intrastate movement			<b>26 IR 1524</b>
<b>General provisions</b>		345 IAC 2-7-2.5	26 IR 3107	Chronic wasting disease	
Auto race tracks			<b>27 IR 92</b>	LSA Document #03-120(E)	<b>26 IR 3360</b>
905 IAC 1-35.1	26 IR 3745	<b>Dairy products</b>		345 IAC 1-3-30	25 IR 1997
	27 IR 1290	Drug residues and other adulterations			25 IR 2774
Beer kegs; tracking		Drug residues			<b>26 IR 345</b>
905 IAC 1-45	26 IR 2128	345 IAC 8-4-1	25 IR 2771		26 IR 3102
	<b>27 IR 189</b>		<b>26 IR 342</b>		<b>27 IR 87</b>
Clubs		Production, handling, processing, packaging, and		Chronic wasting disease; carcasses	
Requirement to publicly post operating dates		distribution of milk and milk products		345 IAC 1-3-31	26 IR 3104
905 IAC 1-13-6	26 IR 2689	Bulk milk collection; pick-up tankers			<b>27 IR 89</b>
Service to nonmembers		345 IAC 8-2-4	25 IR 2767	Definitions	
905 IAC 1-13-3	26 IR 2689		<b>26 IR 338</b>	345 IAC 1-3-1.5	25 IR 1996
Minors		Definitions		Feeder pigs	
Loitering		345 IAC 8-2-1.1	25 IR 2758	345 IAC 1-3-14	25 IR 4173
905 IAC 1-15.2-3	26 IR 3745		<b>26 IR 329</b>		<b>26 IR 1526</b>
Municipal riverfront development projects		“General requirement; permits” defined		Identification required; exceptions	
905 IAC 1-47	27 IR 1292	345 IAC 8-2-1.9	25 IR 2761	345 IAC 1-3-3	25 IR 4170
Procedure after local board investigation and			<b>26 IR 332</b>		<b>26 IR 1523</b>
recommendation		Manufactured grade dairy farms; construction;		Interstate movement of swine within a produc-	
Review of local alcoholic beverage board’s		operation; sanitation		tion system	
approval or denial of an application for an		345 IAC 8-2-3	25 IR 2764	345 IAC 1-3-16.5	25 IR 4174
alcoholic beverage permit			<b>26 IR 335</b>		<b>26 IR 1527</b>
905 IAC 1-36-2	26 IR 3747	Manufactured grade milk products plants;		Rabies vaccination required for dogs, cats, and	
Temporary beer/wine permit fees		construction; operation; sanitation		ferrets	
Permits		345 IAC 8-2-2	25 IR 2762	345 IAC 1-3-22	26 IR 3108
905 IAC 1-11.1-1	26 IR 2688		<b>26 IR 333</b>		<b>27 IR 490</b>
Qualification requirements		“Milk products” defined		Slaughter swine; consignment	
905 IAC 1-11.1-2	26 IR 2688	345 IAC 8-2-1.5	25 IR 2760	345 IAC 1-3-15	25 IR 4173
Tobacco retail sales certificates			<b>26 IR 331</b>		<b>26 IR 1527</b>
905 IAC 1-46	27 IR 1291	Milk transportation		Swine identification, certificate of veterinary	
Trade practices; permissible activity between		345 IAC 8-2-3.5	25 IR 2766	inspection, and permit	
primary sources of supply, wholesalers, and			<b>26 IR 337</b>	345 IAC 1-3-11	25 IR 4171
retailers		“Pasteurization”; “ultra pasteurization”; “asep-			<b>26 IR 1524</b>
Samples; consumer product sampling		tic processing” defined		Swine herd infected with Pseudorabies; trans-	
905 IAC 1-5.2-9.2	26 IR 2687	345 IAC 8-2-1.7	25 IR 2760	portation into Indiana prohibited	
	27 IR 1289		<b>26 IR 331</b>	345 IAC 1-3-12	25 IR 4172
Samples; wholesale to retail		Standards for milk and milk products and Grade			<b>26 IR 1525</b>
905 IAC 1-5.2-9.1	26 IR 2687	A standards		Rabies immunization	
	27 IR 1288	Grade A milk plant standards		Vaccination	
		345 IAC 8-3-9	25 IR 2770	345 IAC 1-5-1	26 IR 3108
<b>ANIMAL HEALTH, INDIANA STATE BOARD</b>			<b>26 IR 341</b>		<b>27 IR 491</b>
<b>OF</b>					
LSA Document #03-209(E)	<b>26 IR 3900</b>				



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Reportable diseases		Poultry exhibition rules		General provisions	
Individual and veterinarian responsibility		345 IAC 7-5-24	25 IR 4186	Definitions and abbreviations	
345 IAC 1-6-2	26 IR 3105		<b>26 IR 1539</b>	804 IAC 1.1-1-1	26 IR 3136
	<b>27 IR 90</b>	Pseudorabies tests for swine			<b>27 IR 180</b>
Laboratory responsibility		345 IAC 7-5-15.1	25 IR 4185	<b>ATTORNEY GENERAL FOR THE STATE,</b>	
345 IAC 1-6-3	26 IR 3105		<b>26 IR 1538</b>	<b>OFFICE OF</b>	
	<b>27 IR 90</b>	Suspect animals prohibited		<b>Tort claims</b>	
<b>Livestock dealers</b>		345 IAC 7-5-6	25 IR 4184	Claim forms available	
Disposal of dead animals			<b>26 IR 1537</b>	10 IAC 3-1-2	26 IR 3911
Composting		Vaccinations and tests for dogs and cats			<b>27 IR 825</b>
345 IAC 7-7-3.5	25 IR 1993	345 IAC 7-5-22	25 IR 4186	Tort claims against the state; form	
	25 IR 4168		<b>26 IR 1539</b>	10 IAC 3-1-1	26 IR 3909
	<b>26 IR 695</b>	<b>Meat and meat products inspection</b>			<b>27 IR 824</b>
Definitions		Incorporation by reference		<b>Unclaimed property</b>	
345 IAC 7-7-1.5	25 IR 1991	345 IAC 9-2.1-1	25 IR 4187	Filing dates for reports required to be filed	
	25 IR 4166		<b>26 IR 1540</b>	10 IAC 1.5-6	26 IR 3374
	<b>26 IR 693</b>	<b>Poultry and poultry products inspection</b>			<b>27 IR 450</b>
Disposal methods		Incorporation by reference		<b>ATTORNEY GENERAL'S OPINIONS</b>	
345 IAC 7-7-3	25 IR 1992	345 IAC 10-2.1-1	25 IR 4188	(See Cumulative Table of Executive Orders and	
	25 IR 4167		<b>26 IR 1541</b>	Attorney General's Opinions at 27 IR 1474)	
	<b>26 IR 694</b>	<b>Swine</b>		<b>BARBER EXAMINERS, BOARD OF</b>	
Exemptions or license required		Swine Pseudorabies testing, control, and eradica-		<b>Barber schools and shops</b>	
345 IAC 7-7-2	25 IR 1991	tion; Pseudorabies—qualified herds		Fees and examinations	
	25 IR 4166	Additions to qualified or qualified negative		816 IAC 1-3-1	26 IR 1725
	<b>26 IR 693</b>	gene-altered vaccinated herd; monitoring			<b>26 IR 3648</b>
Inspections of carnivore feeding licensees		345 IAC 3-5.1-4	25 IR 4177	<b>BOXING COMMISSION, STATE</b>	
345 IAC 7-7-9	25 IR 1994		<b>26 IR 1530</b>	Boxing and other ring exhibitions	
License; denial, suspension, or revocation		Definitions		License fees	
345 IAC 7-7-10	25 IR 1994	345 IAC 3-5.1-1.2	25 IR 4175	Two year license validation	
	25 IR 4169		<b>26 IR 1528</b>	808 IAC 2-6-1	25 IR 4210
	<b>26 IR 696</b>	High risk herds			<b>26 IR 1104</b>
Transportation for carnivore feeding		345 IAC 3-5.1-6	25 IR 4177	<b>CIVIL RIGHTS COMMISSION</b>	
345 IAC 7-7-5	25 IR 1993		<b>26 IR 1531</b>	<b>Fair housing complaints</b>	
	25 IR 4168	Interstate movement of swine		Housing for older persons	
	<b>26 IR 696</b>	345 IAC 3-5.1-3.5	25 IR 4177	80 percent occupancy	
Unloading trucks			<b>26 IR 1530</b>	910 IAC 2-4-7	27 IR 1644
345 IAC 7-7-4	25 IR 1993	Intrastate movement of swine		Good faith against money damages	
	25 IR 4168	345 IAC 3-5.1-3	25 IR 4176	910 IAC 2-4-10	27 IR 1646
	<b>26 IR 695</b>		<b>26 IR 1529</b>	Housing for persons who are at least 55 years of	
Vehicle requirements		Pseudorabies program standards; adoption by		age	
345 IAC 7-7-7	25 IR 1994	reference		910 IAC 2-4-6	27 IR 1644
	25 IR 4169	345 IAC 3-5.1-1.5	25 IR 4176	Intent to operate as housing designed for per-	
	<b>26 IR 696</b>		<b>26 IR 1529</b>	sons who are at least 55 years of age	
Exhibition of domestic animals and poultry		Pseudorabies vaccine; sale and use; reports		910 IAC 2-4-8	27 IR 1645
Cervidae exhibition		345 IAC 3-5.1-10	25 IR 4181	Verification of occupancy	
345 IAC 7-5-28	25 IR 4186		<b>26 IR 1534</b>	910 IAC 2-4-9	27 IR 1645
	<b>26 IR 1540</b>	Quarantined herd cleanup		<b>COMMUNITY RESIDENTIAL FACILITIES</b>	
Definitions		345 IAC 3-5.1-8.7	25 IR 4180	<b>COUNCIL</b>	
345 IAC 7-5-1	25 IR 4182		<b>26 IR 1533</b>	<b>Supported living services and supports</b>	
	<b>26 IR 1535</b>	Release of quarantine; testing		431 IAC 7	26 IR 2107
Determination of eligibility of animal		345 IAC 3-5.1-7	25 IR 4178		<b>26 IR 3640</b>
345 IAC 7-5-7	25 IR 4184		<b>26 IR 1531</b>	<b>CONSUMER PROTECTION DIVISION OF</b>	
	<b>26 IR 1537</b>	Report by veterinarian; determination of status;		<b>THE OFFICE OF THE ATTORNEY GEN-</b>	
Exhibition limitations		special permits		<b>ERAL</b>	
345 IAC 7-5-2.1	25 IR 4183	345 IAC 3-5.1-2	25 IR 4176	<b>Professional fundraiser consultants and profes-</b>	
	<b>26 IR 1536</b>		<b>26 IR 1529</b>	<b>sional solicitors</b>	
Health certificate required		Swine herd monitoring		11 IAC 3	26 IR 3911
345 IAC 7-5-2.5	25 IR 4183	345 IAC 3-5.1-8.5	25 IR 4179		<b>27 IR 826</b>
	<b>26 IR 1536</b>		<b>26 IR 1533</b>		
Identification and description		<b>ARCHITECTS AND LANDSCAPE ARCHI-</b>			
345 IAC 7-5-9	25 IR 4184	<b>TECTS, BOARD OF REGISTRATION FOR</b>			
	<b>26 IR 1538</b>	<b>Code of conduct</b>			
Isolation of domestic animals from		Fees			
Pseudorabies premises		Fees charged by board			
345 IAC 7-5-11	25 IR 4185	804 IAC 1.1-3-1	25 IR 3446		
	<b>26 IR 1538</b>		<b>26 IR 370</b>		

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### Telephone numbers not to be solicited; list

- Access to the telephone privacy list
  - Fee for obtaining telephone privacy list
    - 11 IAC 2-6-1 25 IR 3213
- Information contained in published telephone privacy list
  - 11 IAC 2-6-5 25 IR 3213
- Unauthorized duplication or dissemination of telephone privacy list prohibited
  - 11 IAC 2-6-6 25 IR 3213
- Removal of telephone numbers from the telephone privacy list
  - Obtaining changed, transferred, and disconnected telephone numbers
    - 11 IAC 2-5-5 26 IR 1598

### Telephone solicitations

- Definitions
  - Existing debt or contract
    - 11 IAC 1-1-3.5 26 IR 420

### CONTROLLED SUBSTANCES ADVISORY COMMITTEE

#### Controlled substance monitoring

- Electronic prescription monitoring program
  - Applicability
    - 858 IAC 2-1-2 27 IR 1286
  - Application for payment of pharmacy costs
    - 858 IAC 2-1-4 27 IR 1286
  - Definitions
    - 858 IAC 2-1-1 27 IR 1285
  - Prescription monitoring program
    - 858 IAC 2-1-3 27 IR 1286

### CORRECTION, DEPARTMENT OF

#### General provisions

- Collection, maintenance, and release of offender and juvenile records
  - Access to information
    - 210 IAC 1-6-6 26 IR 820
- Challenge of information by offender; investigation; change of record
  - 210 IAC 1-6-5 26 IR 819
- Classification of information
  - 210 IAC 1-6-2 26 IR 818
- Definitions
  - 210 IAC 1-6-1 26 IR 817
- Inspection rights of offenders and juveniles
  - 210 IAC 1-6-4 26 IR 818
- Research purposes; request for access to information
  - 210 IAC 1-6-7 26 IR 821
- Offender tort claim process
  - 210 IAC 1-10 26 IR 821

#### Juvenile detention facilities

- Administration and management
  - Compliance
    - 210 IAC 6-3-11 25 IR 4155

#### Compliance with mandatory and physical plant standards

- 210 IAC 6-3-10 25 IR 4155

#### Construction of juvenile detention facilities

- 210 IAC 6-3-9 25 IR 4155

#### Facility services

- 210 IAC 6-3-4 25 IR 4154

#### General provisions

- 210 IAC 6-3-1 25 IR 4152

#### Institutional operations

- 210 IAC 6-3-3 25 IR 4153

#### Juvenile services

- 210 IAC 6-3-5 25 IR 4155

#### Physical plant

- 210 IAC 6-3-2 25 IR 4153

#### Applicability

- 210 IAC 6-1-1 25 IR 4152

#### Definitions

- Department
  - 210 IAC 6-2-3 25 IR 4152

#### Dispositional program

- 210 IAC 6-2-4 25 IR 4152

#### Existing facility

- 210 IAC 6-2-5 25 IR 4152

#### Standard

- 210 IAC 6-2-13 25 IR 4152

### Release authority for juveniles

#### Release procedure

- Community supervision or discharge; consideration, reviews, denials, conditions statement
  - 210 IAC 5-1-3 26 IR 824

#### Community supervision revocation

- 210 IAC 5-1-4 26 IR 827

#### Definitions; administrative procedures

- 210 IAC 5-1-1 26 IR 823

#### Release recommendation by the facility; committee criterion for granting release

- 210 IAC 5-1-2 26 IR 824

### COSMETOLOGY EXAMINERS, STATE BOARD OF

#### Continuing Education

##### Approved cosmetology educators

- Certificate of course completion
  - 820 IAC 6-1-3 26 IR 3137

#### Cosmetology schools

##### General Requirements

- "Graduation" defined
  - 820 IAC 4-1-11 26 IR 3137

### Distance learning continuing education

- 820 IAC 6-3 26 IR 3137

### DEAF BOARD, INDIANA SCHOOL FOR THE

- 514 IAC 27 IR 1634

### DENTISTRY, STATE BOARD OF

#### General provisions

##### Fees

- Continuing education; sponsor approval fees
  - 828 IAC 0.5-2-6 25 IR 3447

##### Dental fees

- 828 IAC 0.5-2-3 25 IR 3452

##### Dental hygiene fees

- 828 IAC 0.5-2-4 25 IR 3453

### Certification of dentists and dental hygienists

#### Continuing education for renewal of license

##### Civil penalties

- Individual or organization sponsor approval; expiration
  - 828 IAC 1-5-2.5 25 IR 3449

##### Organizations or individuals for approval;

- application for approval
  - 828 IAC 1-5-2 25 IR 3448

##### Study clubs

- Application for approval
  - 828 IAC 1-5-1 25 IR 3448

##### Expiration

- 828 IAC 1-5-1.5 25 IR 3448

#### Dental hygienists; licensure by examination

- Clinical examination; two sections; required score
  - 828 IAC 1-2-7 26 IR 3410

##### Examinations

- 828 IAC 1-2-3 26 IR 3409

##### Failure; reexamination

- 828 IAC 1-2-12 26 IR 3410

##### National board examination; dental and dental hygiene law examination

- 828 IAC 1-2-6 26 IR 3410

#### Dental hygienists; license renewal

- Renewal requirements; basic life support
  - 828 IAC 1-6-1 25 IR 3449

#### Dentists and dental hygienists; licensure by endorsement

##### Definitions

- Practice of dentistry
  - 828 IAC 1-3-2 25 IR 3452

##### Satisfactory practice of dental hygiene

- 828 IAC 1-3-3 25 IR 3452

#### Dental licensure by endorsement; credentials

- 828 IAC 1-3-1.1 25 IR 3450

#### Licensure to practice dental hygiene by endorsement; credentials

- 828 IAC 1-3-1.5 25 IR 3451

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Inactive dental license		Unit of service reimbursement rates		Direct care staff	
Inactive status		460 IAC 3.5-2-1	27 IR 269	460 IAC 6-3-18	26 IR 2666
Dental hygienists		<b>Residential care assistance program</b>			<b>27 IR 102</b>
828 IAC 1-7-2	25 IR 3453	460 IAC 1-3-3	26 IR 2111	Facility-based sheltered employment services	26 IR 2666
	<b>26 IR 377</b>		<b>26 IR 3643</b>	460 IAC 6-3-25	<b>27 IR 102</b>
Dentists		<b>Supported living services and supports</b>		Independence assistance services	
828 IAC 1-7-1	25 IR 3453	Applicability		460 IAC 6-3-29.5	26 IR 2666
	<b>26 IR 376</b>	460 IAC 6-2	25 IR 3832		<b>27 IR 102</b>
Dentists; licensure by examination			<b>26 IR 749</b>	Individual community living budget or ICLB	
Clinical examination; scope; passing score		Rules applicable to all providers		460 IAC 6-3-31	26 IR 2666
828 IAC 1-1-7	26 IR 3409	460 IAC 6-2-2	26 IR 3935		<b>27 IR 102</b>
Examinations required		Rules applicable to specific providers		Individualized support plan or ISP	
828 IAC 1-1-3	26 IR 3408	460 IAC 6-2-3	26 IR 3935	460 IAC 6-3-32	26 IR 2666
Failure; reexamination		Application and approval process			<b>27 IR 102</b>
828 IAC 1-1-3	26 IR 3408	460 IAC 6-6	25 IR 3843	Person centered planning	
National board examination; dental and dental			<b>26 IR 761</b>	460 IAC 6-3-38.5	26 IR 2666
hygiene law examinations		Action on application			<b>27 IR 102</b>
828 IAC 1-1-6	26 IR 3409	460 IAC 6-6-3	26 IR 2670	Person centered planning facilitation services	
			<b>27 IR 107</b>	460 IAC 6-3-38.6	26 IR 2667
<b>DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF</b>		Initial application			<b>27 IR 103</b>
<b>Assisted living Medicaid waiver services</b>		460 IAC 6-6-2	26 IR 2670	PRN	
460 IAC 8	26 IR 3392		<b>27 IR 106</b>	460 IAC 6-3-41.1	26 IR 2667
<b>Aging</b>		Applied behavior analysis services			<b>27 IR 103</b>
Personal services attendant for individuals in need		460 IAC 6-35	26 IR 2678	Service planner	
of self-directed in-home care			<b>27 IR 115</b>	460 IAC 6-3-52.1	26 IR 2667
460 IAC 1-8	25 IR 2557	Behavioral support services			<b>27 IR 103</b>
	<b>26 IR 350</b>	460 IAC 6-18	25 IR 3857	Therapy services	
<b>Deaf and hard of hearing; interpreter standards</b>			<b>26 IR 775</b>	460 IAC 6-3-56	26 IR 2667
Certification requirements		Case management			<b>27 IR 103</b>
460 IAC 2-3-3	25 IR 2287	460 IAC 6-19	25 IR 3858	Environmental modification supports	
Definitions and acronyms			<b>26 IR 776</b>	460 IAC 6-21	25 IR 3860
460 IAC 2-3-2	25 IR 2286	Monitoring of services			<b>26 IR 778</b>
Purpose; exclusion		460 IAC 6-19-6	26 IR 2676	Facility-based sheltered employment services	
460 IAC 2-3-1	25 IR 2286		<b>27 IR 113</b>	460 IAC 6-22	25 IR 3860
<b>Individualized support plan</b>			26 IR 3936		<b>26 IR 779</b>
Applicability		Code of ethics		Family and caregiver training services	
460 IAC 7-2	26 IR 525	460 IAC 6-36	26 IR 3937	460 IAC 6-23	25 IR 3861
	26 IR 1248	Community-based sheltered employment services			<b>26 IR 779</b>
	<b>26 IR 2870</b>	460 IAC 6-20	25 IR 3860	Financial status of providers	
			<b>26 IR 778</b>	460 IAC 6-11	25 IR 3852
Definitions		Definitions			<b>26 IR 770</b>
460 IAC 7-3	26 IR 526	460 IAC 6-3	25 IR 3832	General administrative requirements for providers	
	26 IR 1248		<b>26 IR 749</b>	460 IAC 6-10	25 IR 3850
	<b>26 IR 2870</b>	Adult foster care services			<b>26 IR 768</b>
Development of an ISP		460 IAC 6-3-2.1	26 IR 2664	Documentation of criminal histories	
460 IAC 7-4	26 IR 527		<b>27 IR 101</b>	460 IAC 6-10-5	26 IR 2673
	26 IR 1249	Applied behavior analysis services			<b>27 IR 110</b>
	<b>26 IR 2872</b>	460 IAC 6-3-5.1	26 IR 2665	Emergency behavioral support	
Purpose			<b>27 IR 101</b>	460 IAC 6-10-13	26 IR 2674
460 IAC 7-1	26 IR 525	Applied behavior analysis support plan			<b>27 IR 110</b>
	26 IR 1248	460 IAC 6-3-5.2	26 IR 2665	Resolution of disputes	
	<b>26 IR 2870</b>		<b>27 IR 101</b>	460 IAC 6-10-8	26 IR 2674
Sections of an ISP		BDDS behavior management committee			<b>27 IR 110</b>
460 IAC 7-5	26 IR 528	460 IAC 6-3-6.1	26 IR 2665	Health care coordination services	
	26 IR 1250		<b>27 IR 101</b>	460 IAC 6-25	25 IR 3862
	<b>26 IR 2873</b>	Children's foster care services			<b>26 IR 780</b>
<b>Public assistance</b>		460 IAC 6-3-10.1	26 IR 2665	Investigation of death	
Room and board assistance program			<b>27 IR 101</b>	460 IAC 6-25-10	26 IR 2677
Income eligibility		Community transition supports			<b>27 IR 114</b>
460 IAC 5-1-13	26 IR 524	460 IAC 6-3-15.1	26 IR 2665	Insurance	
<b>Rates for adult day services provided by community mental retardation and other developmental disabilities centers</b>			<b>27 IR 101</b>	460 IAC 6-12	25 IR 3853
Definitions, purpose, and applicability		Conflict of interest			<b>26 IR 771</b>
Definitions		460 IAC 6-3-15.2	26 IR 3935	Maintenance of records of services provided	
460 IAC 3.5-1-1	27 IR 269	Cost comparison budget or CCB		460 IAC 6-17	25 IR 3855
		460 IAC 6-3-15.3	26 IR 2665		<b>26 IR 773</b>
			<b>27 IR 101</b>		

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

Individual's personal file		Children's foster care provider qualifications		Transportation of an individual	
Provider's office		460 IAC 6-5-33	26 IR 2670	460 IAC 6-13-2	26 IR 2675
460 IAC 6-17-4	26 IR 2676		<b>27 IR 106</b>		<b>27 IR 111</b>
Site of service delivery		Community education and therapeutic activity		Transportation services	
460 IAC 6-17-3	26 IR 2675	services provider qualifications	26 IR 2669	460 IAC 6-34	25 IR 3868
	<b>27 IR 111</b>	460 IAC 6-5-7	<b>27 IR 105</b>		<b>26 IR 786</b>
Monitoring, sanctions, and administrative review		Community transition supports provider qualification		Types of living services and supports	
460 IAC 6-7	25 IR 3864	460 IAC 6-5-34	26 IR 2670	460 IAC 6-4	25 IR 3838
	<b>26 IR 762</b>		<b>27 IR 106</b>		<b>26 IR 755</b>
Effect of noncompliance; notice		Independence assistance services provider		Types of services and supports	
460 IAC 6-7-3	26 IR 2671	qualifications		460 IAC 6-4-1	26 IR 2667
	<b>27 IR 108</b>	460 IAC 6-5-35	26 IR 2670		<b>27 IR 103</b>
Monitoring; corrective action			<b>27 IR 106</b>	<b>EDUCATION, INDIANA STATE BOARD OF</b>	
460 IAC 6-7-2	26 IR 2671	Person centered planning facilitation services		<b>Achievement tests</b>	
	<b>27 IR 107</b>	provider qualifications		General educational development	
Nutritional counseling services		460 IAC 6-5-36	26 IR 2670	Honors diploma	
460 IAC 6-26	25 IR 3865		<b>27 IR 106</b>	511 IAC 5-1-3.5	
	<b>26 IR 783</b>	Therapy services provider qualifications			
Occupational therapy services		460 IAC 6-5-21	26 IR 2669	Minimum standards	
460 IAC 6-27	25 IR 3865		<b>27 IR 105</b>	511 IAC 5-1-2	
	<b>26 IR 783</b>	Protection of an individual			
Personal emergency response system supports		460 IAC 6-9	25 IR 3847	Report of test results	
460 IAC 6-28	25 IR 3865		<b>26 IR 765</b>	511 IAC 5-1-5	
	<b>26 IR 783</b>	Incident reporting			
Personnel policies and manuals		460 IAC 6-9-5	26 IR 2672	Retesting	
460 IAC 6-16	25 IR 3854		<b>27 IR 108</b>	511 IAC 5-1-6	
	<b>26 IR 772</b>	Notice of termination of services			
Personnel records		460 IAC 6-9-7	26 IR 2673	ISTEP program	
460 IAC 6-15	25 IR 3854	Purpose		Accommodations	
	<b>26 IR 772</b>	460 IAC 6-1	25 IR 3832	511 IAC 5-2-4	
Maintenance of personnel files			<b>26 IR 749</b>		
460 IAC 6-15-2	26 IR 3935	Residential living allowance and management		Applicability	
Physical environment		services		511 IAC 5-2-3	
460 IAC 6-29	25 IR 3865	460 IAC 6-30	25 IR 3867		
	<b>26 IR 783</b>		<b>26 IR 785</b>		
Change in location of residence		Respite care services		<b>Administration; information collection process-</b>	
460 IAC 6-29-9	26 IR 2678	460 IAC 6-31	25 IR 3867	<b>ing; school finance; general provisions</b>	
	<b>27 IR 115</b>		<b>26 IR 785</b>	Determining and reporting attendance and mem-	
Compliance of environment with building and		Documentation required		bership for state support	
fire codes		460 IAC 6-31-1	26 IR 3936	Definitions	
460 IAC 6-29-4	26 IR 2678	Rights of individuals		511 IAC 1-3-1	
	<b>27 IR 114</b>	460 IAC 6-8	25 IR 3846		
Psychological therapy services			<b>26 IR 764</b>	<b>Commissioned schools; curriculum</b>	
460 IAC 6-30	25 IR 3867	Specialized medical equipment and supplies		Graduation requirements	
Professional qualifications		supports		Academic honors diploma; additional course	
460 IAC 6-14	25 IR 3853	460 IAC 6-32	25 IR 3867	requirements	
	<b>26 IR 771</b>		<b>26 IR 785</b>	511 IAC 6-7-6.5	
Policies and procedures for code of ethics		Speech-language therapy services			
460 IAC 6-14-7	26 IR 3935	460 IAC 6-33	25 IR 3868	Required and elective credits	
Policies and procedures for conflicts of interest			<b>26 IR 786</b>	511 IAC 6-7-6.1	
460 IAC 6-14-6	26 IR 3935	Training services			
Training		460 IAC 6-24	25 IR 3861		
460 IAC 6-14-4	26 IR 2675	Coordination of training services and training		<b>Performance-based accreditation</b>	
	<b>27 IR 111</b>	plan		Approved high school courses	
Provider qualifications		460 IAC 6-24-1	26 IR 2677	Business technology education; technology	
460 IAC 6-5	25 IR 3838		<b>27 IR 113</b>	education	
	<b>26 IR 756</b>	Required documentation		511 IAC 6.1-5.1-9	
Applied behavioral analysis support services		460 IAC 6-24-2	26 IR 2677		
provider qualifications			<b>27 IR 114</b>	511 IAC 6.1-5.1-8	
460 IAC 6-5-32	26 IR 2669	Transportation of an individual			
	<b>27 IR 105</b>	460 IAC 6-13	25 IR 3853	Mathematics courses	
Behavioral support services provider qualifica-			<b>26 IR 771</b>	511 IAC 6.1-5.1-5	
tions					
460 IAC 6-5-4	26 IR 2668				
	<b>27 IR 104</b>			Vocational-technical courses	
				511 IAC 6.1-5.1-10.1	
				School accreditation system	
				Definitions	
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**School performance and improvement; accountability**

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511 IAC 6.2-7	26 IR 1720
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511 IAC 6.2-7-8	27 IR 564
Assessing school improvement and performance	
Additional requirements for category placement	
511 IAC 6.2-6-6.1	26 IR 1720
	<b>27 IR 163</b>
Appeal of category placement	
511 IAC 6.2-6-12	26 IR 1720
	<b>27 IR 163</b>
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511 IAC 6.2-6-8	26 IR 1720
	<b>27 IR 163</b>
School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students	
511 IAC 6.2-6-4	26 IR 1719
	<b>27 IR 162</b>
Graduation rate determination	
511 IAC 6.2-2.5	27 IR 563

**EDUCATION SAVINGS AUTHORITY, INDIANA**

**Family college savings trust program procedures and operations**

LSA Document #02-256(E)	<b>26 IR 59</b>
LSA Document #02-307(E)	<b>26 IR 808</b>
Account administration	
Administrator fee charge	
540 IAC 1-7-2	26 IR 1257
	<b>26 IR 3338</b>
Contributions and contribution schedules	
Contribution amount	
540 IAC 1-8-2	26 IR 1258
	<b>26 IR 3338</b>
Payment of benefits	
Benefit payment	
540 IAC 1-10-1	26 IR 1258
	<b>26 IR 3338</b>

**EGG BOARD, STATE**

**General provisions**

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Advertisements	
370 IAC 1-5-1	26 IR 156
	<b>26 IR 1545</b>
Display and labeling; restricted eggs	
Consumer packages	
Date requirements	
370 IAC 1-3-2	26 IR 154
	<b>26 IR 1543</b>
Packer identification	
370 IAC 1-3-3	26 IR 154
	<b>26 IR 1543</b>
Restricted eggs; definition; labeling	
370 IAC 1-3-4	26 IR 155
	<b>26 IR 1544</b>
Wholesale packaging and labeling	
370 IAC 1-3-1	26 IR 154
	<b>26 IR 1543</b>
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370 IAC 1-8-1	26 IR 155
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Grade and size identification

370 IAC 1-6-1	26 IR 156
	<b>26 IR 1545</b>

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Inspection	
370 IAC 1-4-1	26 IR 155
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370 IAC 1-4-2	26 IR 155
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370 IAC 1-4-3	26 IR 155
	<b>26 IR 1545</b>

Sanitation requirements

Retailers and wholesalers	
370 IAC 1-10-2	26 IR 157
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370 IAC 1-10-1	26 IR 156
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Candling; Haugh unit value	
370 IAC 1-1-4	26 IR 153
	<b>26 IR 1542</b>

Haugh measurements

370 IAC 1-1-5	26 IR 153
	<b>26 IR 1542</b>

Interstate or foreign commerce; applicability

370 IAC 1-1-2	26 IR 153
	<b>26 IR 1542</b>

State standards; applicability

370 IAC 1-1-1	26 IR 153
	<b>26 IR 1542</b>

Uniform grade standards; adoption of federal standards

370 IAC 1-1-3	26 IR 153
	<b>26 IR 1542</b>

Temperature requirements

Dealer facilities	
370 IAC 1-2-1	26 IR 154
	<b>26 IR 1543</b>

Retail stores

370 IAC 1-2-2	26 IR 154
	<b>26 IR 1543</b>

Transportation

370 IAC 1-2-3	26 IR 154
	<b>26 IR 1543</b>

Wholesaler records

Record keeping by wholesalers	
370 IAC 1-9-1	26 IR 156
	<b>26 IR 1545</b>

**EMERGENCY MEDICAL SERVICES COMMISSION, INDIANA**

**Advanced life support**

Advanced emergency medical technician-intermediate organizations

Application for certification; renewal	
836 IAC 2-7.2-2	25 IR 2831
	<b>26 IR 2355</b>

General requirements

836 IAC 2-7.2-1	25 IR 2828
	<b>26 IR 2353</b>

Operating procedures

836 IAC 2-7.2-3	25 IR 2831
	<b>26 IR 2356</b>

Definitions

Definitions	
836 IAC 2-1-1	25 IR 2821
	<b>26 IR 2345</b>
	27 IR 1239

Nontransport vehicles; standards and certification

Advanced life support nontransport vehicle emergency care equipment

836 IAC 2-14-5	27 IR 1255
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Advanced life support nontransport vehicle specifications

836 IAC 2-14-3	27 IR 1253
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Application for certification

836 IAC 2-14-2	27 IR 1253
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Emergency care equipment

836 IAC 2-14-5	25 IR 2833
	<b>26 IR 2357</b>

General certification provisions

836 IAC 2-14-1	27 IR 1252
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Paramedic organizations

Application for certification; renewal

836 IAC 2-2-2	27 IR 1243
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Application for provisional certification

836 IAC 2-2-4	27 IR 1245
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General requirements

836 IAC 2-2-1	25 IR 2824
	<b>26 IR 2348</b>

Paramedic provider organization operating procedures

836 IAC 2-2-3	27 IR 1244
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Provider organization

General requirements

836 IAC 2-7.1-1	25 IR 2826
	<b>26 IR 2350</b>

Requirements and standards for emergency medical technician-intermediate provider organizations

Application for certification; renewal

836 IAC 2-7.2-2	27 IR 1250
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Application for provisional certification

836 IAC 2-7.2-4	27 IR 1252
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Emergency medical technician-intermediate provider organization operating procedures

836 IAC 2-7.2-3	27 IR 1250
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General requirements for emergency medical technician-intermediate provider organizations

836 IAC 2-7.2-1	27 IR 1247
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Supervising hospitals

Certification as a supervising hospital; renewal

836 IAC 2-4.1-2	27 IR 1246
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General requirements

836 IAC 2-4.1-1	27 IR 1245
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**Air ambulances**

Advanced life support rotorcraft ambulance service provider

Air ambulances; general requirements	
836 IAC 3-2-1	27 IR 1256

Certification application

836 IAC 3-2-2	27 IR 1258
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Communications systems requirements

836 IAC 3-2-7	27 IR 1261
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Equipment list

836 IAC 3-2-6	27 IR 1261
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Minimum specifications

836 IAC 3-2-3	27 IR 1258
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Operating procedures; flight and medical		Land ambulance specifications		Certification of emergency medical technicians	
836 IAC 3-2-4	25 IR 2834	836 IAC 1-3-3	27 IR 1226	Application for original certifications or certification renewal	
	<b>26 IR 2358</b>	Communications system requirements		836 IAC 4-4-2	27 IR 1274
	27 IR 1259	Emergency medical services vehicle radio equipment		Certification based upon reciprocity	
Staffing		836 IAC 1-4-2	27 IR 1230	836 IAC 4-4-3	27 IR 1275
836 IAC 3-2-5	25 IR 2835	Provider dispatch requirements		General certification provisions	
	<b>26 IR 2360</b>	836 IAC 1-4-1	27 IR 1230	836 IAC 4-4-1	25 IR 2842
	27 IR 1260	Definitions and general requirements			<b>26 IR 2366</b>
Definitions		Audit and review			27 IR 1273
836 IAC 3-1-1	27 IR 1256	836 IAC 1-1-6	27 IR 1219	Definitions	
Fixed-wing air ambulance service provider organization		Definitions		Generally	
Air ambulances; general requirements		836 IAC 1-1-1	27 IR 1212	836 IAC 4-1-1	25 IR 2838
836 IAC 3-3-1	27 IR 1262	Enforcement			<b>26 IR 2362</b>
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836 IAC 3-3-2	27 IR 1263		<b>26 IR 2335</b>	Emergency medical services primary instructor certification	
Communications systems requirements			27 IR 1215	Certification and recertification; general	
836 IAC 3-3-7	27 IR 1267	Exemptions		836 IAC 4-5-2	25 IR 2843
Equipment list		836 IAC 1-1-4	27 IR 1217		<b>26 IR 2367</b>
836 IAC 3-3-6	27 IR 1266	Generally			27 IR 1275
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836 IAC 3-3-3	27 IR 1264		<b>26 IR 2333</b>	Educational staff qualifications and responsibilities	
Operating procedures; flight and medical		Operating procedures		836 IAC 4-2-3	27 IR 1271
836 IAC 3-3-4	25 IR 2836	836 IAC 1-1-8	27 IR 1220	General requirements; staff	
	<b>26 IR 2360</b>	Reports and records		836 IAC 4-2-1	25 IR 2840
	27 IR 1264	836 IAC 1-1-5	27 IR 1217		<b>26 IR 2364</b>
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836 IAC 3-3-5	25 IR 2837	836 IAC 1-1-3	25 IR 2812	Institution reporting requirements	
	<b>26 IR 2362</b>		<b>26 IR 2336</b>	836 IAC 4-2-4	27 IR 1272
	27 IR 1266		27 IR 1216	Institutional responsibilities	
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<b>Emergency medical services</b>		836 IAC 1-12	27 IR 1235	Emergency medical technician-intermediate; certification	
Ambulance service providers; certification		Nontransport providers		Application for certification; renewal	
Application		Application for certification; renewal		836 IAC 4-7.1-4	27 IR 1280
836 IAC 1-2-2	25 IR 2814	836 IAC 1-11-2	25 IR 2820	Continuing education requirements	
	<b>26 IR 2338</b>		<b>26 IR 2344</b>	836 IAC 4-7.1-5	27 IR 1280
	27 IR 1222	Basic life support nontransport provider organization emergency care equipment		Emergency medical technician-intermediate certification based upon reciprocity	
General certification provisions		836 IAC 1-11-4	25 IR 2821	836 IAC 4-7.1-6	27 IR 1281
836 IAC 1-2-1	25 IR 2813		<b>26 IR 2345</b>	General certification	
	<b>26 IR 2337</b>		27 IR 1234	836 IAC 4-7.1-3	27 IR 1279
	27 IR 1221	Emergency medical services nontransport provider organization operating procedures		Registered nurses; qualification to enter training	
Interfacility transfers and response		836 IAC 1-11-3	27 IR 1232	836 IAC 4-7.1-2	27 IR 1278
836 IAC 1-2-5	27 IR 1225	General certification provisions		Student qualification to enter training	
Operating procedures		836 IAC 1-11-1	25 IR 2819	836 IAC 4-7.1-1	27 IR 1278
836 IAC 1-2-3	25 IR 2815		<b>26 IR 2343</b>	Emergency medical technicians-basic advanced; certification	
	<b>26 IR 2339</b>		27 IR 1231	Application for certification	
	27 IR 1222			836 IAC 4-73	27 IR 1277
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Emergency care equipment		836 IAC 4-7.1	25 IR 2844	836 IAC 4-7-3.5	27 IR 1277
836 IAC 1-3-5	25 IR 2818		<b>26 IR 2369</b>	Emergency medical technician-basic advanced certification based upon reciprocity	
	<b>26 IR 2342</b>	Advanced emergency medical technical intermediate training		836 IAC 4-7-4	27 IR 1278
	27 IR 1228	Intermediate training		Student qualification to enter training	
General certification provisions		836 IAC 4-6.1	25 IR 2843	836 IAC 4-7-1	27 IR 1276
836 IAC 1-3-1	27 IR 1225		<b>26 IR 2368</b>	Emergency paramedics; certification	
Insurance		Certification		Application for certification; renewal	
836 IAC 1-3-6	27 IR 1229	Certification provisions; general		836 IAC 4-9-4	27 IR 1282
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836 IAC 1-3-6	25 IR 2819		<b>26 IR 2368</b>		
	<b>26 IR 2343</b>				

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Continuing education requirements 836 IAC 4-9-5	27 IR 1282	Emergency or temporary closure of child care centers and child care homes 470 IAC 3-4.8	27 IR 1626	Prescription drug coverage 405 IAC 6-5-1	25 IR 3815 <b>26 IR 700</b> 27 IR 920
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Student qualification to enter training 836 IAC 4-9-1	27 IR 1281	Household reporting and budgeting Certification periods 470 IAC 6-2-13	26 IR 3709 <b>27 IR 870</b>	Domicile 405 IAC 6-2-5.5	25 IR 3813 <b>26 IR 697</b>
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Certification standards 836 IAC 4-3-2	25 IR 2841 <b>26 IR 2366</b> 27 IR 1272	<b>Hospital care for the indigent</b> Eligibility standards Income determination 470 IAC 11.1-1-5	26 IR 169 <b>26 IR 2321</b>	Health insurance with a prescription drug bene- fit 405 IAC 6-2-12	25 IR 3814 <b>26 IR 698</b>
<b>ENGINEERS, STATE BOARD OF REGISTRA- TION FOR PROFESSIONAL</b> <b>Administration; general requirements</b> Fees Fees charged by the board 864 IAC 1.1-12-1	25 IR 2850 <b>26 IR 380</b>	<b>Public assistance manual</b> County home programs Income eligibility 470 IAC 8.1-2-12	26 IR 530	Income 405 IAC 6-2-12.5	25 IR 3814 <b>26 IR 698</b>
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Limited liability company practice 864 IAC 1.1-14	26 IR 3739 <b>27 IR 875</b>	Date of availability 405 IAC 6-3-3	25 IR 3815 <b>26 IR 699</b> 27 IR 919	Prescription printout 405 IAC 6-2-18	25 IR 3814 <b>26 IR 698</b>
<b>EXECUTIVE ORDERS</b> (See Cumulative Table of Executive Orders and Attorney General's Opinions at 27 IR 1474)		Benefits Benefit defined by family income level 405 IAC 6-5-2	25 IR 3816 <b>26 IR 700</b> 27 IR 920	Proof of income 405 IAC 6-2-20	25 IR 3814 <b>26 IR 698</b>
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Motorized carts Annual state fair; procedures 80 IAC 4-3-5	26 IR 420 <b>26 IR 3536</b>	Benefit period 405 IAC 6-5-3	25 IR 3816 <b>26 IR 700</b> 27 IR 921	Refund certificate 405 IAC 6-2-21	25 IR 3815 <b>26 IR 699</b>
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<b>FAMILY AND CHILDREN, DIVISION OF</b> <b>Child welfare services</b> Child care centers; licensing 470 IAC 3-4.7	26 IR 1675 <b>27 IR 116</b>	Benefits; program appropriations 405 IAC 6-5-6	25 IR 3817 <b>26 IR 701</b> 27 IR 921	Eligibility requirements Income 405 IAC 6-4-2	25 IR 3815 <b>26 IR 699</b> 27 IR 919
Child care development fund voucher program; provider eligibility 470 IAC 3-18	27 IR 1627			Ineligibility 405 IAC 6-4-3	27 IR 920
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405 IAC 6-9	25 IR 3818	405 IAC 1-12-19	25 IR 2802	405 IAC 1-14.6-7	25 IR 2785
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405 IAC 6-8	25 IR 3818	405 IAC 1-12-24	25 IR 2802	Rate components; rate limitations; profit add-on	<b>26 IR 3873</b>
	<b>26 IR 702</b>		<b>26 IR 730</b>	405 IAC 1-14.6-9	25 IR 2786
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Change of ownership for a long term care facility		405 IAC 1-12-16	25 IR 2800		26 IR 2104
405 IAC 1-20	26 IR 512		<b>26 IR 727</b>	Unallowable costs; cost adjustments; charity and courtesy allowances; discounts; rebates; refunds of expenses	<b>26 IR 3874</b>
	<b>26 IR 2866</b>	Capital return factor; basis; sale or capital lease among family members		405 IAC 1-14.6-16	25 IR 2788
HIV nursing facilities		405 IAC 1-12-17	25 IR 2801		<b>26 IR 716</b>
Allowable cost; capital return factor			<b>26 IR 728</b>		26 IR 2105
Computation of return on equity component		Criteria limiting rate adjustment granted by office			<b>26 IR 3875</b>
405 IAC 1-14.5-14	25 IR 3827	405 IAC 1-12-9	25 IR 2797	Ownership and control disclosures	
	<b>26 IR 1081</b>		<b>26 IR 724</b>	405 IAC 1-19	26 IR 511
Computation of use fee component; interest; allocation		Definitions			<b>26 IR 2865</b>
405 IAC 1-14.5-13	25 IR 3826	405 IAC 1-12-2	25 IR 2791	Payments for psychiatric residential treatment facility services	
	<b>26 IR 1080</b>		<b>26 IR 718</b>	405 IAC 1-21	27 IR 258
Use fee; depreciable life; property basis		Financial report to office; annual schedule; prescribed form; extensions; penalty for untimely filing		Rate-setting criteria for state-owned intermediate care facilities for the mentally retarded	
405 IAC 1-14.5-15	25 IR 3827	405 IAC 1-12-4	25 IR 2793	Accounting records; retention schedule; audit trail; cash basis; segregation of accounts by nature of business and by location	
	<b>26 IR 1081</b>		<b>26 IR 720</b>	405 IAC 1-17-3	26 IR 3112
Hospice services; reimbursement		Limitations or qualifications to Medicaid reimbursement; advertising; vehicle basis			<b>27 IR 94</b>
Additional amount for nursing facility residents		405 IAC 1-12-8	25 IR 2796	Active providers; rate review; annual request; additional requests; requests due to change in law	
405 IAC 1-16-4	26 IR 159		<b>26 IR 723</b>	405 IAC 1-17-6	26 IR 3114
	<b>26 IR 3635</b>	New provider; initial financial report to office; criteria establishing initial interim rates; supplemental report; base rate setting			<b>27 IR 96</b>
Levels of care		405 IAC 1-12-5	25 IR 2794	Criteria limiting rate adjustment granted by office	
405 IAC 1-16-2	26 IR 158		<b>26 IR 721</b>	405 IAC 1-17-9	26 IR 3115
	<b>26 IR 3634</b>	Policy; scope			<b>27 IR 98</b>
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Policy; scope			<b>26 IR 718</b>	405 IAC 1-17-2	26 IR 3111
405 IAC 1-8-2	26 IR 3929	Request for rate review; effect of inflation; occupancy level assumptions			<b>27 IR 94</b>
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405 IAC 1-8-3	26 IR 3929		<b>26 IR 723</b>	405 IAC 1-17-4	26 IR 3113
Medicare cross-over claims; reimbursement		Nursing facilities; rate-setting criteria			<b>27 IR 95</b>
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Reimbursement of cross-over claims		Active providers; rate review		405 IAC 1-17-5	26 IR 3113
405 IAC 1-18-2	25 IR 3243	405 IAC 1-14.6-6	25 IR 2784		<b>27 IR 96</b>
	<b>26 IR 1079</b>		<b>26 IR 712</b>	Policy; scope	
Nonstate-owned intermediate care facilities for the mentally retarded and community residential facilities for the developmentally disabled; rate-setting criteria		Administrative reconsideration; appeal		405 IAC 1-17-1	26 IR 3111
Allowable costs; capital return factor		405 IAC 1-14.6-22	25 IR 2788		<b>27 IR 93</b>
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405 IAC 1-12-6	25 IR 2795	Allowable costs; fair rental value allowance		405 IAC 1-17-7	26 IR 3114
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405 IAC 1-12-26	25 IR 2803	Definitions		Definitions	
	<b>26 IR 730</b>	405 IAC 1-14.6-2	25 IR 2779	405 IAC 1-10.5-2	26 IR 3930
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Allowable costs; capital return factor; computation of return on equity component			<b>26 IR 709</b>		<b>27 IR 863</b>
405 IAC 1-12-14	25 IR 2799				26 IR 3932
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Allowable costs; capital return factor; computation of use fee component; interest; allocation of loan to facilities and parties					
405 IAC 1-12-13	25 IR 2798				
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<b>Medicaid recipients; eligibility</b>		Office visits		Pharmacy services	
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Claims against estate		Reimbursement		facility residents	
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LSA Document #03-265(E)		<b>27 IR 544</b>		<b>26 IR 3632</b>	
405 IAC 2-8-1		25 IR 2804		Legend drugs	
		<b>26 IR 731</b>		Copayment for legend and nonlegend drugs	
		26 IR 3706		LSA Document #02-280(E)	
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405 IAC 2-3-21		405 IAC 5-14-15		Prior authorization	
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		26 IR 866		405 IAC 5-34-4.2	
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405 IAC 2-3-10		405 IAC 5-14-17		405 IAC 5-34-6	
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LSA Document #03-266(E)		Periodontics; surgical		Hospice authorization and benefit periods	
LSA Document #03-340(E)		405 IAC 5-14-16		405 IAC 5-34-4	
405 IAC 2-3-1.1		26 IR 866		26 IR 160	
		<b>26 IR 2864</b>		<b>26 IR 3636</b>	
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405 IAC 2-10-7		Medical supplies and equipment		Plan of care	
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405 IAC 2-10-8		26 IR 3707		405 IAC 5-34-1	
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	<b>26 IR 1556</b>	Platform and stairway chair lifts		675 IAC 14-4.2-19.5	26 IR 3720
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675 IAC 12-3-14	25 IR 2574		<b>26 IR 1093</b>	675 IAC 14-4.2-20.5	26 IR 3720
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675 IAC 21-1-7	25 IR 2033	<b>Fuel gas code</b>		675 IAC 14-4.2-46.8	26 IR 3724
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71 IAC 8.5-5-2	<b>26 IR 57</b>
	<b>26 IR 2386</b>

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71 IAC 8.5-4-8	<b>26 IR 57</b>
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71 IAC 8.5-3-1	<b>26 IR 2386</b>
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71 IAC 7.5-1-14	<b>26 IR 2383</b>
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71 IAC 8-1-1	<b>26 IR 2384</b>
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71 IAC 8-4-1	<b>26 IR 2385</b>

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71 IAC 3-2-9	<b>26 IR 2379</b>

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71 IAC 14.5-1-3	<b>26 IR 1952</b>

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71 IAC 7-3-6	<b>27 IR 205</b>
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71 IAC 7-1-15	<b>26 IR 2383</b>
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71 IAC 7-1-28	<b>26 IR 2383</b>

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71 IAC 12-2-15	<b>26 IR 58</b>
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Breakage and outs; allocation 71 IAC 12-2-19	<b>26 IR 59</b>	Retirement exemption form 760 IAC 1-50-13.5	27 IR 273 <b>27 IR 1571</b>	<b>LABOR, DEPARTMENT OF</b>
Interstate simulcasting revenue to purses; allocation 71 IAC 12-2-18	<b>26 IR 2388</b>	<b>Credit life, accident, and health insurance</b> 760 IAC 1-5.1	25 IR 465 25 IR 2575 <b>26 IR 19</b>	<b>Safety education and training—occupational safety</b> Occupational injuries and illnesses; recording and reporting 610 IAC 4-6
Simulcast revenue between associations; allocation 71 IAC 12-2-20	<b>26 IR 395</b>	<b>HMO grievance procedures</b> Authority 760 IAC 1-59-1	26 IR 170 <b>26 IR 2326</b>	Recording criteria for cases involving occupational hearing loss 610 IAC 4-6-11
<b>Thoroughbred development program</b> Registration Awards Out-of-state breeder's awards 71 IAC 13.5-3-3	<b>26 IR 1952</b>	Definitions 760 IAC 1-59-3	26 IR 171 <b>26 IR 2327</b>	Reporting fatalities and multiple hospitalization incidents 610 IAC 4-6-23
<b>HOSPITAL COUNCIL</b> 414 IAC	27 IR 1625	Grievance Appeal of resolution 760 IAC 1-59-12	26 IR 175 <b>26 IR 2331</b>	Public sector-public employee safety program IOSHA applicable to public sector employers; volunteer fire companies 610 IAC 4-2-1
<b>INSURANCE, DEPARTMENT OF</b> <b>Actuarial opinion and memorandum</b> Additional consideration for analysis 760 IAC 1-57-10	26 IR 3407 <b>27 IR 514</b>	Filing 760 IAC 1-59-9	26 IR 173 <b>26 IR 2330</b>	<b>LAND QUALITY, OFFICE OF</b> <b>Hazardous waste management permit program and related hazardous waste management</b> Definitions Applicability 329 IAC 3.1-4-1
Authority 760 IAC 1-57-1	26 IR 3398 <b>27 IR 505</b>	Procedures; establishment; filing with and review by commission 760 IAC 1-59-6	26 IR 172 <b>26 IR 2328</b>	General provisions Hazardous waste treatment, storage, and disposal facilities Final permit standards for owners and operators Exceptions and additions 329 IAC 3.1-9-2
Definitions 760 IAC 1-57-4	26 IR 3399 <b>27 IR 505</b>	Register 760 IAC 1-59-5	26 IR 171 <b>26 IR 2327</b>	Interim status standards for owners and operators Exceptions and additions 329 IAC 3.1-10-2
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General requirements 760 IAC 1-57-5	26 IR 3399 <b>27 IR 506</b>	Resolution notice 760 IAC 1-59-11	26 IR 174 <b>26 IR 2330</b>	Generators of hazardous waste Exceptions and additions; generator standards 329 IAC 3.1-7-2
Purpose 760 IAC 1-57-2	26 IR 3398 <b>27 IR 505</b>	Standards for timely review and resolution 760 IAC 1-59-10	26 IR 171 <b>26 IR 2330</b>	<b>Solid waste land disposal facilities</b> Actions for permit and renewal permit application Public process for new solid waste landfill disposal facility permits major permit modifications; and minor permit modifications 329 IAC 10-12-1
Required opinion 760 IAC 1-57-6	26 IR 3400 <b>27 IR 507</b>	Notice to enrollees 760 IAC 1-59-7	26 IR 172 <b>26 IR 2328</b>	Application procedure for all solid waste land disposal facilities Minor modification applications 329 IAC 10-11-6
Scope 760 IAC 1-57-3	26 IR 3398 <b>27 IR 505</b>	Purpose 760 IAC 1-59-2	26 IR 170 <b>26 IR 2326</b>	Permit application for new land disposal facility and lateral expansions 329 IAC 10-11-2.5
Statement of actuarial opinion based on an asset adequacy analysis 760 IAC 1-57-8	26 IR 3401 <b>27 IR 508</b>	Reports 760 IAC 1-59-4	26 IR 171 <b>26 IR 2327</b>	Permit application requirements; general 329 IAC 10-11-2.1
<b>Continuing education</b> Application requirements 760 IAC 1-50-4	27 IR 272 <b>27 IR 1569</b>	Toll free telephone number 760 IAC 1-59-8	26 IR 173 <b>26 IR 2329</b>	Renewal permit application 329 IAC 10-11-5.1
Continuing education credit hour defined 760 IAC 1-50-3	27 IR 271 <b>27 IR 1569</b>	<b>Medical malpractice insurance</b> Definitions 760 IAC 1-21-2	26 IR 1724	Definitions Aquiclude 329 IAC 10-2-11
Definitions 760 IAC 1-50-2	27 IR 271 <b>27 IR 1568</b>	Financial responsibility of hospital 760 IAC 1-21-5	26 IR 1724	CESQG hazardous waste 329 IAC 10-2-29.5
Record keeping requirements 760 IAC 1-50-7	27 IR 273 <b>27 IR 1570</b>	Payment into patient's compensation fund; annual surcharge 760 IAC 1-21-8	26 IR 1724	Commercial solid waste 329 IAC 10-2-32
Requirements for self-study continuing education courses 760 IAC 1-50-5	27 IR 272 <b>27 IR 1569</b>	<b>Multiple employer welfare arrangements</b> 760 IAC 1-68	26 IR 531 <b>26 IR 3035</b>	Contaminant 329 IAC 10-2-41
Retirement exemption 760 IAC 1-50-13	27 IR 273 <b>27 IR 1570</b>	<b>Recognition of the 2001 CSO mortality table for use in determining minimum reserve liabilities and nonforfeiture benefits</b> 760 IAC 1-69	26 IR 3945 <b>27 IR 871</b>	

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Conterminous		Soil and Water Conservation District		Final cover requirements for new MSWLF	
329 IAC 10-2-41.1	26 IR 434	329 IAC 10-2-172.5	26 IR 438	units or existing MSWLF units that have a	
Electronic submission		Solid waste		composite bottom liner and a leachate	
329 IAC 10-2-63.5	26 IR 434	329 IAC 10-2-174	26 IR 1655	collection system	
Endangered species		Storm water discharge		329 IAC 10-22-6	26 IR 494
329 IAC 10-2-64	26 IR 434	329 IAC 10-2-181.2	26 IR 438	Final closure certification	
Erosion		Storm water pollution prevent plan or SWP3		329 IAC 10-22-8	26 IR 496
329 IAC 10-2-66.1	26 IR 434	329 IAC 10-2-181.5	26 IR 438	Partial closure certification	
Erosion and sediment control measure		Storm water quality measure		329 IAC 10-22-3	26 IR 494
329 IAC 10-2-66.2	26 IR 434	329 IAC 10-2-181.6	26 IR 438	Ground water monitoring programs and corrective	
Erosion and sediment control system		Temporary stabilization		action program requirements	
329 IAC 10-2-66.3	26 IR 434	329 IAC 10-2-187.5	26 IR 438	Assessment ground water monitoring program	
Facility		U.S. Environmental Protection Agency Publica-		329 IAC 10-21-10	26 IR 482
329 IAC 10-2-69	26 IR 434	tion SW-846 or SW-846		Constituents for detection monitoring	
Final closure		329 IAC 10-2-197.1	26 IR 1656	329 IAC 10-21-15	26 IR 488
329 IAC 10-2-72.1	26 IR 1654	Definitions for nonmunicipal solid waste landfills,		Constituents for assessment monitoring	
Flood plain		construction/demolition sites, and restricted		329 IAC 10-21-16	26 IR 488
329 IAC 10-2-74	26 IR 435	waste sites Types I, II, III, and IV		Corrective action program	
Floodway		Exclusions		329 IAC 10-21-13	26 IR 484
329 IAC 10-2-75	26 IR 435	General		Demonstration that a statistically significant	
Floodway fringe		329 IAC 10-3-1	26 IR 438	increase or contamination is not attributable	
329 IAC 10-2-75.1	26 IR 435	Hazardous waste		to a municipal solid waste land disposal	
Infectious waste		329 IAC 10-3-2	26 IR 439	facility unit	
329 IAC 10-2-96	26 IR 435	Insignificant facility modifications		329 IAC 10-21-9	26 IR 481
Insignificant facility modification		329 IAC 10-3-3	26 IR 439	Detection ground water monitoring program	
329 IAC 10-2-97.1	26 IR 435	General provisions		329 IAC 10-21-7	26 IR 479
Karst terrain		Electronic submission of information		General ground water monitoring requirements	
329 IAC 10-2-99	26 IR 436	329 IAC 10-1-4.5	26 IR 433	329 IAC 10-21-1	26 IR 465
Land application unit		Records and standards for submitted informa-		Ground water monitoring well and piezometer	
329 IAC 10-2-100	26 IR 436	tion		construction and design	
Licensed professional geologist		329 IAC 10-1-4	26 IR 432	329 IAC 10-21-4	26 IR 474
329 IAC 10-2-105.3	26 IR 436	Generator responsibilities for waste identification		Sampling and analysis plan and program	
Liquid waste		329 IAC 10-7.2	26 IR 1656	329 IAC 10-21-2	26 IR 468
329 IAC 10-2-106	26 IR 436	Industrial on-site activities needing permits		Statistical evaluation requirements and proce-	
Major modification of solid waste land disposal		Applicability		dures	
facilities		329 IAC 10-5-1	26 IR 1656	329 IAC 10-21-6	26 IR 477
329 IAC 10-2-109	26 IR 436	Management requirements for certain solid wastes		Verification of a statistically significant in-	
Measurable storm event		329 IAC 10-8.2	26 IR 1657	crease in constituent concentration	
329 IAC 10-2-111.5	26 IR 436	Municipal solid waste landfill liner system; de-		329 IAC 10-21-8	26 IR 480
Minor modification of solid waste land disposal		sign; construction, and CQA/CQC requirements		Location restrictions	
facilities		CQA/CQC preconstruction meeting		Karst terrain siting restrictions	
329 IAC 10-2-112	26 IR 436	329 IAC 10-17-18	26 IR 457	329 IAC 10-16-8	26 IR 453
Municipal solid waste or MSW		Drainage layer component of the liner; con-		Operational requirements	
329 IAC 10-2-115	26 IR 1654	struction and quality assurance/quality con-		Alternative daily cover	
Municipal solid waste landfill or MSWLF		trol requirements		329 IAC 10-20-14.1	26 IR 1662
329 IAC 10-2-116	26 IR 1654	329 IAC 10-17-9	26 IR 456	Cover; general provisions	
Municipal solid waste landfill or MSWLF unit		Geomembrane component of the liner; con-		329 IAC 10-20-13	26 IR 463
329 IAC 10-2-117	26 IR 1654	struction and quality assurance/quality con-		Diversification of surface water and run-on and run-	
Nonmunicipal solid waste landfill unit or Non-		trol requirements		off control systems	
MSWLF unit		329 IAC 10-17-7	26 IR 454	329 IAC 10-20-11	26 IR 461
329 IAC 10-2-121.1	26 IR 437	Liner designs and criteria for selection of de-		Erosion and sedimentation control measures;	
Operator		sign; overview		general requirements	
329 IAC 10-2-130	26 IR 1655	329 IAC 10-17-2	26 IR 453	329 IAC 10-20-3	26 IR 459
Peak discharge		Protective cover component of the liner; con-		Leachate collection, removal, and disposal	
329 IAC 10-2-132.2	26 IR 437	struction and quality assurance/quality con-		329 IAC 10-20-20	26 IR 463
Permanent stabilization		trol requirements		Records and reports	
329 IAC 10-2-132.3	26 IR 437	329 IAC 10-17-12	26 IR 457	329 IAC 10-20-8	26 IR 460
Petroleum contaminated soil		Municipal solid waste landfills		Self-inspections	
329 IAC 10-2-135.5	26 IR 1655	Closure requirements		329 IAC 10-20-28	26 IR 464
Preliminary exceedance		Closure plan		Signs	
329 IAC 10-2-142.5	26 IR 437	329 IAC 10-22-2	26 IR 493	329 IAC 10-20-3	26 IR 459
Qualified professional		Completion of closure and final cover		Surface water requirements	
329 IAC 10-2-147.2	26 IR 437	329 IAC 10-22-5	26 IR 494	329 IAC 10-20-26	26 IR 464
Responsible corporate officer		Final cover requirements for existing		Survey requirements	
329 IAC 10-2-158	26 IR 437	MSWLF units constructed without a com-		329 IAC 10-20-24	26 IR 464
Sedimentation		posite bottom liner		Post-closure requirements	
329 IAC 10-2-165.5	26 IR 437	329 IAC 10-22-7	26 IR 495	Certification	
				329 IAC 10-23-4	26 IR 498

Duties	329 IAC 10-23-2	26 IR 496	Incapacity of permittee, guarantors, or financial institutions	329 IAC 10-39-7	26 IR 509	Processing facilities waste criteria	329 IAC 11-8-2	26 IR 1666																																																																																				
Plan	329 IAC 10-23-3	26 IR 497	Post-closure; financial responsibility	329 IAC 10-39-3	26 IR 508	Transfer station waste criteria	329 IAC 11-8-2.5	26 IR 1666																																																																																				
Preoperational requirements and operational approval	329 IAC 10-19-1	26 IR 458	Release of funds	329 IAC 10-39-9	26 IR 509	Transfer stations	General operating requirements	329 IAC 11-21-8	26 IR 1672																																																																																			
Permit issuance and miscellaneous provisions	Issuance procedures; original permits	329 IAC 10-13-1	26 IR 445	Quarterly reports and weighing scales	Quarterly reports	329 IAC 10-14-1	26 IR 446	Monitoring of incoming municipal waste	329 IAC 11-21-4	26 IR 1671																																																																																		
Permit revocation and modification	329 IAC 10-13-6	26 IR 446	Weighing scales	329 IAC 10-14-2	26 IR 1661	Record keeping	329 IAC 11-21-5	26 IR 1671	Reporting	329 IAC 11-21-6	26 IR 1671																																																																																	
Transferability of permits	329 IAC 10-13-5	26 IR 445	Solid waste land disposal facility classification	Municipal solid waste landfill criteria	329 IAC 10-9-2	26 IR 1659	Restricted waste sites waste criteria	329 IAC 10-9-4	26 IR 1659	Transition requirements of municipal solid waste landfill siting, design, and closure	Applicability	329 IAC 10-10-1	26 IR 440																																																																															
Plans and documentation to be submitted with permit application	Calculations and analyses pertaining to landfill design	329 IAC 10-15-8	26 IR 450	Description of proposed ground water monitoring well system	329 IAC 10-15-5	26 IR 449	General requirements	329 IAC 10-15-1	26 IR 447	Plot plan requirements	329 IAC 10-15-2	26 IR 448	Storm water pollution prevention plan	329 IAC 10-15-12	26 IR 451																																																																													
Post-closure requirements	Duties	329 IAC 10-23-2	26 IR 496	Previously permitted solid waste land disposal facilities and sanitary landfills closed prior to April 14, 1996; responsibilities	Remedial action	329 IAC 10-6-4	26 IR 440	Restricted waste site Type III and construction/demolition sites; closure requirements	Closure plan	329 IAC 10-37-4	26 IR 501	Restricted waste sites Types I and II and nonmunicipal solid waste landfills	Additional application requirements to 329 IAC 10-11	Hydrogeologic study	329 IAC 10-24-4	26 IR 499																																																																												
Closure requirements	Plan	329 IAC 10-30-4	26 IR 500	Ground water monitoring and corrective action	Monitoring devices	329 IAC 10-29-1	26 IR 499	Operational requirements	Definitions	329 IAC 10-28-24	26 IR 1664	Solid waste land disposal facilities	Financial responsibility	Applicability	329 IAC 10-39-1	26 IR 501																																																																												
Closure; financial responsibility	329 IAC 10-39-2	26 IR 502	Definitions	329 IAC 10-36-19	26 IR 1665	Financial assurance for corrective action for municipal solid waste landfills	329 IAC 10-39-10	26 IR 510	Incapacity of permittee, guarantors, or financial institutions	329 IAC 10-39-7	26 IR 509	Post-closure; financial responsibility	329 IAC 10-39-3	26 IR 508	Release of funds	329 IAC 10-39-9	26 IR 509																																																																											
Quarterly reports and weighing scales	Quarterly reports	329 IAC 10-14-1	26 IR 446	Weighing scales	329 IAC 10-14-2	26 IR 1661	Solid waste land disposal facility classification	Municipal solid waste landfill criteria	329 IAC 10-9-2	26 IR 1659	Restricted waste sites waste criteria	329 IAC 10-9-4	26 IR 1659	Transition requirements of municipal solid waste landfill siting, design, and closure	Applicability	329 IAC 10-10-1	26 IR 440																																																																											
Pending applications	329 IAC 10-10-2	26 IR 440	<b>Solid waste management activity registration</b>	Solid waste facility operator testing requirements	Examination requirements for Category II certification	329 IAC 12-8-4	26 IR 1672	<b>Solid waste processing facilities</b>	Application procedure for all solid waste processing facilities	Insignificant facility modifications	329 IAC 11-9-6	26 IR 1667	Definitions	Insignificant facility modification	329 IAC 11-2-19.5	26 IR 1665	Solid waste	329 IAC 11-2-39	26 IR 1666																																																																									
Exclusions	Hazardous waste	329 IAC 11-3-2	26 IR 1666	Infectious waste incinerators; additional operational requirements	Operational requirements	329 IAC 11-20-1	26 IR 1670	Miscellaneous requirements concerting solid waste management	Definitions	329 IAC 11-15-1	26 IR 1668	Solid waste incinerators; additional operational requirements	Permit by rule	329 IAC 11-19-2	26 IR 1669	Solid waste incinerators 10 tons per day or greater; infectious waste incinerators seven tons per day or greater; operational requirements	329 IAC 11-19-3	26 IR 1669	Solid waste processing facilities; operational requirements	Records and reports	329 IAC 11-13-6	26 IR 1668	Sanitation	329 IAC 11-13-4	26 IR 1667	Solid waste processing facility classifications and waste criteria	Incinerators waste criteria	329 IAC 11-8-3	26 IR 1667	Processing facilities waste criteria	329 IAC 11-8-2	26 IR 1666																																																												
Transfer station waste criteria	329 IAC 11-8-2.5	26 IR 1666	Transfer stations	General operating requirements	329 IAC 11-21-8	26 IR 1672	Monitoring of incoming municipal waste	329 IAC 11-21-4	26 IR 1671	Record keeping	329 IAC 11-21-5	26 IR 1671	Reporting	329 IAC 11-21-6	26 IR 1671	Training	329 IAC 11-21-7	26 IR 1671	<b>Underground storage tanks</b>	Applicability; definitions	Applicability	329 IAC 9-1-1	26 IR 1209	Definitions	Agency	329 IAC 9-1-4	26 IR 1209	Change-in-service	329 IAC 9-1-10.4	26 IR 1209	Chemical of concern	329 IAC 9-1-10.6	26 IR 1209	Closure	329 IAC 9-1-10.8	26 IR 1210	Consumptive use	329 IAC 9-1-14	26 IR 1210	Contaminant	329 IAC 9-1-14.3	26 IR 1210	Corrective action	329 IAC 9-1-14.5	26 IR 1210	Corrective action plan	329 IAC 9-1-14.7	26 IR 1210	Hazardous substance UST system	329 IAC 9-1-25	26 IR 1210	Hydraulic lift tank	329 IAC 9-1-27	26 IR 1210	Petroleum UST system	329 IAC 9-1-36	26 IR 1210	Removal closure	329 IAC 9-1-39.5	26 IR 1211	SARA	329 IAC 9-1-41.5	26 IR 1211	underground release	329 IAC 9-1-47	26 IR 1211	Underground storage tank	329 IAC 9-1-47.1	26 IR 1211	Closure	Applicability	329 IAC 9-6-1	26 IR 1229	Applicability to previously closed UST systems	329 IAC 9-6-3	26 IR 1234	Closure procedure	329 IAC 9-6-2.5	26 IR 1230	Closure records	329 IAC 9-6-4	26 IR 1234	Temporary closure	329 IAC 9-6-5	26 IR 1235	General operating requirements	Compatibility	329 IAC 9-3.1-3	26 IR 1219	Operation and maintenance of corrosion protection	329 IAC 9-3.1-2	26 IR 1219



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Repairs and maintenance allowed		Courses not completed		<b>Assessor-appraisers, professional appraisers, and tax representatives</b>	
329 IAC 9-3.1-4	26 IR 1219	865 IAC 1-14-14	26 IR 3740	Certification	
Spill and overflow control			<b>27 IR 876</b>	Level One continuing education	
329 IAC 9-3.1-1	26 IR 1218	Reporting attendance to the board		50 IAC 15-3-2	25 IR 410
Initial response, site investigation, and corrective action		865 IAC 1-14-15	26 IR 3740		<b>26 IR 1516</b>
			<b>27 IR 876</b>	Level One requirements	
Applicability for release response and corrective action		Examinations		50 IAC 15-3-1	25 IR 410
329 IAC 9-5-1	26 IR 1221	Certification as land surveyor-in-training; attempt			<b>26 IR 1516</b>
Corrective action plan		865 IAC 1-4-8	25 IR 3456	Level Two continuing education	
329 IAC 9-5-7	26 IR 1227		<b>26 IR 1105</b>	50 IAC 15-3-4	25 IR 411
Free product removal		Fees			<b>26 IR 1517</b>
329 IAC 9-5-4.2	26 IR 1224	Land surveying; competent practice		Level Two requirements	
Further site investigations for soil and ground water cleanup		865 IAC 1-12-28	25 IR 3456	50 IAC 15-3-3	25 IR 411
329 IAC 9-5-6	26 IR 1226		<b>26 IR 1105</b>		<b>26 IR 1517</b>
Initial abatement measures and site check		Land surveying; competent practice		Miscellaneous provisions	
329 IAC 9-5-3.2	26 IR 1223	Definitions; abbreviations		50 IAC 15-3-5	25 IR 411
Initial response		865 IAC 1-12-2	26 IR 3951		<b>26 IR 1517</b>
329 IAC 9-5-2	26 IR 1223	Field investigation for retracement surveys		Revocation of certification criteria and procedures	
Initial site characterization		865 IAC 1-12-10	26 IR 3954	50 IAC 15-3-6	25 IR 411
329 IAC 9-5-5.1	26 IR 1224	Field notes			<b>26 IR 1518</b>
Performance standards		865 IAC 1-12-6	26 IR 3953	Definitions	
New UST systems		Measurements for retracement surveys and original surveys		"Clarification of the authority of Indiana board of tax review" defined	
329 IAC 9-2-1	26 IR 1211	865 IAC 1-12-7	26 IR 3953	50 IAC 15-1-1.5	<b>26 IR 1516</b>
Notification requirements		Original and retracement survey monumentation		Commissioner	
329 IAC 9-2-2	26 IR 1214	865 IAC 1-12-18	26 IR 3956	50 IAC 15-1-2.5	<b>26 IR 1516</b>
Release detection		Original survey preliminary research		Department	
General requirements for all UST systems		865 IAC 1-12-14	26 IR 3956	50 IAC 15-1-2.6	25 IR 410
329 IAC 9-7-1	26 IR 1235	Preliminary research and investigation on retracement surveys			<b>26 IR 1516</b>
Methods of release detection for tanks		865 IAC 1-12-9	26 IR 3954	Professional appraisers	
329 IAC 9-7-4	26 IR 1237	Property surveys affected		Certification requirements	
Requirements for petroleum UST systems		865 IAC 1-12-5	26 IR 3952	50 IAC 15-4-1	25 IR 412
329 IAC 9-7-2	26 IR 1236	Publication of retracement survey results			<b>26 IR 1518</b>
Releases		865 IAC 1-12-12	26 IR 3954	Tax representatives	
Release investigations and confirmation steps		Retracement survey plats		Communication with client or prospective client	
329 IAC 9-4-3	26 IR 1220	865 IAC 1-12-13	26 IR 3955	50 IAC 15-5-5	25 IR 414
Reporting and cleanup of spills and overfills		Surveyor conclusions in retracement survey			<b>26 IR 1520</b>
329 IAC 9-4-4	26 IR 1221	865 IAC 1-12-11	26 IR 3954	Contingent fees	
Reporting and record keeping		Surveyor responsibility		50 IAC 15-5-7	25 IR 415
Electronic reporting and submittal		865 IAC 1-12-3	26 IR 3952		<b>26 IR 1521</b>
329 IAC 9-3-2	26 IR 1218	Registrant's seal		Course work	
General		Use of seal and signature; acceptance of full responsibility		50 IAC 15-5-4	25 IR 414
329 IAC 9-3-1	26 IR 1216	865 IAC 1-7-3	26 IR 3950		<b>26 IR 1520</b>
Upgrading of existing UST systems		<b>LAW ENFORCEMENT TRAINING BOARD</b>		Definitions	
Upgrading		<b>General provisions</b>		50 IAC 15-5-1	25 IR 413
329 IAC 9-2.1-1	26 IR 1215	250 IAC 2	26 IR 3679		<b>26 IR 1519</b>
<b>Used oil management</b>			<b>27 IR 1552</b>	Practice requirements	
Applicability		<b>LOCAL GOVERNMENT FINANCE, DEPARTMENT OF</b>		50 IAC 15-5-2	25 IR 414
329 IAC 13-3-1	26 IR 1673	<b>MENT OF</b>			<b>26 IR 1519</b>
<b>LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR</b>		LSA Document #03-178(E)	<b>26 IR 3658</b>	Prohibitions; obligations	
<b>General provisions</b>		<b>Assessment of mobile homes</b>		50 IAC 15-5-6	25 IR 415
Continuing education		Definitions			<b>26 IR 1521</b>
Courses from approved and unapproved providers		50 IAC 3.2-2	25 IR 2548	Revocation of certification criteria and procedure	
865 IAC 1-13-5	27 IR 943		<b>26 IR 326</b>	50 IAC 15-5-8	25 IR 415
Elective topics		Method			<b>26 IR 1521</b>
865 IAC 1-13-7	26 IR 3739	50 IAC 3.2-3	25 IR 2549	<b>Industrial facility; real property assessment</b>	
	<b>27 IR 875</b>		<b>26 IR 327</b>	50 IAC 18	26 IR 1117
Length of instruction hour; length of course		Purpose			27 IR 909
865 IAC 1-13-4	26 IR 3739	50 IAC 3.2-1	25 IR 2548	<b>Lake County industrial facility; real property assessment</b>	
	<b>27 IR 875</b>		<b>26 IR 326</b>	50 IAC 19	26 IR 2397
Continuing education providers		Valuation guide			<b>27 IR 450</b>
Certifications of completion		50 IAC 3.2-4	25 IR 2549		
865 IAC 1-14-13	26 IR 3740		<b>26 IR 327</b>		
	<b>27 IR 876</b>				

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### Property assessment

2001 real property assessment manual  
Applicability, provisions, and procedures  
50 IAC 2.3-1-1 25 IR 835

**26 IR 6**

26 IR 86

**26 IR 2314**

26 IR 88

**26 IR 2315**

Incorporation by reference

50 IAC 2.3-1-2 25 IR 1200

26 IR 87

**26 IR 2314**

### Remuneration for initial training and continuing education sessions

50 IAC 20 27 IR 908

### LOTTERY COMMISSION, STATE

#### Instant games

4 of a Kind

Instant game 633

LSA Document #03-80(E) **26 IR 2630**

5 Card Poker

Instant game 709

LSA Document #03-200(E) **26 IR 3889**

7-11-21

Instant game 620

LSA Document #02-346(E) **26 IR 1574**

Instant game 672

LSA Document #03-241(E) **27 IR 198**

24K

Instant game 629

LSA Document #02-358(E) **26 IR 1590**

\$250 Christmas Club

Instant game 614

LSA Document #02-308(E) **26 IR 800**

Instant game 670

LSA Document #03-290(E) **27 IR 888**

\$50,000 Hand

Instant game 622

LSA Document #02-347(E) **26 IR 1575**

\$200,000 Cash Bonanza

Instant game 665

65 IAC 4-331 **27 IR 200**

\$250,000 Jubilee

Instant game 680

65 IAC 4-336 **27 IR 1602**

Ace in the Hole

Instant game 612

LSA Document #02-290(E) **26 IR 390**

Instant game 639

LSA Document #03-116(E) **26 IR 3060**

Ace of Spades

Instant game 631

LSA Document #03-78(E) **26 IR 2628**

Aces High

Instant game 637

LSA Document #03-109(E) **26 IR 3052**

Black Jack

Instant game 621

LSA Document #02-313(E) **26 IR 807**

Blazin' Bingo Doubler

Instant game 676

LSA Document #03-310(E) **27 IR 1190**

Bonus Crossword

Instant game 664

65 IAC 4-330 **27 IR 199**

### CASH BOUNTY

Instant game 658

LSA Document #03-238(E) **27 IR 193**

Casino 7's

Instant game 707

65 IAC 4-333 **27 IR 891**

Classic Cash

Instant game 712

LSA Document #03-339(E) **27 IR 1605**

Corvette© Cash

Instant game 654

LSA Document #03-147(E) **26 IR 3358**

Cut the Deck

Instant game 677

LSA Document #03-335(E) **27 IR 1598**

Deal Me In

Instant game 623

LSA Document #02-348(E) **26 IR 1577**

Deuces are Wild

Instant game 611

LSA Document #02-289(E) **26 IR 389**

Domino Dollars

Instant game 657

LSA Document #03-199(E) **26 IR 3888**

Double Diamonds

Instant game 619

LSA Document #02-288(E) **26 IR 392**

Fabulous 4s

Instant game 628

LSA Document #02-357(E) **26 IR 1589**

Fast Cash

Instant game 644

LSA Document #03-144(E) **26 IR 3355**

Five Grand

Instant game 642

LSA Document #03-143(E) **26 IR 3354**

General provisions

Game regulations

65 IAC 4-2-8 **26 IR 43**

Termination of an instant game

65 IAC 4-2-3 **27 IR 1596**

Use of winner information and photographs

65 IAC 4-2-4 **26 IR 42**

Validation of tickets

65 IAC 4-2-5 **27 IR 1596**

Gold Rush

Instant game 626

LSA Document #03-15(E) **26 IR 1946**

Great 8s

Instant game 632

LSA Document #03-79(E) **26 IR 2629**

High 5s

Instant game 634

LSA Document #03-81(E) **26 IR 2632**

High Stakes

Instant game 624

LSA Document #02-349(E) **26 IR 1578**

Holiday Package

Instant game 618

LSA Document #02-312(E) **26 IR 805**

Instant game 675

LSA Document #03-309(E) **27 IR 1188**

Holiday Spectacular

Instant game 671

LSA Document #03-295(E) **27 IR 894**

Hoosier Bingo

Instant game 647

65 IAC 4-452 **26 IR 1585**

### Hoosier Millionaire

Instant game 887

65 IAC 4-206 **26 IR 3348**

Hot Streak

Instant game 650

LSA Document #02-257(E) **26 IR 54**

In-Between

Instant game 635

LSA Document #03-108(E) **26 IR 3051**

Luck of the Irish

Instant game 627

LSA Document #02-351(E) **26 IR 1582**

Lucky 7's

Instant game 636

LSA Document #03-82(E) **26 IR 2634**

Lucky Diamonds

Instant game 668

LSA Document #03-288(E) **27 IR 885**

Mega Bucks

Instant game 641

LSA Document #03-118(E) **26 IR 3063**

Mistle Dough Doubler

Instant game 617

LSA Document #02-311(E) **26 IR 804**

Monopoly

Instant game 663

LSA Document #03-248(E) **27 IR 203**

NBA Pacers

Instant game 630

LSA Document #03-16(E) **26 IR 1948**

Nifty 50

Instant game 653

LSA Document #03-111(E) **26 IR 3056**

Payment of prizes

Claiming prizes from the commission

65 IAC 4-3-2 **27 IR 1597**

Prize-winning tickets

65 IAC 4-3-1 **27 IR 1597**

Pyramid Cash

Instant game 645

65 IAC 4-319 **26 IR 3360**

Queen of Hearts

Instant Game 669

LSA Document #03-289(E) **27 IR 886**

Red Hot Doubler

Instant game 648

LSA Document #03-49(E) **26 IR 2378**

ROYAL RICHES

Instant game 638

LSA Document #03-115(E) **26 IR 3058**

Sapphire Blue 7s

Instant game 651

LSA Document #03-145(E) **26 IR 3357**

SCRATCH, PIN, WIN

Instant game 685

65 IAC 4-329 **27 IR 192**

Season's Greetings

Instant game 708

LSA Document #03-291(E) **27 IR 889**

Secret Santa

Instant game 673

LSA Document #03-307(E) **27 IR 1187**

Silver & Gold

Instant game 678

LSA Document #03-336(E) **27 IR 1599**

Sizzling Red 7s

Instant game 643

LSA Document #02-352(E) **26 IR 1583**

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Snow Bank		Name		Bingo Nut	
Instant game 674		65 IAC 5-6-1	<b>27 IR 1589</b>	Pull-tab game 007	
LSA Document #03-308(E)	<b>27 IR 1187</b>	Odds of winning		LSA Document #03-141(E)	<b>26 IR 3353</b>
SOLID GOLD		65 IAC 5-6-6	<b>27 IR 1593</b>	Casino Wizard	
Instant game 661		Procedure for playing		Pull-tab game 090	
LSA Document #03-240(E)	<b>27 IR 196</b>	65 IAC 5-6-4	<b>27 IR 1591</b>	LSA Document #03-142(E)	<b>26 IR 3354</b>
Stairway to Riches		Ticket price		Cherry Bar Fortune	
Instant game 649		65 IAC 5-6-3	<b>27 IR 1590</b>	Pull-tab game 052	
LSA Document #03-119(E)	<b>26 IR 3065</b>	General provisions		LSA Document #02-356(E)	<b>26 IR 1588</b>
Super 6		Game regulations		Cherry Hearts	
Instant game 665		65 IAC 5-2-8	<b>26 IR 43</b>	Pull-tab game 002	
LSA Document #03-249(E)	<b>27 IR 204</b>	Use of winner information and photographs		LSA Document #03-138(E)	<b>26 IR 3351</b>
Super Blackjack		65 IAC 5-2-4	<b>26 IR 43</b>	Club Sandwich	
Instant game 640		Hoosier Lottery Powerball		Pull-tab game 054	
LSA Document #03-117(E)	<b>26 IR 3061</b>	Allocation of prize pool		LSA Document #03-84(E)	<b>26 IR 2636</b>
Super Size Cash		65 IAC 5-12-9	<b>26 IR 47</b>	Definitions	
Instant game 652		Amount of prize pools		Agent verification code	
LSA Document #03-110(E)	<b>26 IR 3054</b>	65 IAC 5-12-6	<b>26 IR 46</b>	65 IAC 6-1-1.1	<b>26 IR 51</b>
Tic Tac Toe		Definitions		Bar code	
Instant Game 656		65 IAC 5-12-2	<b>26 IR 44</b>	65 IAC 6-1-1.2	<b>26 IR 51</b>
LSA Document #03-198(E)	<b>26 IR 3887</b>	Ineligible players		Game identification number	
Triple Payout		65 IAC 5-12-14	<b>26 IR 51</b>	65 IAC 6-1-2.1	<b>26 IR 51</b>
Instant game 655		Odds of winning		Game/pack number	
LSA Document #03-197(E)	<b>26 IR 3886</b>	65 IAC 5-12-12	<b>26 IR 49</b>	65 IAC 6-1-2.2	<b>26 IR 51</b>
Trump Card		Payment of prizes		Pack number	
Instant game 679		65 IAC 5-12-11	<b>26 IR 48</b>	65 IAC 6-1-4.1	<b>26 IR 51</b>
LSA Document #03-337(E)	<b>27 IR 1601</b>	Payment options		Validation number	
Vegas Action		65 IAC 5-12-5	<b>26 IR 45</b>	65 IAC 6-1-10	<b>26 IR 52</b>
Instant game 625		Power Play promotion		Diamond 7's	
65 IAC 4-453	<b>26 IR 1580</b>	65 IAC 5-12-12.5	<b>26 IR 49</b>	Pull-tab game 047	
WINFALL		Prize amounts		LSA Document #02-284(E)	<b>26 IR 385</b>
Instant game 659		65 IAC 5-12-10	<b>26 IR 47</b>	Electric 7s	
LSA Document #03-239(E)	<b>27 IR 194</b>	Procedure for playing		Pull-tab game 053	
Winner Wonderland		65 IAC 5-12-4	<b>26 IR 45</b>	LSA Document #03-83(E)	<b>26 IR 2635</b>
Instant game 616		Reserve accounts		EZ Money	
LSA Document #02-310(E)	<b>26 IR 803</b>	65 IAC 5-12-7	<b>26 IR 47</b>	Pull-tab game 006	
Winning Numbers		Ticket price		LSA Document #03-140(E)	<b>26 IR 3352</b>
Instant game 610		65 IAC 5-12-3	<b>26 IR 45</b>	General provisions	
LSA Document #02-288(E)	<b>26 IR 388</b>	Lucky 5		Game rules	
Winter Spectacular		Definitions		65 IAC 6-2-8	<b>26 IR 53</b>
Instant game 615		65 IAC 5-9-2	<b>27 IR 1594</b>	Termination of a pull-tab game	
LSA Document #02-309(E)	<b>26 IR 801</b>	Determination of winning numbers		65 IAC 6-2-3	<b>26 IR 52</b>
<b>On-line games</b>		65 IAC 5-9-9	<b>27 IR 1595</b>	Ticket price	
Daily3		Independent on-line games		65 IAC 6-2-9	<b>26 IR 53</b>
Definitions		65 IAC 5-9-1.5	<b>27 IR 1594</b>	Use of names and photographs of winners	
65 IAC 5-5-2	<b>27 IR 1587</b>	Name		65 IAC 6-2-4	<b>26 IR 52</b>
Determination of winners		65 IAC 5-9-1	<b>27 IR 1575</b>	Validation of tickets	
65 IAC 5-5-5	<b>26 IR 3057</b>	Odds of winning		65 IAC 6-2-5	<b>26 IR 52</b>
	<b>27 IR 1588</b>	65 IAC 5-9-12	<b>27 IR 1595</b>	Hot 13s	
Independent on-line games		Procedure for playing		Pull-tab game 051	
65 IAC 5-5-1.5	<b>27 IR 1587</b>	65 IAC 5-9-4	<b>27 IR 1594</b>	LSA Document #02-355(E)	<b>26 IR 1587</b>
Name		Ticket price		Hot Hand	
65 IAC 5-5-1	<b>27 IR 1587</b>	65 IAC 5-9-3	<b>27 IR 1594</b>	Pull-tab game 044	
Odds of winning		Max 5		LSA Document #02-224(E)	<b>25 IR 4119</b>
65 IAC 5-5-6	<b>27 IR 1589</b>	Modification of Max 5 prize structure		Lucky Lemons	
Procedure for playing		65 IAC 5-15-10	<b>26 IR 1946</b>	Pull-tab game 041	
65 IAC 5-5-4	<b>27 IR 1588</b>	Termination of Max 5		LSA Document #02-220(E)	<b>25 IR 4117</b>
Ticket price		65 IAC 5-15-11	<b>26 IR 1946</b>	Magic 8 Ball	
65 IAC 5-5-3	<b>27 IR 1587</b>	<b>Pull-tab games</b>		Pull-tab game 003	
Daily4		3 of a Kind		LSA Document #03-139(E)	<b>26 IR 3351</b>
Definitions		Pull-tab game 055		Money Bags	
65 IAC 5-6-2	<b>27 IR 1590</b>	LSA Document #03-105(E)	<b>26 IR 3049</b>	Pull-tab game 046	
Determination of winners		A Holiday Story		LSA Document #02-283(E)	<b>26 IR 385</b>
65 IAC 5-6-5	<b>27 IR 1591</b>	Pull-tab game 010		Mountain of Money	
Independent on-line games		LSA Document #03-287(E)	<b>27 IR 884</b>	Pull-tab game 058	
65 IAC 5-6-1.5	<b>27 IR 1589</b>	AmeriCash		LSA Document #03-106(E)	<b>26 IR 3049</b>
		Pull-tab game 048			
		LSA Document #02-285(E)	<b>26 IR 386</b>		

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Payment of prizes		Registration		<b>Community mental health centers and managed care providers; minimum standards of service</b>	
Claiming prizes		Mandatory registration; renewal		Continuum of care; standards of practice	
65 IAC 6-3-2	<b>26 IR 53</b>	844 IAC 6-4-1	26 IR 541	Case management	
<b>POLE POSITION</b>			<b>26 IR 2373</b>	440 IAC 9-2-10	25 IR 4201
Pull-tab game 062		Reinstatement of delinquent license			<b>26 IR 1940</b>
LSA Document #03-107(E)	<b>26 IR 3050</b>	844 IAC 6-4-3	27 IR 1638	Family support	
Roulette		Reinstatement of suspended license		440 IAC 9-2-13	26 IR 867
Pull-tab game 049		Duties of suspended licensees, certificate holders			<b>26 IR 3337</b>
LSA Document #02-286(E)	<b>26 IR 387</b>	844 IAC 6-6-3	27 IR 1638	Medication evaluation and monitoring	
Royal Sevens		Protection of patients' interest		440 IAC 9-2-12	25 IR 4203
Pull-tab game 001		844 IAC 6-6-4	27 IR 1639		<b>26 IR 1942</b>
LSA Document #03-137(E)	<b>26 IR 3348</b>	Standards of professional conduct		Outpatient services	
Shake Rattle and Dough		Standards of professional conduct and competent practice		440 IAC 9-2-11	25 IR 4202
Pull-tab game 061		844 IAC 6-7-2	27 IR 1639		<b>26 IR 1941</b>
LSA Document #03-114(E)	<b>26 IR 3057</b>	<b>Physician assistants</b>		<b>Community mental health centers</b>	
Sports Mania		General provisions		Certification	
Pull-tab game 043		Applications		Certification by the division	
LSA Document #02-223(E)	<b>25 IR 4119</b>	844 IAC 2.2-2-1	26 IR 177	440 IAC 4.1-2-1	26 IR 519
Stardust		Certification of physician assistants; fees			<b>26 IR 2616</b>
Pull-tab game 050		844 IAC 2.2-2-8	26 IR 179	Maintenance of certification	
LSA Document #02-354(E)	<b>26 IR 1587</b>	Privileges and duties		440 IAC 4.1-2-5	26 IR 521
<b>Retailers</b>		844 IAC 2.2-2-5	26 IR 179		<b>26 IR 2618</b>
Retailer contracts		Supervising physician; registration of		Regular certification by	
Award of contracts		844 IAC 2.2-2-2	26 IR 178	440 IAC 4.1-2-4	26 IR 520
65 IAC 3-3-3	<b>26 IR 40</b>	<b>Standards of professional conduct and competent practice of medicine</b>			<b>26 IR 2617</b>
Retailer contracts for pull-tab games		General provisions		Termination of certification	
65 IAC 3-3-10	<b>26 IR 40</b>	Definitions		440 IAC 4.1-2-9	26 IR 521
Retailer operations		844 IAC 5-1-1	26 IR 2116		<b>26 IR 2618</b>
Compensation			<b>27 IR 521</b>	Exclusive geographic primary service areas	
65 IAC 3-4-5	<b>26 IR 42</b>	Disciplinary action		Appeal rights	
Procedure for awarding prizes		844 IAC 5-1-3	26 IR 2118	440 IAC 4.1-3-8	26 IR 524
65 IAC 3-4-4	<b>26 IR 41</b>		<b>27 IR 522</b>		<b>26 IR 2621</b>
<b>MEDICAL LICENSING BOARD OF INDIANA</b>		Internet use in medical practice		Community mental health center; exclusive geographic primary service areas	
<b>Medical doctors</b>		844 IAC 5-3	26 IR 2118	440 IAC 4.1-3-1	26 IR 522
License to practice			<b>27 IR 522</b>		<b>26 IR 2619</b>
844 IAC 4-4-5	25 IR 2302	Prescribing to persons not seen by the physician		County complaints regarding a community mental health center	
	<b>26 IR 28</b>	844 IAC 5-4	26 IR 2120	440 IAC 4.1-3-3	26 IR 522
Renewal of physicians' licenses			<b>27 IR 524</b>		<b>26 IR 2620</b>
Mandatory renewal; notice		<b>MENTAL HEALTH AND ADDICTION, DIVISION OF</b>		County request that it be assigned to a new community mental health center	
844 IAC 4-6-2.1	25 IR 2308	<b>Assertive community treatment teams certification</b>		440 IAC 4.1-3-7	26 IR 524
	<b>26 IR 34</b>	440 IAC 5.2	26 IR 3386		<b>26 IR 2621</b>
<b>Physical therapists and physical therapists' assistants</b>			<b>27 IR 492</b>	Changes of the exclusive geographic primary service areas	
Admission to practice		<b>Community care</b>		440 IAC 4.1-3-4	26 IR 523
Applications for licensure as a physical therapist or certification as a physical therapist's assistant		Transferred or discharged individuals			<b>26 IR 2620</b>
844 IAC 6-3-4	27 IR 1637	Applicability		Designation of a new community mental health center	
Licensure by endorsement		440 IAC 5-1-1	25 IR 3289	440 IAC 4.1-3-6	26 IR 523
844 IAC 6-3-1	27 IR 1636		<b>26 IR 745</b>		<b>26 IR 2621</b>
Licensure by examination		Definitions		Obligations of each community mental health center regarding the exclusive geographic primary service area	
844 IAC 6-3-2	27 IR 1636	440 IAC 5-1-2	25 IR 3290	440 IAC 4.1-3-2	26 IR 522
Social Security numbers			<b>26 IR 746</b>		<b>26 IR 2619</b>
844 IAC 6-3-6	27 IR 1638	Gatekeeper's role during the time the individual is in the state-operated facility		Redesignation of the exclusive geographic primary service areas	
Temporary permits		440 IAC 5-1-3.5	25 IR 3290	440 IAC 4.1-3-5	26 IR 523
844 IAC 6-3-5	25 IR 3455		<b>26 IR 747</b>		<b>26 IR 2620</b>
	<b>26 IR 378</b>	<b>Community mental health centers</b>		<b>Private mental health institutions; licensure</b>	
	27 IR 1637	Services		Definitions	
General provisions		Mandatory services		440 IAC 1.5-1	25 IR 3277
Accreditation of educational programs		440 IAC 4-3-1	26 IR 519		<b>26 IR 733</b>
844 IAC 6-1-4	25 IR 3454		<b>26 IR 2616</b>		
	<b>26 IR 377</b>				
	27 IR 1635				
Definitions					
844 IAC 6-1-2	27 IR 1284				

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General provisions		Water rights and replacement		Reclamation plan for siltation structures, impoundments, dams, embankments, and refuse piles	
440 IAC 1.5-2	25 IR 3278	312 IAC 25-6-25	27 IR 238	312 IAC 25-4-87	27 IR 225
	<b>26 IR 734</b>	Surface mining		Training, examination, and certification of blasters	
Organizational standards and requirement		Explosives; publication of blasting schedule		Examinations	
440 IAC 1.5-3	25 IR 3281	312 IAC 25-6-31	27 IR 248	312 IAC 25-9-5	27 IR 249
	<b>26 IR 737</b>	Hydrologic balance		Renewal	
<b>NATURAL RESOURCES COMMISSION</b>		Permanent and temporary impoundments		312 IAC 25-9-8	27 IR 249
LSA Document #03-211(E)	<b>26 IR 3892</b>	312 IAC 25-6-20	27 IR 234	<b>Definitions</b>	
<b>Adjudicatory proceedings</b>		Siltation structures		Definitions	
Procedural rules		312 IAC 25-6-17	27 IR 233	"Includes" defined	
Administration		Surface and ground water monitoring		312 IAC 1-1-19.5	27 IR 1617
312 IAC 3-1-1	25 IR 2552	312 IAC 25-6-23	27 IR 237	"State plane coordinate" or "SPC" defined	
	<b>26 IR 7</b>	Primary roads		312 IAC 1-1-27.5	27 IR 1617
Administrative law judge; automatic change		312 IAC 25-6-66	27 IR 238	"Universal transverse mercator" or "UTM" defined	
312 IAC 3-1-8	25 IR 2553	Underground mining		312 IAC 1-1-29.3	27 IR 1617
	<b>26 IR 8</b>	Hydrologic balance		<b>Entomology and plant pathology</b>	
Court reporter; transcripts		Application of ground water quality standards		Control of pests or pathogens	
312 IAC 3-1-14	25 IR 2554	312 IAC 25-6-76.5	25 IR 4164	Control of black stem rust	
	<b>26 IR 9</b>		<b>26 IR 3865</b>	312 IAC 18-3-8	26 IR 1123
Initiation of proceeding for administrative review		Permanent and temporary impoundments			<b>26 IR 3315</b>
312 IAC 3-1-3	25 IR 2553	312 IAC 25-6-84	27 IR 241	Control of kudzu ( <i>Pueraria lobata</i> )	
	<b>26 IR 8</b>	Siltation structures		312 IAC 18-3-16	27 IR 560
Petitions for judicial review		312 IAC 25-6-81	27 IR 239	Control of larger pine shoot beetles	
312 IAC 3-1-18	25 IR 2554	Primary roads		LSA Document #03-217(E)	<b>27 IR 206</b>
	<b>26 IR 9</b>	312 IAC 25-6-130	27 IR 243	312 IAC 18-3-12	26 IR 1121
Relief under IC 4-21.5-3-28 through IC 4-21.5-3-31, including disposition of objections to nonfinal orders of administrative law judge; commission objections committee		Permitting procedures			<b>26 IR 3313</b>
312 IAC 3-1-12	26 IR 1131	Review, public participation, and approval or disapproval of permit applications; permit terms and conditions			27 IR 1203
	<b>26 IR 3323</b>	Permit approval or denial		Release of a beneficial organism or a pest or pathogen	
Ultimate authority		312 IAC 25-4-115	27 IR 229	312 IAC 18-3-15	27 IR 559
312 IAC 3-1-2	25 IR 2553	Permit conditions		Technical committees	
	<b>26 IR 8</b>	312 IAC 25-4-118	27 IR 230	312 IAC 18-3-17	27 IR 560
<b>Coal mining and reclamation operations</b>		Public availability		Special service fees	
Bonding liability insurance		312 IAC 25-4-113	27 IR 228	Florist or greenhouse stock; voluntary certification	
Performance bond release; requirements		Review of permit applications		312 IAC 18-5-2	27 IR 561
312 IAC 25-5-16	27 IR 232	312 IAC 25-4-114	27 IR 228	Phytosanitary document fees and related fees	
Period of liability		Special categories of mining		312 IAC 18-5-4	26 IR 3375
312 IAC 25-5-7	27 IR 231	Lands eligible for remining			<b>27 IR 1166</b>
Definitions		312 IAC 25-4-105.5	27 IR 227	<b>Fish and wildlife</b>	
Affected area		Prime farmland		LSA Document #03-177(E)	<b>26 IR 3660</b>
312 IAC 25-1-8	27 IR 221	312 IAC 25-4-102	27 IR 226	Birds	
Drinking water well		Surface mining permit applications		Geese	
312 IAC 25-1-45.5	25 IR 4160	Identification of interests		LSA Document #02-293(E)	<b>26 IR 395</b>
	<b>26 IR 3860</b>	312 IAC 25-4-17	27 IR 222	Mammals	
Ground water management zone		Reclamation and operations plan		Hunting deer in a designated county by authority of an extra deer license	
312 IAC 25-1-60.5	25 IR 4160	Maps		LSA Document #03-306	<b>27 IR 1192</b>
	<b>26 IR 3860</b>	312 IAC 25-4-43	25 IR 4160	Restrictions and standards applicable to wild animals	
Land eligible for remining			<b>26 IR 3860</b>	Administration of chemical to nondomestic animals, to animals held on a game breeder license, to animals held on a wild animal possession permit, or to animals held under a rehabilitation permit	
312 IAC 25-1-75.5	27 IR 222	Reclamation plan		312 IAC 9-2-13	25 IR 2751
Property boundary		General requirements			<b>26 IR 1068</b>
312 IAC 25-1-109.5	<b>26 IR 3860</b>	312 IAC 25-4-45	27 IR 223	State parks and state historic sites	
Unanticipated event or condition		Protection of hydrologic balance		312 IAC 9-2-11	26 IR 3089
312 IAC 25-1-155.5	27 IR 222	312 IAC 25-4-47	25 IR 4161		<b>27 IR 459</b>
Inspection and enforcement procedures			<b>26 IR 3861</b>	Special licenses; permits and standards	
Civil penalties; hearing request		Reclamation plan for siltation structures, impoundments, dams, and embankments, and refuse piles		Aquatic vegetation control permits	
312 IAC 25-7-20	27 IR 246	312 IAC 25-4-49	27 IR 224	312 IAC 9-10-3	26 IR 3374
Inspections of sites		Underground mining permit applications			<b>27 IR 1165</b>
312 IAC 25-7-1	27 IR 244	Reclamation plan			
Performance standards		Map			
Hydrologic balance		312 IAC 25-4-93	25 IR 4163		
Application of ground water quality standards			<b>26 IR 3863</b>		
312 IAC 25-6-12.5	25 IR 4163	Protection of hydrologic balance			
	<b>26 IR 3864</b>	312 IAC 25-4-85	25 IR 4162		
			<b>26 IR 3862</b>		

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Game breeder licenses		<b>Natural and recreational areas; public use</b>		Organized activities and tournaments on designated public waters	
LSA Document #03-51(E)	<b>26 IR 2389</b>	Administration and definitions		Advance date approval	
LSA Document #03-85(E)	<b>26 IR 2637</b>	Administration		312 IAC 2-4-7	26 IR 1127
312 IAC 9-10-4	26 IR 1602	312 IAC 8-1-2	26 IR 3085		<b>26 IR 3319</b>
	27 IR 246		<b>27 IR 455</b>		
Nuisance wild animal control permit		Definitions		Applicability	
312 IAC 9-10-11	25 IR 2551	312 IAC 8-1-4	26 IR 3085	312 IAC 2-4-1	26 IR 1126
	<b>26 IR 692</b>		<b>27 IR 455</b>		<b>26 IR 3318</b>
Scientific purposes licenses		General restrictions on the use of DNR properties		Definitions	
312 IAC 9-10-6	25 IR 2752	Animals brought by people to DNR properties		312 IAC 2-4-2	26 IR 1126
	<b>26 IR 1069</b>	312 IAC 8-2-6	26 IR 3088		<b>26 IR 3318</b>
Sport fishing			<b>27 IR 457</b>	License application	
LSA Document #03-88(E)	<b>26 IR 2638</b>	Campsites and camping		312 IAC 2-4-6	26 IR 1127
Sport fishing, commercial fishing; definitions, restrictions, and standards		312 IAC 8-2-11	26 IR 3088		<b>26 IR 3319</b>
Definitions pertaining to fish and fishing activities			<b>27 IR 458</b>	License holder; general duties	
LSA Document #02-330(E)	<b>26 IR 1111</b>	Firearms, hunting, and trapping		312 IAC 2-4-9	26 IR 1128
312 IAC 9-6-1	26 IR 1966	312 IAC 8-2-3	26 IR 3086		<b>26 IR 3319</b>
	<b>26 IR 3866</b>		<b>27 IR 456</b>	Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs	
Exotic fish		Swimming, snorkeling, scuba diving, and tow kite flying		312 IAC 2-4-12	26 IR 1128
LSA Document #02-330(E)	<b>26 IR 1111</b>	312 IAC 8-2-9	26 IR 3088		<b>26 IR 3320</b>
312 IAC 9-6-7	26 IR 1967		<b>27 IR 458</b>	Limitations on organized boating activities at Lake Wawasee and Syracuse Lake, Kosciusko County	
	<b>26 IR 3868</b>	<b>Off-road vehicles and snowmobiles</b>		312 IAC 2-4-13	26 IR 1129
Wild animal possession permits		LSA Document #03-341(E)	27 IR 1607		<b>26 IR 3321</b>
Maintaining a wild animal possessed under this rule		<b>Oil and gas</b>		Notice of and response to petition	
312 IAC 9-11-14	26 IR 1603	Annual well fee		312 IAC 2-4-4	26 IR 1127
	<b>26 IR 3324</b>	312 IAC 16-3.5	25 IR 4158		<b>26 IR 3318</b>
<b>Flood plain management</b>			<b>26 IR 1897</b>	Reporting	
Definitions		Bonding		312 IAC 2-4-9.5	26 IR 1128
"Reconstruction" defined		Bonding in addition to annual well fee			<b>26 IR 3320</b>
312 IAC 10-2-33.5	27 IR 1617	312 IAC 16-4-1	25 IR 4158	<b>Research, collection, quotas, and sales of plants</b>	
			<b>26 IR 1898</b>	Ginseng	
<b>Historic preservation review board</b>		Bond release		Application for license; fee	
Definitions		312 IAC 16-4-5	25 IR 4159	312 IAC 19-1-3	27 IR 1617
Certificate			<b>26 IR 1899</b>	<b>Watercraft operations on public waters in Indiana</b>	
312 IAC 20-2-1.7	26 IR 3084	Bond types		LSA Document #03-28(E)	<b>26 IR 2388</b>
	<b>27 IR 454</b>	312 IAC 16-4-2	25 IR 4159	Boat races, water ski events, and major organized boating activities	
Indiana register			<b>26 IR 1898</b>	Applicability	
312 IAC 20-2-4.3	26 IR 3084	Definitions		312 IAC 5-3-1	26 IR 1130
	<b>27 IR 454</b>	Completed zone			<b>26 IR 3321</b>
National Register		312 IAC 16-1-9.5	27 IR 1206	Public notice before the issuance of a license for a boat race, water ski event, or major organized boating activity	
312 IAC 20-2-4.7	26 IR 3085	Permanent plugback		312 IAC 5-3-3	26 IR 1130
	<b>27 IR 454</b>	312 IAC 16-1-39.5	27 IR 1206		<b>26 IR 3322</b>
Membership and meetings		Static well		Site inspection by a conservation officer before issuance of a license for a boat race, water ski event, or major organized boating activity	
Submission of application before review board meeting		312 IAC 16-1-44.6	27 IR 1206	312 IAC 5-3-2	26 IR 1130
312 IAC 20-3-3	26 IR 3085	Performance standards and enforcement			<b>26 IR 3322</b>
	<b>27 IR 454</b>	Mechanical integrity		Definitions	
Register of Indiana historic sites and historic structures		312 IAC 16-5-15	27 IR 1206	Waters of concurrent jurisdiction	
312 IAC 20-5	26 IR 2658	Plugging and abandoning wells		312 IAC 5-2-47	26 IR 2401
	<b>27 IR 452</b>	312 IAC 16-5-19	27 IR 1207		<b>26 IR 3868</b>
<b>Lake construction activities</b>		Permits		Equipment and operational standards	
Innovative practices and nonconforming uses		Permit applications		Children wearing personal flotation devices	
LSA Document #03-27(E)	<b>26 IR 1954</b>	312 IAC 16-3-2	25 IR 4156	312 IAC 5-13-2	26 IR 2401
Alternative licenses			<b>26 IR 1896</b>		<b>26 IR 3868</b>
312 IAC 11-5-1	26 IR 2661	<b>Procedures and delegations</b>		Specified navigable waterways other than Lake Michigan; restrictions	
	<b>27 IR 61</b>	Delegations by the natural resources commission		Tippecanoe River in White County and Carroll County; watercraft speed restrictions	
Nonconforming uses; nuisances; modifications		Application of rule		LSA Document #03-176(E)	<b>26 IR 3660</b>
312 IAC 11-5-2	27 IR 1617	312 IAC 2-2-1	27 IR 1205		
Licensing of particular types of structures		Preliminary adoption of rules and readoption of rules			
Seawall refacing		312 IAC 2-2-4	27 IR 1205		
312 IAC 11-4-3	27 IR 1202	Public hearings prior to the issuance of an agency order (subject to 312 IAC 3-1)			
Temporary structures and permanent structures		Applicability of rule; late or incomplete license application; time for giving notice			
General licenses for qualified temporary structures; dry hydrants; glacial stone refaces		312 IAC 2-3-1	27 IR 1205		
312 IAC 11-3-1	27 IR 1201				

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Specified public freshwater lakes; restrictions		Qualifications of applicants		Patient counseling violations	
Lake James Chain of Lakes; special watercraft zones		Applicant fees, transcripts, examination scores, and photographs		856 IAC 1-33-5	27 IR 275
312 IAC 5-6-5	27 IR 220	852 IAC 1-1.1-4	25 IR 3869	Fee structure	
Lake Wawasee and Syracuse Lake; special watercraft zones			<b>26 IR 1944</b>	Fees	
LSA Document #03-26(E)	<b>26 IR 1952</b>	<b>PERSONNEL DEPARTMENT, STATE</b>		856 IAC 1-27-1	27 IR 276
312 IAC 5-6-6	25 IR 4165	<b>Conversion of accrued leave into deferred compensation</b>			<b>27 IR 1574</b>
	<b>26 IR 1900</b>	Applicability		Pharmacy technicians	
	26 IR 2660	31 IAC 5-2	25 IR 3218	Qualifications	
	<b>27 IR 59</b>	Conversion and vesting		856 IAC 1-35-4	25 IR 4211
<b>NURSING, INDIANA STATE BOARD OF</b>		31 IAC 5-3	25 IR 3218		<b>26 IR 1562</b>
<b>Interstate nurse licensing compact and multistate licensure privileges</b>		Definitions		Purpose and scope	
General provisions		31 IAC 5-1	25 IR 3218	856 IAC 1-35-1	25 IR 4211
848 IAC 6	26 IR 2121	Election of prior benefit formula			<b>26 IR 1561</b>
	<b>26 IR 3649</b>	31 IAC 5-5	25 IR 3219	<b>PHYSICIAN ASSISTANTS</b>	
<b>Prescriptive authority for advanced practice nursing</b>		Leave valuation and conversion		<b>Physician assistants</b>	
Prescriptive authority		31 IAC 5-4	25 IR 3218	General provisions	
Initial authority to prescribe legend drugs		Limitations		Applications	
848 IAC 5-1-1	26 IR 3947	31 IAC 5-6	25 IR 3219	844 IAC 2.2-2-1	26 IR 177
	<b>27 IR 1571</b>	<b>Merit employees</b>			<b>26 IR 1558</b>
Renewal of authority to prescribe legend drugs		Hours and leaves		Certification of physician assistants; fees	
848 IAC 5-1-3	26 IR 3948	Personal leave		844 IAC 2.2-2-8	26 IR 179
<b>Registered and practical nurses</b>		31 IAC 2-11-4.5	25 IR 3217		<b>26 IR 1560</b>
Definitions; administration		Sick leave		Privileges and duties	
Definitions		31 IAC 2-11-4	25 IR 3217	844 IAC 2.2-2-5	26 IR 179
848 IAC 1-1-2.1	26 IR 2124	Vacation leave			<b>26 IR 1560</b>
	<b>26 IR 3652</b>	31 IAC 2-11-3	25 IR 3216	Supervising physician; registration of	
Fees		<b>Non-merit employees</b>		844 IAC 2.2-2-2	26 IR 178
848 IAC 1-1-14	26 IR 2123	Hours and leaves			<b>26 IR 1559</b>
	<b>26 IR 3651</b>	Sick leave; definition; accrual		<b>PLUMBING COMMISSION, INDIANA</b>	
Licensure by endorsement		31 IAC 1-9-4	25 IR 3215	<b>General provisions</b>	
848 IAC 1-1-7	26 IR 2125	Personal leave		Licenses; applications for renewal	
	<b>26 IR 3654</b>	31 IAC 1-9-4.5	25 IR 3215	Fee schedule	
Licensure by examination		Vacation leave		860 IAC 1-1-2.1	25 IR 2585
848 IAC 1-1-6	26 IR 2124	31 IAC 1-9-3	25 IR 3213	<b>PODIATRIC MEDICINE, BOARD OF</b>	
	<b>26 IR 3653</b>	<b>PESTICIDE REVIEW BOARD, INDIANA</b>		<b>Podiatrists</b>	
<b>OPINIONS OF THE ATTORNEY GENERAL</b>		<b>Community-wide mosquito abatement pesticide applicators and technicians</b>		Admission to practice	
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 27 IR 1474)		357 IAC 1-11	26 IR 3109	Licensure by endorsement	
<b>OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE, INDIANA</b>		<b>Pesticides near community public water supply system wells</b>		845 IAC 1-3-1	26 IR 2683
<b>Formulary of legend drugs</b>		357 IAC 1-10	26 IR 1243		<b>27 IR 526</b>
Formulary			<b>26 IR 2859</b>	Licensure by examination	
Listed by category		<b>PHARMACY, INDIANA BOARD OF</b>		845 IAC 1-3-2	26 IR 2683
857 IAC 2-3-16	25 IR 3873	<b>Controlled substances</b>			<b>27 IR 526</b>
	<b>26 IR 1104</b>	Limited permits		Progressive graduate podiatric medical training defined	
<b>OPTOMETRY BOARD, INDIANA</b>		856 IAC 2-7	25 IR 3871	845 IAC 1-3-3	26 IR 2684
<b>General provisions</b>			26 IR 1725		<b>27 IR 527</b>
Limited licenses		<b>Pharmacies and pharmacists</b>		Continuing education	
852 IAC 1-17	25 IR 3870	Counseling		Approval of continuing education programs	
	<b>26 IR 1561</b>	Definitions		845 IAC 1-5-3	26 IR 2685
Revocation or suspension of license		856 IAC 1-33-1	26 IR 3949		<b>27 IR 528</b>
License revocation; duties of licensees			27 IR 274	Credit hours required	
852 IAC 1-13-1	25 IR 3869	Institutional patient exception		845 IAC 1-5-1	26 IR 2685
	<b>26 IR 2373</b>	856 IAC 1-33-4	26 IR 3950		<b>27 IR 527</b>
License suspension; duties of licensees			27 IR 275	Reporting continuing education credit; audit	
852 IAC 1-13-2	25 IR 3870	Offer requirements		845 IAC 1-5-2.1	25 IR 3455
	<b>26 IR 2374</b>	856 IAC 1-33-1.5	27 IR 274		26 IR 2682
		Patient counseling requirements			<b>27 IR 525</b>
		856 IAC 1-33-2	26 IR 3949	License renewal	
			27 IR 275	Inactive status	
				845 IAC 1-4.1-7	26 IR 2685
					<b>27 IR 527</b>
				Mandatory renewal	
				Notice	
				845 IAC 1-4.1-2	26 IR 2684
					<b>27 IR 527</b>

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Time		<b>PROPRIETARY EDUCATION, INDIANA</b>	General provisions	
845 IAC 1-4.1-1	26 IR 2684	<b>COMMISSION ON</b>	Expiration of licenses	25 IR 4213
	<b>27 IR 527</b>	<b>General provisions</b>	876 IAC 3-2-4	<b>26 IR 1106</b>
Standards of professional conduct		Career college student assurance fund	Fee schedule	
Licensure fees		570 IAC 1-14	876 IAC 3-2-7	25 IR 4213
845 IAC 1-6-9	26 IR 2686			<b>26 IR 1107</b>
	<b>27 IR 529</b>			27 IR 1642
<b>POLITICAL SUBDIVISION RISK MANAGE- MENT COMMISSION; INDIANA</b>		<b>PSYCHOLOGY BOARD, STATE</b>	Reinstatement of expired license	
<b>Member in political subdivision risk management fund and catastrophic liability fund</b>		<b>Restricted psychology tests and instruments</b>	876 IAC 3-2-5	25 IR 4213
Responsibilities		868 IAC 2		<b>26 IR 1107</b>
762 IAC 2	25 IR 2301		Real estate appraiser course provider approval	
	<b>26 IR 27</b>	<b>PUBLIC EMPLOYEES' RETIREMENT FUND, BOARD OF TRUSTEES OF THE</b>	Instructors	
		<b>Additional contributions</b>	876 IAC 3-4-8	26 IR 3418
		35 IAC 11		<b>27 IR 533</b>
			Real estate appraisers; licensure and certification	
<b>PRIVATE DETECTIVES LICENSING BOARD</b>		<b>PUBLIC RECORDS, OVERSIGHT COMMIT- TEE ON</b>	Educational requirements for Indiana certified general appraiser	
<b>General provisions</b>		<b>Microfilming standards for source documents with a retention period of more than 15 years</b>	876 IAC 3-3-5	26 IR 3417
Advertising		General provisions		<b>27 IR 532</b>
862 IAC 1-1-6	26 IR 1728	Purpose	Educational requirements for Indiana certified residential appraiser	
	<b>26 IR 3341</b>	60 IAC 2-1-1	876 IAC 3-3-4	26 IR 3416
				<b>27 IR 530</b>
<b>PROFESSIONAL STANDARDS BOARD</b>		Microfilming standards	Educational requirements for Indiana licensed residential appraiser	
<b>Accomplished practitioner license</b>		Application	876 IAC 3-3-3	26 IR 3415
515 IAC 12	26 IR 3943	60 IAC 2-2-1		<b>27 IR 529</b>
<b>Initial practitioner and other licenses</b>			Indiana licensed trainee appraiser; examination; licensure procedures	
General provisions		Definition	876 IAC 3-3-22	25 IR 4214
515 IAC 8	26 IR 2437	60 IAC 2-2-2		<b>26 IR 1107</b>
	<b>27 IR 166</b>		Standards of practice	
<b>Issuance and revocation of various licenses and permits</b>		Destruction; notice and certification	Deletions from the Uniform Standards of Pro- fessional Appraisal Practice	
General provisions		60 IAC 2-2-5.1	876 IAC 3-6-3	26 IR 1729
515 IAC 9	26 IR 2451			<b>26 IR 3044</b>
	<b>27 IR 1169</b>	Documentation		27 IR 1287
<b>Professional educator license teachers</b>		60 IAC 2-2-3	Indiana licensed trainee appraisers; supervision	
515 IAC 4	27 IR 925		876 IAC 3-6-9	25 IR 4214
<b>Substitute teacher's permit</b>		Legibility		<b>26 IR 1108</b>
Substitute permits		60 IAC 2-2-4		27 IR 282
515 IAC 5	25 IR 2808		Supervision of licensed residential, certified residential, and certified general appraisers	
	<b>26 IR 2325</b>	Permanency	876 IAC 3-6-4	<b>27 IR 186</b>
<b>Teacher training and licensing: requirements for education begun after academic year 1977-78</b>		60 IAC 2-2-5	Uniform Standards of Professional Appraisal Prac- tice	
Renewal of licenses			876 IAC 3-6-2	26 IR 1728
515 IAC 1-7	26 IR 1254	Preparation of documents for microfilming		<b>26 IR 3043</b>
	<b>27 IR 501</b>	60 IAC 2-2-3.1		27 IR 1287
Teacher proficiency examination			<b>Continuing education</b>	
Minimum acceptable scores			Course requirements	
515 IAC 1-4-2	25 IR 4208		Curricula for brokers under IC 25-34.1-9- 11(a)(1)	25-34.1-9- 11(a)(1)
	<b>26 IR 2323</b>		876 IAC 4-2-2	26 IR 180
Test requirements and exemptions				<b>26 IR 788</b>
515 IAC 1-4-1	25 IR 4207		Curricula for salespersons under IC 25-34.1-9- 11(a)(1)	25-34.1-9- 11(a)(1)
	<b>26 IR 2322</b>		876 IAC 4-2-3	26 IR 180
				<b>26 IR 788</b>
<b>PROPERTY ASSESSMENT</b>			Curricula for salespersons under IC 25-34.1-9- 11(a)(1); outline	26 IR 1730
<b>2001 real property assessment manual</b>			876 IAC 4-2-3.5	<b>26 IR 3342</b>
Applicability, provisions, and procedures				
50 IAC 2.3-1-1	25 IR 835			
	<b>26 IR 6</b>			
	26 IR 86			
	<b>26 IR 2315</b>			
	26 IR 88			
	<b>26 IR 2315</b>			
Incorporation by reference				
50 IAC 2.3-1-2	26 IR 87			
	<b>26 IR 2314</b>			



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License activation 876 IAC 4-2-9	26 IR 180 <b>26 IR 788</b>	Specific uses of proceeds 45 IAC 18-3-8	25 IR 3233 <b>26 IR 2308</b>	Nationally recognized charitable organization 45 IAC 18-1-29	25 IR 3223 <b>26 IR 2304</b>
Sponsors; approval Significant changes 876 IAC 4-1-3	25 IR 3876 <b>26 IR 791</b>	Use of proceeds 45 IAC 18-3-7	25 IR 3232 <b>26 IR 2308</b>	Operator 45 IAC 18-1-30	25 IR 3223 <b>26 IR 2304</b>
<b>General provisions</b>		Definitions		Pull-tab 45 IAC 18-1-31	25 IR 3223 <b>26 IR 2304</b>
Definitions; licensing; miscellaneous provisions		Affiliate 45 IAC 18-1-9	25 IR 3220 <b>26 IR 2300</b>	Punchboard 45 IAC 18-1-32	25 IR 3223 <b>26 IR 2304</b>
Residential address of licensees 876 IAC 1-1-30.1	26 IR 2127 <b>26 IR 3342</b>	Bingo card or bingo paper 45 IAC 18-1-10	25 IR 3220 <b>26 IR 2301</b>	Premises 45 IAC 18-1-33	25 IR 3224 <b>26 IR 2305</b>
Termination of association with principal broker; duties of parties 876 IAC 1-1-19	26 IR 3744 <b>27 IR 877</b>	Bingo equipment 45 IAC 18-1-11	25 IR 3220 <b>26 IR 2301</b>	Raffle 45 IAC 18-1-34	25 IR 3224 <b>26 IR 2305</b>
Residential sales disclosure Form 876 IAC 1-4-2	25 IR 3874 <b>26 IR 789</b> 26 IR 3142 <b>27 IR 186</b>	Bingo supplies 45 IAC 18-1-12	25 IR 3220 <b>26 IR 2301</b>	Revoke 45 IAC 18-1-35	25 IR 3224 <b>26 IR 2305</b>
Residential real estate sales disclosure 876 IAC 1-4-1	26 IR 3142 <b>27 IR 186</b>	Calendar 45 IAC 18-1-13	25 IR 3220 <b>26 IR 2301</b>	Seal card 45 IAC 18-1-36	25 IR 3224 <b>26 IR 2305</b>
Written orders 876 IAC 1-1-23	25 IR 3874 <b>26 IR 789</b>	Calendar raffle 45 IAC 18-1-14	25 IR 3221 <b>26 IR 2301</b>	Serves a majority of counties in Indiana 45 IAC 18-1-37	25 IR 3224 <b>26 IR 2305</b>
<b>Real estate courses and licensing requirements for brokers and salespersons</b>		Charity game night 45 IAC 18-1-15	25 IR 3221 <b>26 IR 2301</b>	Suspend 45 IAC 18-1-38	25 IR 3224 <b>26 IR 2305</b>
Broker license; experience requirement and waiver 876 IAC 2-16-1	26 IR 2127 <b>26 IR 3342</b>	Computer or other technologic aid 45 IAC 18-1-16	25 IR 3221 <b>26 IR 2301</b>	Tip board 45 IAC 18-1-39	25 IR 3224 <b>26 IR 2305</b>
		Concealed face bingo card 45 IAC 18-1-17	25 IR 3221 <b>26 IR 2302</b>	Tip board ticket 45 IAC 18-1-40	25 IR 3224 <b>26 IR 2306</b>
<b>REVENUE, DEPARTMENT OF STATE</b>		Conduct prejudicial to the public confidence in the department 45 IAC 18-1-18	25 IR 3221 <b>26 IR 2302</b>	Value 45 IAC 18-1-41	25 IR 3225 <b>26 IR 2306</b>
<b>Adjusted gross income tax</b>		Deal 45 IAC 18-1-19	25 IR 3221 <b>26 IR 2302</b>	Wager 45 IAC 18-1-42	25 IR 3225 <b>26 IR 2306</b>
State adjusted gross income tax Advance earned income credit payments 45 IAC 3.1-1-99.1	26 IR 817	Dispensing device 45 IAC 18-1-20	25 IR 3221 <b>26 IR 2302</b>	Worker 45 IAC 18-1-43	25 IR 3225 <b>26 IR 2306</b>
<b>Charity gaming</b>		Door prize 45 IAC 18-1-21	25 IR 3222 <b>26 IR 2302</b>	Penalties License revocation 45 IAC 18-6-3	25 IR 3235 <b>26 IR 2310</b>
Administrative procedures 45 IAC 18-8	25 IR 3236 <b>26 IR 2311</b>	Existence 45 IAC 18-1-22	25 IR 3222 <b>26 IR 2302</b>	Record keeping Records of manufacturer or distributor 45 IAC 18-4-2	25 IR 3234 <b>26 IR 2309</b>
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Application by qualified organization 45 IAC 18-2-1	25 IR 3225 <b>26 IR 2306</b>	Flare 45 IAC 18-1-24	25 IR 3222 <b>26 IR 2303</b>	Taxation Gaming card excise tax 45 IAC 18-5-2	25 IR 3234 <b>26 IR 2310</b>
Charity gaming licenses 45 IAC 18-2-4	25 IR 3228	In existence for at least twenty-five (25) years 45 IAC 18-1-25	25 IR 3222 <b>26 IR 2303</b>	Violations 45 IAC 18-7	25 IR 3235
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Charity gaming Allowable events 45 IAC 18-3-1	25 IR 3228	Location 45 IAC 18-1-27	25 IR 3222 <b>26 IR 2303</b>	Definitions General definitions LSA Document #03-304(E)	<b>27 IR 879</b>
Calendar raffle; sale of tickets, calendars, and drawings for prizes 45 IAC 18-3-4	25 IR 3231 <b>26 IR 2307</b>	Member 45 IAC 18-1-28	25 IR 3223 <b>26 IR 2303</b>		
Conducting an allowable event 45 IAC 18-3-2	25 IR 3229				
Replacement of tickets in the drawing container 45 IAC 18-3-5	25 IR 3232 <b>26 IR 2307</b>				
Refunds 45 IAC 18-3-6	25 IR 3232 <b>26 IR 2308</b>				

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Exempt transactions of a retail merchant		<b>SOIL SCIENTISTS, INDIANA BOARD OF REGISTRATION FOR</b>		<b>TRANSPORTATION, INDIANA DEPARTMENT OF</b>	
Agricultural production; definitions		307 IAC	26 IR 2652	<b>Procurement of supplies and services</b>	
LSA Document #03-304(E)	<b>27 IR 879</b>		<b>27 IR 53</b>	Contract terms	
Food for human consumption; exemption examples				Additions	
LSA Document #03-304(E)	<b>27 IR 879</b>	<b>SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD</b>		105 IAC 12-4-4	26 IR 3084
Food for human consumption; exemptions		<b>Speech-language pathologist aide</b>		Contract modifications and change orders	
LSA Document #03-304(E)	<b>27 IR 879</b>	880 IAC 1-2.1	26 IR 876	105 IAC 12-4-5	26 IR 3084
Food not exempt			26 IR 3419	Equipment rental or lease with option to purchase	
LSA Document #03-304(E)	<b>27 IR 879</b>		<b>27 IR 533</b>	105 IAC 12-4-3	26 IR 3084
Medical equipment, supplies and devices; exemptions		<b>TAX REVIEW, INDIANA BOARD OF</b>		Definitions	
LSA Document #03-304(E)	<b>27 IR 879</b>	LSA Document #03-268(E)	<b>27 IR 541</b>	Award	
Medical equipment, supplies and devices; rental		LSA Document #03-327(E)	<b>27 IR 1577</b>	105 IAC 12-1-2	26 IR 3077
LSA Document #03-304(E)	<b>27 IR 879</b>	LSA Document #03-328(E)	<b>27 IR 1585</b>	Bidder	
Medical exemptions; definitions		<b>Assessment appeals in Lake County</b>		105 IAC 12-1-5	26 IR 3077
LSA Document #03-304(E)	<b>27 IR 879</b>	52 IAC 4	27 IR 555	Offer	
Retail transactions of retail merchant		<b>Procedural rules</b>		105 IAC 12-1-14.5	26 IR 3077
Selling at retail; application		52 IAC 2	26 IR 3915	Offeror	
LSA Document #03-304(E)	<b>27 IR 879</b>	<b>Small claims procedures</b>		105 IAC 12-1-14.6	26 IR 3077
Tangible personal property; renting and leasing		52 IAC 3	26 IR 3926	Proposal	
LSA Document #03-304(E)	<b>27 IR 879</b>	<b>Tax representatives</b>		105 IAC 12-1-18	26 IR 3077
<b>Utility receipts tax</b>		52 IAC 1	26 IR 89	Responsible bidder or offeror	26 IR 3077
LSA Document #02-316(E)	<b>26 IR 794</b>		<b>26 IR 2316</b>	105 IAC 12-1-22	
				Responsive bidder or offeror	
				105 IAC 12-1-23	26 IR 3078
<b>SCHOOL BUS COMMITTEE, STATE</b>		<b>TEACHER'S RETIREMENT FUND, BOARD OF TRUSTEES OF THE INDIANA STATE</b>		General provisions	
<b>Minimum specifications for school buses</b>		<b>Additional contributions</b>		Anticompetitive practices	
General provisions		Elective payroll deductions for additional contributions		105 IAC 12-2-13	26 IR 3079
Display of United States flag		550 IAC 7-1	26 IR 3710	Award; cancellation; rejection	
575 IAC 1-1-4.6	26 IR 1723	<b>Annual compensation limits</b>		105 IAC 12-2-16	26 IR 3079
	<b>26 IR 3341</b>	General provisions		Bid or proposal bonds	
		550 IAC 5	26 IR 2114	105 IAC 12-2-6	26 IR 3078
			<b>26 IR 3879</b>	Gifts	
<b>SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD</b>		<b>Indiana state teachers' retirement fund</b>		105 IAC 12-2-17	26 IR 3080
<b>General provisions</b>		Administrative matters		Minority participation	
Licensure and fees		Definition of compensation		105 IAC 12-2-4	26 IR 3078
Fees		550 IAC 2-2-7	26 IR 3944	Notice to bidders or offerors	
839 IAC 1-2-5	26 IR 875	<b>Model plan amendment</b>		105 IAC 12-2-10	26 IR 3078
	<b>26 IR 2623</b>	Adoption of IRS model amendment to comply with the unemployment compensation amendments of 1992		Performance bonds	
Licensure retirement		Definitions		105 IAC 12-2-7	26 IR 3078
839 IAC 1-2-2.1	26 IR 874	550 IAC 3-1-1	26 IR 2112	Public inspection	
	<b>26 IR 2622</b>		<b>26 IR 3877</b>	105 IAC 12-2-18	26 IR 3080
Marriage and family therapists		Introduction		Qualifications and duties of bidder or offeror	
Licensure applicants; supervision for marriage and family therapist		550 IAC 3-1-2	26 IR 2113	105 IAC 12-2-11	26 IR 3078
839 IAC 1-4-5	26 IR 871	Purpose		Sanctions	
	26 IR 3411	550 IAC 3-1-3	26 IR 2113	105 IAC 12-2-19	26 IR 3080
	<b>27 IR 518</b>		<b>26 IR 3878</b>	Steel products	
Mental health counselors		Model amendment language		105 IAC 12-2-21	26 IR 3081
Educational requirements		Definitions		United States manufactured product definition, policy, certification, and enforcement	
839 IAC 1-5-1	26 IR 872	550 IAC 3-2-2	26 IR 2114	105 IAC 12-2-20	26 IR 3080
	26 IR 3412		<b>26 IR 3878</b>	Withdrawal of bids or proposals	
	<b>27 IR 518</b>	Model amendment language		105 IAC 12-2-14	26 IR 3079
Experience requirements for mental health counselors		Definitions		Source selection and contract formation	
839 IAC 1-5-1.5	26 IR 874	550 IAC 3-2-1	26 IR 2113	Competitive sealed bids	
	26 IR 3414		<b>26 IR 3878</b>	105 IAC 12-3-4	26 IR 3082
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Social workers; clinical social workers		<b>Rollovers, service purchases, and enhanced retirement savings opportunities</b>		105 IAC 12-3-5	26 IR 3083
Licensure by examination for social workers and clinical social workers		General provisions		Purchases less than \$2,500	
839 IAC 1-3-2	26 IR 871	550 IAC 6	26 IR 2115	105 IAC 12-3-1	26 IR 3082
	26 IR 3411		<b>26 IR 3880</b>	Purchases less than \$75,000	
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**Traffic control devices for highways**

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Pedestrians and certain vehicles prohibited on interstate highways	
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Stopping, standing, or parking prohibited on interstate highways	
105 IAC 9-1-1	26 IR 2400
	<b>27 IR 451</b>
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105 IAC 9-2-117	<b>27 IR 36</b>
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105 IAC 9-2-87	<b>27 IR 27</b>
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105 IAC 9-2-59	<b>27 IR 21</b>
Automatic gates; section 8D.04	
105 IAC 9-2-169	<b>27 IR 47</b>
Automatic gates; section 10D.03	
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Basis of installation or removal of traffic control signals	
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105 IAC 9-2-178	<b>27 IR 50</b>
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Bicyclist traffic control devices; requirements	
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105 IAC 9-2-17	<b>27 IR 10</b>
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105 IAC 9-2-77	<b>27 IR 24</b>
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105 IAC 9-2-188	<b>27 IR 52</b>
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105 IAC 9-2-119	<b>27 IR 36</b>
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105 IAC 9-2-101	<b>27 IR 32</b>
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105 IAC 9-2-121	<b>27 IR 37</b>
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105 IAC 9-2-152	<b>27 IR 43</b>
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105 IAC 9-2-165	<b>27 IR 47</b>
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105 IAC 9-2-27	<b>27 IR 12</b>
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105 IAC 9-2-148	<b>27 IR 42</b>
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105 IAC 9-2-166	<b>27 IR 47</b>
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105 IAC 9-2-181	<b>27 IR 50</b>
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105 IAC 9-2-184	<b>27 IR 51</b>
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105 IAC 9-2-43	<b>27 IR 17</b>
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105 IAC 9-2-9	<b>27 IR 8</b>
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105 IAC 9-2-1	26 IR 421
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105 IAC 9-2-81	<b>27 IR 25</b>
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105 IAC 9-2-102	<b>27 IR 33</b>

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Motorized traffic signs (W8-6, W11-5, W11-8, and W11-10)		Sign borders; section 2A.15		Student patrols	
105 IAC 9-2-32	<b>27 IR 14</b>	105 IAC 9-2-7	<b>27 IR 8</b>	105 IAC 9-2-145	<b>27 IR 42</b>
Mounting height		Sign borders; section 2E.15		Studies and factors for justifying traffic control signals	
105 IAC 9-2-8	<b>27 IR 8</b>	105 IAC 9-2-58	<b>27 IR 21</b>	105 IAC 9-2-88	<b>27 IR 27</b>
Need for standards		Sign color for school warning signs		Table 7B-1	
105 IAC 9-2-131	<b>27 IR 39</b>	105 IAC 9-2-135	<b>27 IR 39</b>	105 IAC 9-2-133	<b>27 IR 39</b>
Number and arrangements of signal sections in vehicular traffic control signal faces		Signal operations for bicycles		Tapers	
105 IAC 9-2-111	<b>27 IR 35</b>	105 IAC 9-2-180	<b>27 IR 50</b>	105 IAC 9-2-120	<b>27 IR 36</b>
Number and size of logos and signs		Signing for interchange lane drops		Temporary traffic control signals; section 4D.20	
105 IAC 9-2-67	<b>27 IR 23</b>	105 IAC 9-2-60	<b>27 IR 21</b>	105 IAC 9-2-113	<b>27 IR 35</b>
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105 IAC 9-2-21	<b>27 IR 11</b>	105 IAC 9-2-69	<b>27 IR 23</b>	105 IAC 9-2-127	<b>27 IR 37</b>
Optional movement lane control sign (R3-6)		Sign placement		Tracks out of service sign (R8-9)	
105 IAC 9-2-16	<b>27 IR 10</b>	105 IAC 9-2-122	<b>27 IR 37</b>	105 IAC 9-2-157	<b>27 IR 44</b>
Other bicycle warning signs		Signs at interchanges		Traffic control signals at or near highway-rail grade crossings	
105 IAC 9-2-177	<b>27 IR 49</b>	105 IAC 9-2-68	<b>27 IR 23</b>	105 IAC 9-2-172	<b>27 IR 48</b>
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105 IAC 9-2-62	<b>27 IR 22</b>	105 IAC 9-2-53	<b>27 IR 19</b>	105 IAC 9-2-190	<b>27 IR 52</b>
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105 IAC 9-2-82	<b>27 IR 25</b>	105 IAC 9-2-57	<b>27 IR 20</b>	105 IAC 9-2-114	<b>27 IR 36</b>
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105 IAC 9-2-147	<b>27 IR 42</b>	105 IAC 9-2-38	<b>27 IR 16</b>	105 IAC 9-2-23	<b>27 IR 11</b>
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105 IAC 9-2-18	<b>27 IR 10</b>	105 IAC 9-2-122	<b>27 IR 37</b>	105 IAC 9-2-171	<b>27 IR 48</b>
Pavement markings		Sign R5-Y10d		Trains may exceed 130 km/h (80 mph) signs (W-108a)	
105 IAC 9-2-163	<b>27 IR 46</b>	105 IAC 9-2-20	<b>27 IR 11</b>	105 IAC 9-2-159	<b>27 IR 45</b>
Pavement word and symbol markings		Signs R13-Y2 and R16-Y2		Truck speed limit sign (R2-2)	
105 IAC 9-2-141	<b>27 IR 41</b>	105 IAC 9-2-26	<b>27 IR 12</b>	105 IAC 9-2-12	<b>27 IR 9</b>
Placement and operation of traffic control devices		Signs S3-Y2, SR5-Y1, and SR5-Y2		Turn or curve warning signs (W1 series)	
105 IAC 9-2-4	<b>27 IR 7</b>	105 IAC 9-2-137	<b>27 IR 40</b>	105 IAC 9-2-176	<b>27 IR 49</b>
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Playground sign (W15-1); adjacent facility sign		Size, number, and location of signal faces by approach		Typical applications	
105 IAC 9-2-33	<b>27 IR 14</b>	105 IAC 9-2-110	<b>27 IR 34</b>	105 IAC 9-2-130	<b>27 IR 38</b>
Portable changeable message signs		Size of regulatory signs		Unexpected conflicts during green or yellow intervals	
105 IAC 9-2-126	<b>27 IR 37</b>	105 IAC 9-2-10	<b>27 IR 8</b>	105 IAC 9-2-107	<b>27 IR 34</b>
Position of signs		Size of school signs		Uniform of adult guards and student patrols	
105 IAC 9-2-134	<b>27 IR 39</b>	105 IAC 9-2-132	<b>27 IR 39</b>	105 IAC 9-2-144	<b>27 IR 42</b>
Postinterchange signs		Slippery when wet sign (W8-5)		Uniform provisions; section 8A.03	
105 IAC 9-2-63	<b>27 IR 22</b>	105 IAC 9-2-29	<b>27 IR 13</b>	105 IAC 9-2-150	<b>27 IR 43</b>
Prohibited steady signal indications		Slower traffic keep right sign (R4-3)		Uniform provisions; section 10A.03	
105 IAC 9-2-106	<b>27 IR 34</b>	105 IAC 9-2-19	<b>27 IR 10</b>	105 IAC 9-2-183	<b>27 IR 51</b>
Purpose		Speed limit sign (R2-1)		Use of educational plaques	
105 IAC 9-2-151	<b>27 IR 43</b>	105 IAC 9-2-11	<b>27 IR 9</b>	105 IAC 9-2-71	<b>27 IR 23</b>
Qualifications of adult guards		Speed limit sign (R2-Y2)		Use of standard devices, systems, and practices; section 8A.02	
105 IAC 9-2-143	<b>27 IR 42</b>	105 IAC 9-2-13	<b>27 IR 9</b>	105 IAC 9-2-149	<b>27 IR 43</b>
Reduced speed ahead signs (R2-5 series)		Standardization of application		Use of standard devices, systems, and practices; section 10A.02	
105 IAC 9-2-14	<b>27 IR 9</b>	105 IAC 9-2-6	<b>27 IR 7</b>	105 IAC 9-2-182	<b>27 IR 51</b>
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105 IAC 9-2-64	<b>27 IR 22</b>	105 IAC 9-2-70	<b>27 IR 23</b>	105 IAC 9-2-89	<b>27 IR 28</b>
Reference posts (D10-1 through D10-3)		Stop and yield lines		Warrant 2, four-hour vehicular volume	
105 IAC 9-2-56	<b>27 IR 20</b>	105 IAC 9-2-78	<b>27 IR 25</b>	105 IAC 9-2-90	<b>27 IR 29</b>
Road (street) work sign (W20-1)		Stop line markings		Warrant 3, peak hour	
105 IAC 9-2-123	<b>27 IR 37</b>	105 IAC 9-2-139	<b>27 IR 40</b>	105 IAC 9-2-91	<b>27 IR 30</b>
Road work next xx km (miles) sign (G20-1)		Stop or yield signs at highway-rail grade crossings		Warrant 3, peak hour; section 4C.04	
105 IAC 9-2-124	<b>27 IR 37</b>	105 IAC 9-2-156	<b>27 IR 44</b>	105 IAC 9-2-93	<b>27 IR 30</b>
Route sign assemblies		Stop or yield signs (R1-1 and R1-2)		Warrant 4, pedestrian volume	
105 IAC 9-2-42	<b>27 IR 16</b>	105 IAC 9-2-175	<b>27 IR 49</b>	105 IAC 9-2-94	<b>27 IR 31</b>
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105 IAC 9-2-136	<b>27 IR 40</b>	105 IAC 9-2-52	<b>27 IR 19</b>		
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